

**BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION**

In the Matter of Douglas County SD 4

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FINDINGS OF FACT,  
CONCLUSIONS,  
AND FINAL ORDER  
Case No. 12-054-027

**I. BACKGROUND**

On October 12, 2012, the Oregon Department of Education (Department) received a letter of complaint from the parent of a child attending school and residing in the Douglas County School District (District). The complaint requested a special education investigation under OAR 581-015-2030. The parent provided a copy of the complaint to the District.

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.<sup>1</sup> On October 17, 2012, the Department sent a *Request for Response* to the District identifying the specific allegations in the complaint to be investigated. On October 31, 2012, the District timely submitted its *Response* to the *Request for Response*. The parent provided additional information to the complaint investigator, received on November 6, 2012. After receiving a letter of representation from legal counsel for the parent on November 20, 2012, legal counsel provided additional documents to the complaint investigator by email on November 26, 2012. 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.<sup>2</sup> This order is timely.

The Department's contract complaint investigator determined that an on-site investigation would be necessary in this case. On November 26, 2012, the complaint investigator interviewed District staff, including an elementary school principal, a speech language pathologist (SLP), a regular education teacher, the Student's case manager, a special education teacher and the special education director. The Department's investigator reviewed and considered all of the documents and interviews in reaching the findings of fact and conclusions of law contained in this order.

**II. ALLEGATIONS AND CONCLUSIONS**

The Department has jurisdiction to resolve this complaint under OAR 581-015-2030 and 34 CFR §§ 300.151-153. The parent's allegations and the Department's conclusions are set out in the chart below. The Department based its conclusions on the Findings of Fact in Section III and the Discussion in Section IV. This complaint covers the one year period from September 1, 2011, to the filing of this complaint on August 31, 2012.<sup>3</sup>

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<sup>1</sup> OAR 581-015-2030; 34 CFR §§ 300.151-153)

<sup>2</sup> OAR 581-015-2030(12)

<sup>3</sup> OAR 581-015-2030(5)

No.	Allegations	Conclusions
(1)	<p><b><u>When IEPs Must Be In Effect</u></b></p> <p>The complaint alleges that the District violated the IDEA by failing to implement the Student's IEP. Specifically, the complaint alleges that the Student's IEP requires 1:1 classroom assistance and speech therapy, but these items are not being provided to the Student, resulting in a denial of FAPE.</p> <p>OAR 581-015-2220, 34 CFR 300.323 and 34 CFR 300.324.</p>	<p><b><u>Not Substantiated</u></b></p> <p>The Student's current and previous IEPs do not require 1:1 assistance for the Student. Additionally, the District's SLP provided the speech therapy to the Student as required by the Student's current and previous IEPs. The Department does not sustain these allegations.</p>
(2)	<p><b><u>Free Appropriate Public Education (FAPE)</u></b></p> <p>The complaint alleges that the Student was denied FAPE because:</p> <ul style="list-style-type: none"> <li>(a) the Student did not receive special education or related services, specifically a 1:1 assistant as needed in class;</li> <li>(b) the Student was bullied at school;</li> <li>(c) the Student did not receive social skills;</li> <li>(d) the Student did not receive speech therapy</li> <li>(e) the Student did not receive prompts; and</li> <li>(f) the Student did not receive preferential seating as needed, thus resulting in a denial of a Free Appropriate Public Education (FAPE).</li> </ul> <p>OAR 581-015-2040 and 34 CFR 300.101.</p>	<p><b><u>Not Substantiated</u></b></p> <ul style="list-style-type: none"> <li>(a) The Department finds that the parent has not requested, and the IEP team had not discussed, a 1:1 assistant for the Student prior to the complaint in this case</li> <li>(b) Concerning the allegations of bullying of the Student resulting in a denial of FAPE to the Student, the Department finds that no incidents of alleged bullying of the Student have been verified.</li> <li>(c) Concerning the allegation that the Student did not receive social skills services, the Department finds social skills were addressed through speech and language therapy.</li> <li>(d) Concerning the allegation that the Student did not receive speech therapy, the Department finds that the District did provide the speech services required by the Student's IEP.</li> <li>(e) The Department finds that the Student has received appropriate visual and verbal prompts as well as preferential seating.</li> <li>(f) The Department finds that the Student has received preferential seating across the school settings in which the District provides services to the Student.</li> </ul>

