

BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of the Scappoose School)
District)
)
)

FINDINGS OF FACT,
CONCLUSIONS,
AND FINAL ORDER
Case No. 09-054-025

I. BACKGROUND

On June 16, 2009, the Oregon Department of Education (Department) received a letter of complaint from the parents of a student attending school and residing in the Scappoose School District (District). The parents requested that the Department conduct a special education investigation under OAR 581-015-2030. The Department confirmed receipt of this complaint on June 16, 2009. The parents provided the District with a copy of the two page complaint letter on June 17, 2009.

On June 18, 2009, the Department sent a *Request for Response* (RFR) to the District identifying the specific allegations in the complaint to be investigated and establishing a Response due date of July 2, 2009. The District submitted its timely *Response* to the Department and to the parent. The District’s *Response* included three pages of narrative explanation and approximately 247 pages of documents requested in the RFR. During on-site interviews, the parents provided the Department’s investigator with an additional 18 pages of documents, copies of which were offered to the District.

The Department’s complaint investigator determined that on-site interviews were required. On July 7, 2009, the Department’s investigator interviewed one of the student’s parents, the student, the District’s special education director, two special education teachers, the District’s speech and language therapist, and a charter school general education teacher. The Department’s complaint investigator reviewed and considered all of these documents, interviews, and exhibits.

Under federal and state law, the Department must investigate written complaints that allege IDEA violations that occurred within the twelve months prior to the Department’s receipt of the complaint and issue a final order within 60 days of receiving the complaint; the timeline may be extended if the District and the parent agree to extend the timeline to participate in mediation or if exceptional circumstances require an extension.¹ This order is timely.

II. ALLEGATIONS AND CONCLUSIONS

The Department has jurisdiction to resolve this complaint under 34 CFR §§ 300.151-153 and OAR 581-015-2030. The parents’ allegations and the Department’s conclusions are set out in the chart below. These conclusions are based on the Findings of Fact

¹ OAR 581-015-2030(12) (2008)

(Section III) and the Discussion (Section IV). This complaint covers the one year period from June 17, 2008 to the filing of this complaint on June 16, 2009.²

Allegations	Conclusions
<p>The written complaint alleges that the District violated the IDEA in the following ways:</p>	
<p>1. <u>IEP Implementation:</u></p> <p>A) Failing to have an IEP in place at the start of the 2008-2009 school year that was the result of IDEA-compliant procedures. Specifically, the complaint alleges that the District:</p> <ul style="list-style-type: none"> a. Did not include the required team members at the meeting of April 8, 2008 or obtain a written waiver of attendance and written input into the development of the IEP from an absent IEP team member; and, b. Did not allow the parents to participate in the design of appropriate annual goals, modifications, and accommodations. <p>B) When the student is receiving the IEP specified specially designed instruction in the resource room, not implementing the March 17, 2009 IEP accommodations including:</p> <ul style="list-style-type: none"> a. Preferential seating; b. Quiet work area; c. Decreased auditory and visual stimulus in the student's work area; and d. Extended time for in-class testing and assignments. <p>C) When the student is completing state and district-wide testing, not implementing the March 17, 2009 IEP accommodations including:</p> <ul style="list-style-type: none"> a. Quiet work area; b. Decreased auditory and visual stimulus in the 	<p>No finding, parents allege violations beyond the complaint timeline.</p> <p>Not Substantiated.</p> <p>Not Substantiated.</p>

² See 34 CFR § 300.153(c) (2009); OAR 581-015-2030(5).

	<p>student's work area; and</p> <p>c. Extended time.</p>	
2.	<p><u>Evaluations:</u></p> <p>Not completing a speech/language/communication evaluation within 60 school days from receiving written parental consent to the date of the meeting to consider speech/language/communication disorder eligibility. Specifically, the parents allege that parental consents were signed on November 15, 2007, December 14, 2007 and in November 2008, but the evaluation meeting was not conducted until February 17, 2009.</p>	<p>Not Substantiated.</p> <p>The District completed the evaluation arising from the November 2008 consent within 60 school days. The allegations concerning the 2007 parental consents fall outside of the complaint timeline.</p>
	<p><u>Requested Corrective Action.</u></p> <p>The parents are requesting that the District provide training to staff of the obligation to implement the student's IEP accommodations and implementation of the IEP.</p>	<p>No Corrective Action ordered.</p>

III. FINDINGS OF FACT

Background

1. The child is currently 13 years old, attended a charter school within the District for the 2007-2008 and 2008-2009 school years, and resides in the District. The student is presently eligible for special education under the category of Specific Learning Disability in the areas of math, reading, and writing. The student was first found eligible for special education in another state, where an initial IEP dated September 2005 was written.

