

**BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION**

In the Matter of Portland SD 1J	)	
	)	FINDINGS OF FACT,
	)	CONCLUSIONS,
	)	AND FINAL ORDER
	)	Case No. 13-054-012

**I. BACKGROUND**

On March 26, 2013, the Oregon Department of Education (Department) received a letter of complaint from the parent (Parent) of a student (Student) residing in the Portland Public School District (District). The Parent requested that the Department conduct a special education investigation under OAR 581-015-2030. The Department confirmed receipt of this complaint on March 26, 2013. The parent provided a copy of the complaint letter to the District.

On April 1, 2013, 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 April 15, 2013. The District submitted its timely *Response* to the Department and to the parent on April 12, 2013. The District's *Response* included a narrative response, exhibit listing, responses to Parent's allegations, previous IEPs, meeting notices, meeting minutes and a draft IEP as well as a Prior Written Notice of Placement. On May 1, 2013, the parent submitted the complete IEP record from Oregon City School District, the previously attended District, in support of the complaint and to assist the investigator in completing the record.

The Department's complaint investigator determined that on-site interviews were required. On April 22, 2013, the Department's investigator interviewed the following District Staff: a Communication and Behavior (CB) Teacher, a Program Administrator for Special Education for the feeder schools, and a Special Education Teacher on Special Assignment (TOSA). The investigator interviewed the Parent on May 1, 2013. The Student was also present during the Parent's interview but was unable to verbally participate in the investigation. The ability and demeanor of the Student was duly noted by the investigator in light of statements by both the District and the Parent. The Department's complaint investigator reviewed and considered all of these documents, interviews, and exhibits in reaching the findings of facts and conclusions of law contained in this order.

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>1</sup> 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 Parent's allegations and the Department's conclusions are set out in the chart below. These conclusions are based on the Findings of Fact in Section III and the Discussion in Section IV. This complaint covers the one year period from March 25, 2012 to the filing of this complaint on March 26, 2013.<sup>2</sup>

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<sup>1</sup> OAR 581-015-2030(12)

<sup>2</sup> See 34 CFR § 300.153(c); OAR 581-015-2030(5)

	<b>Allegations</b>	<b>Conclusions</b>
1.	<p><b><u>Placement</u></b></p> <p>Parent alleges that the District failed to consider the Student's IEP and placed the Student without consideration of the IEP or the Parent's input.</p> <p>OAR 581-15-2250 and 34 CFR 300.116 and 34 CFR 300.327.</p>	<p><b><i>Unsubstantiated.</i></b></p> <p>The District considered both the IEP and the Parent's input when deciding on an appropriate placement for the Student.</p>
2.	<p><b><u>IEP Team Considerations and Special Factors</u></b></p> <p>Parent alleges that the District failed to consider the Parent's input and concerns regarding the education of the child when choosing a placement for the Student.</p> <p>OAR 581-015-2205(1) and 34 CFR 300.324.</p>	<p><b><i>Unsubstantiated.</i></b></p> <p>The record indicates that the Parent did attend and participate in meetings regarding the placement of the Student. Additionally, the District was able to show that it did consider the Parent's input.</p>
3.	<p><b><u>When IEPs must be in effect/IEP Implementation</u></b></p> <p>Parent alleges the District placed the Student in an inappropriate setting for the Student which was not supported by the Student's initial IEP.</p> <p>OAR 581-015-2220 and 34 CFR 300.323</p>	<p><b><i>Unsubstantiated.</i></b></p> <p>The District fully adopted the only IEP in its possession at the time the placement decision was made and attempted to implement all services pursuant to the Springfield IEP.</p>
4.	<p><b><u>Transfer Student.</u></b></p> <p>Parent alleges the District did not provide a Free and Appropriate Public Education (FAPE) (including services comparable to those described in the IEP from the previous in-state school district) until either adopting the IEP of the previous district or developing a new IEP for the Student.</p> <p>OAR 581-015-2230 and 34 CFR 300.323.</p>	<p><b><i>Unsubstantiated.</i></b></p> <p>The District did adopt, fully, the previous IEP from Springfield and did offer the same services to the Student as were offered in the previous IEP.</p>
1.	<p><b>Requested Corrective Action.</b></p> <p>The parent is requesting that the District:</p>	<p><i>No Corrective Action is ordered.</i></p>