		Based on the foregoing, the Department does not sustain the allegation that the District has denied FAPE to the Student.
(3)	<p><b><u>IEP Content, Placement of the Child</u></b></p> <p>The complaint alleges that the District violated the IDEA by failing to include in the Student's IEP –</p> <ul style="list-style-type: none"> <li>(a) measurable annual goals and a statement of the Student's present levels for reading and math achievement;</li> <li>(b) goals and services to address the Student's social isolation and bullying issues;</li> <li>(c) goals and services to ensure that the Student is progressing in reading, math and spelling;</li> <li>(d) preferential seating as an accommodation, allegedly resulting in an inappropriate placement; and</li> <li>(e) failing to include preferential seating in the IEP allegedly resulting in an inappropriate placement and denial of FAPE.</li> </ul> <p>OAR 581-015-2200 and 34 CFR 300.320; OAR 581-015-2250, 34 CFR 300.116 and 34 CFR 300.327.</p>	<p><b><u>Substantiated in Part</u></b></p> <ul style="list-style-type: none"> <li>(a) The Department finds measurable goals included in the Student's current and previous IEPs. The Department also finds that the PLAAFP portions of the Student's current and previous IEPs address the Student's present levels in reading, math and spelling.</li> <li>(b) The Department finds that prior to the complaint in this case, the parent has not requested assistance or special education supports to address what the parent perceives as social isolation and bullying of the Student, and the District and Department found no indication that the Student is either socially isolated or being bullied at school.</li> <li>(c) Additionally, the Department finds that the specially designed instruction (SDI) required in the Student's current and previous IEPs are designed to enable the Student to progress in the academic areas of reading, math and spelling and was implemented by the district.</li> <li>(d) The Department finds that the Student's current IEP does not include preferential seating in the "Supplementary Aids/Services; Modifications &amp; Accommodations" portion of the IEP. See corrective action.</li> <li>(e) The Department does not find that this omission resulted in a denial of FAPE because the District has provided preferential seating in the general education classroom, and because the provision of services in the special education classroom occurs only in small groups of 3 or 4 students to one teacher or instructional assistant (IA), a setting in which preferential seating does not present</li> </ul>

		the same issue as in a general education classroom.
(4)	<p><b><u>Review and Revision of IEPs and Parent Participation</u></b></p> <p>The complaint alleges that the District violated the IDEA by failing to properly characterize a meeting held on September 21, 2012 as an IEP meeting and failing to properly notice this meeting.</p> <p>OAR 581-015-2225 and 300 CFR 300.324; OAR 581-015-2190 and 34 CFR 300.501.</p>	<p><b><u>Not Substantiated</u></b></p> <p>The Department finds that the meeting referenced in the complaint occurred on September 17, 2012, and that this meeting was clearly not an IEP meeting. The Department does not sustain this allegation.</p>

### III. FINDINGS OF FACT

#### **Background:**

1. The Student in this case is presently 8 years old and is in the second grade at an elementary school in the District. The Student is eligible for special education as a student with Autism Spectrum Disorder (ASD).
2. The Student's current IEP, dated January 30, 2012, provides for a placement of "General education classroom with special education intervention as needed" and states that the Student will spend "31-40% to 79% of day in regular class<sup>4</sup>."
3. The "Service Summary" portion of the IEP provides for Specially Designed Instruction (SDI) in Reading (150 minutes weekly), Math (90 minutes weekly), written language (120 minutes weekly), and "Adaptive Skillsfocus and attention to task" (150 minutes weekly), with the SDI to be provided in "Gen Ed & Sp Ed Classroom". The "Related Services" portion of the Service Summary provides for "Speech/Language Pathology/Therapy" (120 minutes monthly) to be provided in the "Speech Room."
4. The Student's previous IEP (dated May 9, 2011) provided for a placement of "Self-contained environment with inclusion as appropriate."<sup>5</sup> The District provided services to the Student under the previous IEP in the District's Developmental Learning Center (DLC), a special education classroom.
5. Based upon the Student's progress and in an effort to place the Student in the least restrictive environment, the Student's January 30, 2012 IEP changed the placement, as noted above, to "General education classroom with special education intervention as needed."