2007-2008 School Year

2. The charter school is structured with two school-based weekly meetings - a one hour, one-on-one session with the general education teacher, the student and, at times, the parent (hereinafter referred to as "one-on-one conferences"). The other meeting, a group meeting called Community Days, occurred once weekly from mid-morning to early afternoon. This group instruction was led by the student's general education teacher. Attendance at Community Days was

voluntary. The charter school described the student's curriculum in a document entitled an "Individual Learning Plan" (ILP).

3. The student's parent signed a consent for evaluation with the District on November 15, 2007. The consent provided for assessment of the student regarding the student's academic achievement, intellectual development, language/speech/communication development, psycho-motor development, and perceptual development. The parent signed a similar consent form on December 14, 2007. The student had been evaluated for speech services in another state within the previous year. The District's speech pathologist reviewed the out-of-state evaluation and, satisfied with the accuracy and currency of the prior assessment, determined that the District did not need to collect additional evaluation data. The scheduling of speech services became problematic, and speech services were not provided during the 2007-2008 school year.
4. The ESD occupational therapist (OT) completed a seven page evaluation based on contact with the student between December 5, 2007 and January 23, 2008. The OT report included over a dozen modification and accommodation recommendations for the IEP Team to consider; the modifications and accommodations were intended to support the student's school-based educational plan.
5. On February 7, 2008, the student was determined by an eligibility team to be eligible for special education services as a student with a Specific Learning Disability. The District issued a prior written notice on the same date notifying the parent of the student's eligibility for special education.
6. On February 22 and February 29, 2008, the District issued notices for IEP meetings for two different dates in March 2008 to design the student's IEP. The meetings were cancelled. The IEP meeting was finally scheduled for April 8, 2008. The parent received notice of the meeting by email only, although the District had a written notice in the student's file.
7. On April 8, 2008, the student's parents, the District's case manager/special education teacher, and the principal of the charter school met and designed the student's IEP. The handwritten IEP document is interlineated as a "Service Plan."³ The handwritten document lists specially designed instruction in reading, math, and writing for thirty minutes at a District elementary school beginning April 8, 2008 and continuing through April 8, 2009. The handwritten document also lists specially designed instruction in speech, but there is no service time associated with speech services. The general education teacher and the speech language pathologist planned on attending but were unable. Neither provided written input prior to the meeting. The occupational therapist was also unable to attend but provided written input prior to the meeting. The parents stated that they did not have an opportunity to assist in the design of the student's IEP since

³ The District labeled the IEP as a "Service Plan," defined at OAR 581-015-2450(5).

they were unclear whether the meeting was an official IEP Team meeting and they believed that another meeting would be scheduled. The minutes of the meeting reflect that the case manager would be in contact with the speech language pathologist about possible services for the student. The District did not have the parents sign a waiver of attendance for any absent member.

8. The typed document (the April 2008 IEP) resulting from the April 8, 2008 meeting describes the student as a “home schooled 6th grader....[The student] has difficulty staying focused on tasks....is on a Service Plan as [the student] is a student at the Charter school. [The student] needs specially designed instruction to help support...Math and writing skills which are below grade level...Occupational Therapy:...Per report from both [the student’s parent] and teacher at school, [the student] also demonstrates sensory modulation challenges that may affect ... full participation in class. Per report, [the student] demonstrates difficulty with attention and focus in class as well as auditory filtering behaviors. Occupational therapy will focus on providing information regarding accommodations and modifications in order to support [the student’s] sensory and visual needs in the classroom.” Annual goals for writing and math were included in the document. Specially designed instruction lists writing/math for thirty minutes weekly. There are no special factors identified (e.g. behavioral or other issues) and no modifications or accommodations listed on the service summary page. However, the following accommodations are listed on the page concerning statewide assessment: “frequent breaks, extended time, quiet environment, [and] clarification of directions.” The IEP states that the student does not need to be removed from the general education classroom. The selected placement was “majority of time in the home school and charter school program with services in speech, OT, and resource help for writing/math.”

2008-2009 School Year

9. The April 2008 IEP was in effect at the beginning of the 2008-2009 school year. The student attended the charter school as a seventh grade student for the 2008-2009 school year. The charter school’s class structure remained essentially the same as the previous year. The student’s parent scheduled the specially designed instruction from the District during a once weekly session for 45 minutes at a District middle school. In November, the amount of specially designed instruction increased to approximately 90 minutes at the parent’s request. The District did not hold an IEP meeting or enter into a written agreement to amend the IEP when the increase was implemented.
10. The student received instruction in four settings: the student’s home, a one-on-one setting, a large group setting, and a small group setting. The majority of the student’s instruction took place at the student’s home under the direction of the student’s parents. The one-on-one conferences occurred in a charter school room, shared by two teachers, each participating in their respective conference. The weekly one-on-one conferences consisted of one hour of instruction or

curriculum guidance and involved the general education teacher, the student, and the parent if available. The Community Day instruction was described as a more traditional, general education classroom setting with instruction to fifteen to twenty students by a single teacher. Students could choose their own seats, and the activities were more dynamic and interactive, as would be expected, than one-on-one conferences. Finally, the District's specially designed instruction was provided in a small group (not more than six students to one teacher), in a middle school resource room setting.

11. After the school year started, the parent began asking the District about speech services for the student. The District sent a written notice concerning an IEP meeting scheduled for November 6, 2008. The team met to discuss the speech evaluation and the status of the charter school as operating within the district and not as a private school. During the meeting, the parent signed a consent for evaluation authorizing the District to complete a speech/language evaluation. The speech/language assessment was completed and the results recorded in a report dated February 5, 2009. The team met on February 17, 2009 and determined that the student was not eligible for special education services as a student with a communication disorder. The District had 51 school days between November 6, 2008 and February 17, 2009.
12. On March 17, 2009, the IEP team met to review and revise the student's IEP. The team identified a special factor - the student exhibited behavior that impeded the student's learning or the learning of others. The present level statement described that the student's "inability to focus in a classroom environment make[s] it difficult for [the student] to be successful in a classroom without the accommodations listed in [the student's] IEP." The present level statement described the student's participation in and results from Oregon state assessments and school administered standardized tests. Parental concerns included the student's difficulties staying focused in class. Annual goals and short term objectives in math and writing described the specially designed instruction in those academic areas. A third annual goal, in the "Skill Area: Behavioral," described that when the student was given a specific academic task, the student would complete the task within the given amount of time. The short term objectives associated with this annual goal included: 1) the student would ignore distractions in the school environment and focus on the student's own work for 40 minutes with 1-2 staff prompts; 2) the student would begin an assignment immediately; 3) the student would write a reminder to self to talk at free time before verbally sharing a comment or information with peers and staff; 4) the student would quietly inform staff with an agreed signal before taking a 1-5 minute physical break; and, 5) the student would manage the sensory breaks without distracting self or peers. The District would provide specially designed instruction relating to the student's behavior, writing, and math goals for 40 minutes each week – 120 minutes total per week – in the District's middle school resource room. The IEP included five accommodations, four of which are relevant to this complaint. They are preferential seating, "if the classroom is

noisy, allow [the student] to go to a quiet work area to complete work,” “decrease[d] auditory and visual stimulus in [the student’s] work area,” and extended time for in-class assignments. Placement selected was essentially the same as the prior IEP placement.

13. After March 17, 2009, the student attended nine one-on-one conferences and one Community Day on March 31, 2009. The student did not attend Community Days during April or May 2009. On June 1, 2009, the student went to the charter school to take the end of year progress tests which the charter school uses to compare the student’s beginning of the year results with the end of year results. When the student arrived, the student chose the student’s own computer for the computer based test. The student began the test. One of the student’s parents came in after the student had begun the test, which was reported as distracting to the student. For the first forty five minutes, the student was the only student in the classroom when another student arrived. The charter school teacher is required to answer the phone when support staff is not present, which was the case on this occasion, and the phone rang more than once during the student’s test period. While there were visual and auditory distractions, they were reduced when compared to a general education classroom setting.