<sup>4</sup> This reflects the federal placement code used to report the student on the Special Ed Child Count which was used instead to identify a placement on the District's Placement Determination page.

<sup>5</sup> The Oregon Standard IEP, Part A, page 9: "The amount/frequency of any service should NOT be identified as a "range" (e.g. "30-60 minutes/week") or as an unspecified period of time (e.g. "as needed", "if appropriate")."

6. The Student's current schedule, in effect since the first or second week of September of 2012, provides for approximately 185 minutes in general education settings each school day (including recess, lunch, art, science, library and physical education) and 180 minutes in a special education setting (the Learning Resource Center, hereinafter "LRC"). One day each week, a Speech Language Pathologist (SLP) works with the Student for 30 minutes in the speech room, with one other student. LRC is a special education classroom with an average of 16 students at any particular time. The Student's current schedule reveals that in the LRC the District provides the Student's SDI in small groups of either 3 or 4 students with 1 teacher or instructional assistant.

#### **When IEPs Must Be In Effect**

7. Review of the Student's current IEP (dated January 30, 2012) and the Student's previous IEP (dated May 9, 2011), reveals that the Student's IEPs have not required 1:1 classroom assistance. The present levels portion of the Student's current IEP repeatedly references the fact that the Student needs prompts, generally to keep the Student on task, but does not require 1:1 classroom assistance be provided to the Student.
8. The Student's current IEP provides for "Speech/Language Pathology/Therapy" for 120 minutes a month and the previous IEP (dated May 9, 2011) provided for 80 minutes a month of "Speech/Language Pathology/Therapy." The Department finds that the services were provided as required by the Student's IEPs.

#### **Free Appropriate Public Education (FAPE)**

9. The Department finds that the IEP team has never determined that the Student needs 1:1 assistance in the classroom, and that the parent has not requested, and the IEP team has not discussed, 1:1 assistance for the Student, prior to filing of the complaint in this case.
10. The Student's previous placement in the District's DLC resulted in provision of services in only small groups; and the Student's current placement also results in provision of special education services in the LRC room in small groups of 3 to 4 students. The Student's general education teacher reports that the Student and one other student are seated together at the front of the classroom and that the teacher provides additional verbal and visual prompts for the students while they are in the general education classroom.
11. The Student's case manager, who provided to services to the Student in the District's DLC classroom during the previous (2011-2012) school year, reports that during the 2011-2012 school year the Student improved significantly in the "social/behavioral" area.
12. The Student's May 9, 2011 IEP noted the Student has made progress in this area, in the "Present Levels of Academic Achievement and Functional Performance" (PLAAFP) portion of the IEP. A progress report dated February 25, 2011 concerning the Student's "Social" goal included in the Student's May 9, 2011 IEP reports that the Student "has made dramatic progress in the area of behavior and social skills development since January."
13. The Student is now transitioning to all activities in and out of the classroom with 95% independence immediately when given [the Student's] name card to transition. [The Student] is much more engaged with [the Student's] peers and able to communicate with [the Student's] peers during play. [The Student] is working on asking [the Student's] peers to play if they do not automatically play with him. [The Student] will come up to them and bump them or tag them and try to get them to play chase with

him. [The Student] is asking [the Student's] peers to stop if they bother him in 50% of opportunities. [The Student] is working on not touching, kissing, leaning on [the Student's] peers or teachers without permission."

14. The Student's January 30, 2012 IEP also reports progress by the Student in the "Social/Behavioral" area, and states in the PLAAFP section that "[The Student] has made progress in this area. [The Student] is now rarely hugging or grabbing [the Student's] peers. [The Student] plays with [the Student's] peers at recess 50% of the time. The other times, [the Student] will play by himself – swinging or going down the slide. [The Student] follows directions in class with assistant support to stay focused, listen to the teacher, and prompts to complete [the Student's] work [the Student] is quiet during work time, sits and looks like a student. [The Student] comes to each group ready to work and tries [the Student's] best. [The Student] will get off task if the teacher is engaged in helping another student – [the Student] my erase what [the Student has] written or stop working. [The Student] continues to need prompts to complete work. For example, when given an assessment (where the adult is not able to prompt [the Student] along the way), [the Student] will not try to complete the assignment. [The Student] has made friends that [the Student] will say hello to, follow along on the playground, and praise when they work hard. [The Student] is always happy and responds to greetings, praise, and questions with enthusiasm."
15. The Student's case manager (who provided instruction to the Student in the District's DLC) and current general and special education teachers, all of whom attended the January 30, 2012 IEP meeting when the Student remained in the Student's previous placement, and who now work with the Student in the Student's current placement, reported that they have not observed social isolation of the Student and report that the Student interacts with the Student's general and special education classmates.
16. The Student's case manager and current general education and special education teachers also report that the Student is now playing soccer during recess times. Since the parent reported the Student being hit with a soccer ball at a September 17, 2012 meeting between the parent and the Student's case manager, the case manager increased supervision of the Student on the playground, by checking in with the Student before and after recess 3 or 4 times each week. After the parent filed the complaint in this case, on October 12, 2012, the case manager made sure that an additional staff person is observing the Student during recess, including when the Student is playing soccer on the soccer field. The District has not verified any instances of bullying occurring involving the Student.