IV. DISCUSSION

1. IEP Team Member Attendance, Parental Participation & Design:

Under the IDEA, school districts must develop and implement, for each eligible child, an IEP that is designed to ensure that the child receives a free, appropriate public education (FAPE).⁴

FAPE is defined as “special education and related services” that: are provided at public expense; meet state standards; include an appropriate preschool, elementary, or secondary education; and are provided in conformity with an IEP.⁵ A school district meets its obligation to provide FAPE for an eligible child by complying with the procedural requirements of the IDEA and implementing an IEP reasonably calculated to enable a child to receive educational benefits.⁶

A written IEP must be in effect for each eligible child at the beginning of each school year.⁷ School districts must implement the services, modifications, and accommodations identified on each student’s IEP.⁸ School districts must serve resident children with disabilities attending charter schools sponsored by the District in the same manner as the school district services children with disabilities in its other schools.⁹

⁴OAR 581-015-2040; 34 CFR § 300.341.

⁵ See 20 USC § 1402(8).

⁶ See *Hendrick Hudson Cent. Sch. Dist. v. Rowley*, 458 US 176, EHLR 553:656 (1982).

⁷ OAR 581-015-2220(1)(a).

⁸ OAR 581-015-2220(1)(b).

⁹ OAR 581-015-2075.

A. April 8, 2008 IEP Meeting Attendance

The parents allege that the District did not have the required IEP team members attend the April 8, 2008 IEP meeting. Absent a written waiver and advance written input from the excused IEP team member, the District must ensure that the IEP team includes: 1) the student's parents; 2) the child, if appropriate; 3) at least one regular education teacher, if the child is or may participate in the regular education environment; 4) at least one special education teacher, or if appropriate, at least one special education provider; 5) a District representative qualified to provide or supervise specially designed instruction, knowledgeable about general education curriculum and district resources, authorized to commit district resources, and authorized to ensure the provision of the services identified in the IEP¹⁰; the District representative may serve multiple roles on the team.

The parents, the student's special education provider and the charter school principal attended the April 2008 meeting. The general education teacher and the speech and language pathologist, both of whom were planning on attending did not attend. The charter school principal, although signing as the District representative, did not have authority to commit District resources, since she was not a District employee. The April 8, 2008 IEP meeting did not comply with the IEP Team composition requirements of IDEA.

The District admits that a properly composed IEP team did not attend the April 2008 IEP meeting. While the meeting had been previously scheduled on two occasions, and the lack of attendance by others was unforeseen, the District violated IDEA by conducting the meeting without obtaining a written waiver of attendance from the parents and written input from the absent members. However, the violation occurred prior to June 17, 2008, the beginning of the twelve month look back period prescribed by OAR 581-015-2030(5). Therefore, the Department does not order corrective action with regard to this allegation.

B. Parental Participation

The parents allege that the District did not allow them to participate in the design of appropriate goals, modifications, and accommodations for the student during the April 2008 IEP meeting.

Parental participation is an important part of the IEP team process. Parents have been members of their children's IEP teams for the entire history of IDEA. In the IDEA 1997, parents moved to the top of the list of IEP team members as part of a broader move to strengthen the parent role in special education processes. School personnel typically bring expertise about curriculum, instruction, and assessment to special education decision-making. Parents have extensive knowledge of their children's characteristics, experiences, and needs and thus have substantial knowledge to contribute to the decision making process. Parent participation is a fundamental principle of IDEA.

¹⁰ OAR 581-015-2210.

Guidance included in the federal regulations relating to IDEA described the intended level of participation:

“The parents of a child with a disability are expected to be equal participants along with school personnel, in developing, reviewing, and revising the IEP for their child. This is an active role in which the parents (1) provide critical information regarding the strengths of their child and express their concerns for enhancing the education of their child; (2) participate in discussions about the child's need for special education and related services and supplementary aids and services; and (3) join with the other participants in deciding how the child will be involved and progress in the general curriculum and participate in State and district-wide assessments, and what services the agency will provide to the child and in what setting.

As previously noted in the introduction to section II of this Appendix, Part B specifically provides that parents of children with disabilities—

1. Have an opportunity to participate in meetings with respect to the identification, evaluation, and educational placement of their child, and the provision of FAPE to the child (including IEP meetings)[;]
2. Be part of the groups that determine what additional data are needed as part of an evaluation of their child, and determine their child's eligibility and educational placement[;]
3. Have their concerns and the information that they provide regarding their child considered in developing and reviewing their child's IEPs[.]”¹¹

The IDEA requires more than an opportunity for parents to attend and speak at IEP meetings; it requires a good faith exchange of ideas. If this exchange does not lead the team to consensus, the school district must still ensure that the child receives FAPE.