#### **IEP Content, Placement of the Child**

17. The Department's findings, above, also address the fact that District staff has not observed social isolation and bullying issues concerning the Student. Additionally, the Department finds that prior to the filing of the complaint in this case on October 12, 2012, the parent has not requested goals or services related to the Student's "social isolation and bullying issues", and except for a note in the January 30, 2012 meeting minutes stating "social - didn't acknowledge other students helping [the Student]", no discussions concerning these specific issues are revealed in the documentation provided by the District concerning the May 9, 2011 and January 30, 2012 IEP meetings, including meeting minutes.
18. The Department finds that the parent has not expressed concerns during the Student's IEP meetings about the Student's progress in reading, math and spelling during the year preceding the filing of the complaint in this case. The Department also finds that the Student's current IEP (dated January 30, 2012) and the Student's previous IEP (dated May 9, 2011) both include adequate statements of the

Student's present levels (in the PLAAFP sections of these IEPs) in reading, math and writing (which also addresses the Student's spelling).

19. The Department also finds that the annual goals and short-term objectives (STOs) in both the Student's current and previous IEPs are measurable. The parent has provided no information concerning how the goals are not measurable.
20. The District conceded in its Response in this case that the Student's current IEP does not include preferential seating in the "Supplementary Aids/Services; Modifications & Accommodations" portion of the Service Summary. The District's Response states that "Preferential seating, verbal prompts/gestures, and visual prompts on the classroom whiteboard are all provided during large group reading instruction from 8:55-9:45 in the second grade classroom as established by IEP case manager consultation with the teacher based on Student program needs this 2012-13 school year. However, these accommodations are not listed on the current IEP that was developed on 1/30/12 and district acknowledges that while these accommodations are being implemented, the IEP should be amended to reflect these additions for the 2012-13 school year."
21. The Student's previous IEP is not implicated in the allegations made in this case. At the time of the January 30, 2012 IEP the IEP placement for the Student was in a "Self-contained environment with inclusion as appropriate", and the District provided services to the Student in the District's DLC, a self-contained classroom. The Student's new placement adopted in the Student's January 30, 2012 IEP is "general education with special education intervention as needed".
22. Slightly less than half of the Student's school day (approximately 180 minutes) is spent in the LRC, a special education setting. While in the LRC the Student receives instruction in groups of 3 or 4 students with one teacher or IA. As noted in the findings above (finding #6), the Student's general education teacher reports that the Student and one other student are seated together at the front of the classroom and that the teacher provides additional verbal and visual prompts for the students while they are in the general education classroom.
23. The "Supplementary Aids/Services; Modifications & Accommodations" portion of the Service Summary is blank on the Student's current IEP.

#### **Review and Revision of IEPs and Parent Participation**

24. The Department has determined that the reference to a meeting on September 21, 2012 in the filed complaint actually occurred on September 17, 2012. This meeting that occurred on September 17, 2012 between the Student's case manager and the parent was not an IEP meeting, but was for informational purposes. The purpose of the meeting was to discuss the Student's current schedule. It was not an IEP meeting. At that meeting, the parent requested an IEP meeting, so then the IEP team met on October 11, 2012 pursuant to this request.

### **IV. DISCUSSION**

#### **When IEPs must be in Effect**

The complaint alleges that the District violated the IDEA by failing to implement the Student's IEP. Specifically, the complaint alleges that the Student's IEP requires 1:1 classroom assistance and speech therapy, but these items are not being provided to the Student, resulting in a denial of FAPE.