As recently as December 2008, in discussing regulations that went into effect on December 31, 2008, OSEP stated, “We agree with the commenters that parents should be equal partners in the educational decision-making process for their child...”¹²

The Ninth Circuit, in *W.G. v. Bd. of Trustees of Target Range Sch. Dist. No. 23*, 960 F.2d 1479, 1484 (9th Cir. 1992), stated: “Procedural flaws do not automatically require a finding of a denial of a FAPE. However, procedural inadequacies that result in the loss of educational opportunity, or seriously infringe the parents' opportunity to participate in the IEP formulation process, clearly result in the denial of a FAPE.”

In *M.L. v. Federal Way Sch. Dist.*, 387 F. 3rd 1101, 1119 (9th Cir. 2004), the Ninth Circuit stated: “Procedural error - including the omission of members of an IEP team - constitutes the denial of a FAPE only when it results in lost educational opportunity for the child, or when it significantly restricts parental participation in the IEP formation. (citing *Target Range*, 960 F.2d at 1484)”

¹¹ 34 CFR Part 300, Assistance to States for the Education of Children with Disabilities, Appendix A, Question 5 (1999).

¹² 73 Fed. Reg. 73006, 73018 (Dec. 1, 2008).

The April 2008 IEP contained no modifications or accommodations, yet the present level statement identifies that the Occupational Therapist “will focus on providing information regarding accommodations and modifications in order to support [the student’s] sensory and visual motor needs in the classroom.” The earlier occupational therapist’s report offered over a dozen suggestions for the team to consider, a number of which were later included in the March 2009 IEP accommodations. However, the April 2008 IEP did not contain any modifications or accommodations. The parents anticipated that there would be another meeting to revise the IEP and discuss including modifications and accommodations and that there would be a follow-up regarding speech services.

The District asserts that the parents never objected to the IEP. While this fact may be true, the parents’ post-meeting actions are not an appropriate measure of meaningful participation. Applying the standard discussed in *Target Range* and *Federal Way*, the Department finds persuasive evidence that, had the team considered the occupational therapist’s suggested modifications and accommodations, some of the accommodations would have been considered and possibly included in the IEP. However, the violation occurred over a year before the filing of the complaint that serves as the basis of this order.¹³ Therefore, while the evidence generally supports the conclusion that the District was in violation of IDEA’s requirements to allow for meaningful parental participation, the Department cannot substantiate this allegation.

C. IEP in place at the beginning of the 2008-2009 school year

The parents allege that there was not a valid IEP in place at the beginning of the 2008-2009 school year. A written IEP must be in effect for each eligible child at the beginning of each school year.¹⁴

Because this allegation is based on the theory that the student began the 2008-2009 school year with an invalid IEP due to the procedural violations that took place in April of 2008, the Department is unable to substantiate the allegation. Though the deficiencies with the April 2008 IEP that resulted from the District’s failure to convene a properly constituted IEP Team persisted at the beginning of the 2008-2009 school year, the underlying violations took place over a year before the filing of the complaint in this case. The Department is precluded from issuing findings of fact or conclusions of law with respect to violations that occurred more than one year prior to the filing of the complaint even if the initial noncompliance resulted in a continuing violation of IDEA.¹⁵

The time limitation is intended to ensure that violations are addressed and remedied in a timely manner so that children are not denied access to FAPE.¹⁶ This reasoning is particularly germane in this case, where the IEP that resulted from the procedurally deficient meeting had been revised prior to the parent’s filing of the complaint. Because

¹³ OAR 581-015-2030(5).

¹⁴ OAR 581-015-2220(1)(a).

¹⁵ See OAR 581-015-2030(5) & 71 Fed. Reg. 46540, 46606 (Aug. 14, 2006).

¹⁶ 71 Fed. Reg. 46540, 46606 (Aug. 14, 2006).

this allegation is based on violations of the IDEA that occurred over one year before the filing of the complaint, the Department is unable to substantiate this allegation.

D. IEP Implementation

The parents allege that the District did not implement the accommodations contained in the March 17, 2009 IEP during the student's instruction and during state and district-wide testing including: preferential seating; a quiet work area; decreased auditory and visual stimulus in the student's work area; and, extended time for in-class testing and assignments.