The Department does not sustain these allegations. The Student's current and previous IEPs do not require 1:1 assistance for the Student. Additionally, the District proved that their SLP provided the speech therapy to the Student as required by the Student's current and previous IEPs by showing on a calendar during the on-site interviews the dates when SLP services were provided to the Student.

### **FAPE**

The complaint alleges that the Student did not receive special education or related services, specifically a 1:1 assistant as needed in class, that the Student was bullied at school, the Student did not receive social skills or speech therapy, and did not receive prompts or preferential seating as needed, thus resulting in a denial of a Free Appropriate Public Education (FAPE).

The Department finds that the parent has not requested a 1:1 assistant for the Student prior to the complaint in this case and there is no indication a 1:1 assistant is required to ensure that the Student makes adequate progress.

Concerning the allegations of bullying of the Student resulting in a denial of FAPE to the Student, the Department finds that no incidents of alleged bullying of the Student have been verified. No evidence was provided to indicate any confirmed instances of bullying, which could have resulted in a denial of FAPE.

Concerning the allegation that the Student did not receive social skills services, the Department finds that the Student has made significant progress in the area of social skills as noted in the record, and there is no indication that additional services or goals to address the Student's social skills are presently needed.

Concerning the allegation that the Student did not receive speech therapy, the Department finds that the District did provide the speech services required by the Student's IEP, and there is no indication that additional speech-related services are required to allow the Student to make adequate progress.

Finally, the Department finds that the Student has received appropriate visual and verbal prompts as well as preferential seating across the school settings in which the District provides services to the Student based on the record and interviews with school staff noted above.

Based on the foregoing, the Department does not sustain the allegation that the District has denied FAPE to the Student.

### **IEP Content, Placement of the Child**

The complaint alleges that the District violated the IDEA by failing to include the Student's IEP goals or services related to the Student's social isolation and bullying issues, and by failing to include in the IEP services to ensure that the Student is progressing in reading, math and spelling, failing to include measurable annual goals and a statement of the Student's present levels for reading and math achievement, by failing to include preferential seating in the IEP, allegedly resulting in an inappropriate placement.

First, the analysis will look at bullying and social isolation allegations in relation to the IEP and placement of the child. The Department finds that, prior to the complaint in this case, the parent had not requested assistance or services to address what the parent perceives as social isolation and bullying of the Student; the district had no indication that the Student was either socially isolated or being bullied at school. To the contrary, the progress reports indicate that the Student is making social

progress. Further, the District provided documented evidence to assist the parent in this regard by assigning staff to specifically watch the Student at recess following the filing of the complaint, despite District initiated interviews with 15 staff members, who did not report ever seeing the Student harmed or bullied in any way. There was no evidence presented to sustain this allegation.

Regarding other IEP content allegations, an IEP must include a statement of the child's present levels of academic achievement and functional performance (PLAAFP) including, but not limited to, how the child's disability affects the child's involvement and progress in the general education curriculum.<sup>6</sup> The Department finds that the PLAAFP portions of the Student's current and previous IEP address each of the Student's present levels in reading, math and spelling in addition to Social/Behavioral, Adaptive/Self-help, and Communication.

The IDEA also requires that IEPs include a statement of measurable annual goals, including academic and functional goals<sup>7</sup> and a description of how the child's progress toward meeting annual goals will be measured and when periodic reports on the progress this child is making toward meeting the annual goals or other periodic reports will be provided.<sup>8</sup> The Department also found measurable annual goals listed on both the current and present IEPs for the areas agreed upon the IEP team. These goals were quantitative in nature and clearly measurable. They also noted appropriate evaluation procedures, and how and when progress would be monitored to parents (i.e. in conferences/written progress reports and at regularly scheduled reported times each trimester).

Further, the District provided evidence of such progress reporting which was given to the parent in accordance with the IEPs. The IEPs for the child and the relevant Specially Designed Instruction were clearly developed to ensure that the Student is progressing academically as indicated on the IEPs and evidenced by Student progress reports.

Finally, the Department finds that the Student's current IEP does not include preferential seating in the "Supplementary Aids/Services; Modifications & Accommodations" portion of the IEP.

Required IEP content must include accommodations and modifications needed by the Student. Because the Student's placement now includes the delivery of services in the general education classroom and subsequently larger class sizes, preferential seating and similar services and accommodations, such as verbal and visual prompts, should be included in the Student's current IEP. However, the allegation in this case is that the failure to include preferential seating in the IEP resulted in an inappropriate placement. Because the District has provided preferential seating in the general education classroom despite what is noted on the IEP, and because the provision of services in the special education classroom occurs only in small groups of 3 or 4 students to one teacher or IA, a setting in which preferential seating is really not an issue, the failure to include preferential seating in the IEP did not result in an inappropriate placement in this case.

Therefore, the Department does not sustain the allegation that any of the matters alleged in this portion of the complaint resulted in an *inappropriate placement* in this case. However, the District acknowledged that now that the Student's placement includes a substantial general education component that the IEP should identify and include all appropriate modifications and accommodations being provided, in the service summary portion of the IEP, which would include preferential seating. In other words, although matters such as prompts of the Student and preferential seating are really not

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<sup>6</sup> OAR 581-015-2200(1)(a)

<sup>7</sup> OAR 581-015-2200(1)(b)

<sup>8</sup> OAR 581-015-2200(1)(c)

an issue in a self-contained special education classroom involving only very small groups, when a placement includes a general education component, it is critical that the IEP team identify and include in the IEP all appropriate accommodations and modifications which should or must be used, in the service summary of the IEP. Thus, the Department sustains the allegation that the Student's IEP should have included all appropriate modifications and accommodations being provided in the service summary portion of the IEP (*See Corrective Action*).

**Review and Revision of IEPs and Parent Participation**

The complaint alleges that the District violated the IDEA by failing to properly characterize a meeting held on September 21, 2012 as an IEP meeting and failing to properly notice this meeting.

First, the Department found that no meeting was held on September 21, 2012. A meeting was held on September 17, 2012 to discuss the child's schedule and program in more detail. No evidence was presented which would have indicated that this meeting was an IEP meeting. The Department finds that this was clearly not an IEP meeting. Therefore, the Department does not sustain this allegation.

**V. CORRECTIVE ACTION<sup>9</sup>**  
*In the Matter of Douglas County SD*  
 Case No. 12-054-027

No.	Action Required	Submissions <sup>10</sup>	Due Date
(1)	<p><b><u>Training:</u><sup>11</sup></b></p> <p>The District must provide appropriate training to any special education and regular education staff who may participate in IEP development using Department provided materials relating to IEP content and the inclusion in student IEPs of all appropriate "Supplementary Aids/Services; Modifications &amp; Accommodations."</p>	<p>Evidence of completed training:</p> <p>If providing training by e-mail:</p> <ul style="list-style-type: none"> <li>• Distribute materials to appropriate staff and request "read receipt:"</li> <li>• Copy ODE on the distribution of materials to staff members ;</li> <li>• List of staff members and position</li> </ul> <p>If providing training in</p>	<p><b>January 18, 2013</b></p>

<sup>9</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)).

<sup>10</sup> 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](mailto:raeann.ray@state.or.us); fax number (503) 378-5156.

<sup>11</sup> Initial Verification: The Department will review the written confirmation to District staff and the distribution list.

		<p>person:</p> <ul style="list-style-type: none"> <li>• Agenda</li> <li>• Attendance roster identifying names and positions of attendees</li> <li>• Copy of the training materials</li> </ul>	
(2)	<p><b><u>IEP Team Meeting</u></b></p> <p>With requisite parent participation, reconvene the IEP team in order to review and revise the annual IEP to include appropriate accommodations, modifications, supplementary aids, and services as identified by the District and cited in this final order, and to make any other revisions the IEP team determine are needed.</p>	<p>Provide to the parent, and submit to ODE a copy of the entire IEP, including revisions.</p> <p>Submit to ODE, copies of any IEP team meeting notices or prior written notices related to this meeting.</p>	<p><b>January 11, 2013</b></p>

Dated: this 10th day of December 2012



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 Petrea Hagen-Gilden  
 Interim Assistant Superintendent  
 Office of Student Learning & Partnerships

Mailing Date: December 10, 2012

**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.

Additionally, the Department of Education will not reconsider Complaints after a Final Order has been issued pursuant to OAR 581-015-2030(14)(b).