A district is required to provide the special education and related services in accordance with the student's IEP.¹⁷

All of the student's educational settings other than Community Days were, by design, alternative settings to a general education class. During one-on-one conferences, the general education teacher was working directly with the student and the parent. While there was another teacher in the room, it was as quiet as possible, with decreased auditory and visual stimulus. The student worked at the student's own pace. In the home setting, all of the accommodations were reported to be implemented. In the resource room, the instruction was through small group and individual instruction. Small group instruction included all of the accommodations of seating, noise and other stimulus reduction as compared with the general education classroom setting. The instruction was paced according to the progress of the student.

However, during Community Days these accommodations were not implemented. The charter school classroom offered a more typical general education classroom. Since the accommodations were implemented following the adoption of March 2009 IEP, the student has only attended one Community Day. Generalizing based on one day of attendance would not be representative of whether the modifications and accommodations were or were not implemented. Therefore, the Department does not substantiate the parents' allegation that the District failed to implement the accommodations listed on the March 2009 IEP in the general educational setting.

With regard to the parents' allegation that the District failed to provide accommodations during assessment, the Department finds that the student did not take any state or district-wide tests since the adoption of the March 2009 IEP. School performance tests were administered on June 1, 2009, and there were distractions, both visual and auditory. While these types of distractions are not desirable or optimal, the IEP did not specifically address modifications during school testing.

The March 2009 IEP included annual goals relating to behavior for the student to work on; they included ignoring distractions while at school and managing the student's sensory breaks. While not an excuse for the non-implementation of the IEP modifications and accommodations, the inclusion of the behavioral goals and supporting

¹⁷ OAR 581-015-2200(1).

short term objectives moderates the strict implementation of these accommodations. The IEP Team's decision to include self-regulatory and self-advocacy goals and short term objectives indicates that the team believed that the student was able to develop the skills necessary to work successfully despite visual and auditory distractions; minimizing these distractions in all assessment circumstances would make it difficult to measure the student's progress on the behavioral goals in testing environments. Therefore, the Department does not substantiate the allegation that the District failed to implement, on a consistent basis, the March 2009 IEP modifications and accommodations.

2) Evaluations

The parents allege that the District did not complete a speech/language/communication evaluation and eligibility determination within 60 school days of receiving written parental consent. Specifically, the parents allege that parental consents were signed on November 15, 2007, December 14, 2007 and in November 2008, but the evaluation meeting was not conducted until February 17, 2009.

A district must complete an initial evaluation, or reevaluation, and convene a meeting to determine whether the child is eligible for special education and related services within sixty school days from the date that the parent provides written consent.¹⁸ A student need only be determined eligible under one disability category, however, the child must be evaluated in all areas of suspected disability and the IEP must address all of the child's special education needs.¹⁹

In this case, the parent first provided written consent to evaluate on November 15, 2007 which authorized the District to conduct a variety of evaluations. The District determined that the out-of-state speech evaluation was sufficient to provide speech services. The student was found eligible for special education services as a student with a specific learning disability on February 7, 2008. However, during the 2007-2008 school year, scheduling the speech services at times, days of the week and location became problematic, and speech services were not provided.

Beginning with 2008-2009 school year, the parent inquired about the provision of speech services. By then, the out-of-state speech evaluation was no longer current, and the District obtained another consent to evaluate for speech services on November 6, 2008. The eligibility meeting occurred on February 17, 2009, when the student was found ineligible under the communication disorder classification. There were 51 school days between November 6, 2008 and February 17, 2009. Under the regulations, the District had 60 days from consent to hold the meeting, which it did. The Department does not substantiate this allegation.

¹⁸ OAR 581-015-2110(5).

¹⁹ OAR 581-015-2120(4).

CORRECTIVE ACTION²⁰

In the Matter of Scappoose School District
Case No. 09-054-025

Based on the facts provided, the Department did not find violation of the IDEA, and no corrective action is ordered. Nonetheless, the Department is encouraged to learn that the District has met with the parent to develop an in-service for staff regarding the student's needs and educational program. The Department stands ready to assist the District in the development or implementation of the in-service.

Dated: August 12, 2009

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

Mailing Date: August 12, 2009

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.

²⁰ 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).