	<ul style="list-style-type: none"> <li>a. Provide in home special education services while the child is being home schooled,</li> <li>b. Develop an IEP that will allow for the child to transition to a part time classroom placement, and</li> <li>c. Consider the parent's input when formulating the Student's IEP and when deciding on the Student's school placement.</li> </ul>	
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### III. FINDINGS OF FACT

1. The Student is eight (8) years old and currently resides in the Portland Public School District.
2. The Student is diagnosed with Autism Spectrum Disorder for purposes of the Student's initial IEP. The Student is also diagnosed with sensory integration disorder, global development delay, a sleep disorder and obesity.
3. The Student attended kindergarten and a majority of the Student's first grade year in the Oregon City School District (OCSD) until approximately April 2012.
4. The Student came home from school during the second semester of the first grade year at OCSD with bruises.
5. The child developed severe anxiety related to attending school during the spring of 2012. This anxiety manifested in chronic constipation which allegedly exacerbated the Student's sleep disorder
6. The Student had an initial IEP from OCSD dated April 5, 2011 which was subsequently modified on March 2, 2012. The revised IEP was created in response to the Student's extended absence from school due to the parent's allegation of physical intrusion by peers (scratching, pinching, and excessive touching) and subsequent student anxiety. But, the Prior Written Notice dated March 2, 2012 states that "Student is unwilling to return to school after being out due to illness. A team met and developed a transition plan that should support student returning to school based services."
7. The revised March 2, 2012 IEP sought to transition the Student safely back into a school environment.<sup>3</sup>
8. These revisions to the Student's initial IEP were as follows:

Services	Frequency Revision (3/2/12)	Frequency Original IEP (4/5/11)
Communication	90 min/month	150 min/mo
Math	1 hr/week	5 hrs/week
Social/Behavioral	1 hr/week	2 hrs/week
Reading	1 hr/week	5 hrs / week

<sup>3</sup> Although the Revised IEP from March 2012 falls slightly outside the dates of this investigation which are permitted under OAR 581-015-2030, it is relevant to this investigation in that it was the current IEP when the Student transferred into the Springfield School District in 2012, and is further relevant in that it was a "transitional" IEP designed to reintegrate the Student back into a classroom comparable to the IEP developed by Portland Public Schools upon the student's enrollment.

Language Arts	1 hr/week	Not previously included
ESY Math	4 hrs/week	Not previously included
<b>Related Services:</b>		
Occupational Therapy	20 minutes/month	Not previously included
<b>Specially designed services</b>		
ESY Reading	3.5 hrs/week	Not previously included
ESY Fine Motor Skills	4 hrs/week	Not previously included

9. In April, 2012, Parent moved from Oregon City to Springfield, Oregon and enrolled the Student in Springfield Public School District (SPSD).
10. Parent met with a school psychologist and speech pathologist in the Springfield District to determine whether the Student could tolerate a regular classroom setting or if an on-line program would be more suitable for the Student.
11. Parent enrolled the Student in Connections Academy through SPSP, but later withdrew the Student because the parent reported that she was informed there would be no special education services available through the District's particular on-line program.
12. Parent enrolled the Student in the Oregon Connections Academy (ORCA) to obtain special education services specifically through ORCA while the Student was home schooled using the on-line program.
13. On October 9, 2012, Parent had an IEP team meeting with SPSP to integrate the ORCA program into the child's IEP.
14. The October 9, 2012 IEP contained the following related services for Special Education:

Services	Frequency
Mathematics	180 min/wk
Social Skills	120 min/wk
Reading	300 min/wk
Physical Therapy	30 min/month
Occupational Therapy	30 min/month
Speech/Language Therapy	15 min/week
Individual and small group interaction	All instructional times
Care Coordination	15 min/month
Autism Consultation	120 min/year

15. The October 9, 2012 IEP contained a Placement Determination that allowed for the Student to be home schooled while receiving some supports at the Student's local school.
16. The Parent stated that despite the IEP created by SPSP, the Student did not participate in the on-line program through ORCA, due to "[the Student's] inability to sit at a desk and use a computer."
17. Parent moved to Portland in December, 2012 and contacted the District in January, 2013 to ascertain whether the District would give Special Education services to the Student if the Student was being home schooled.
18. Parent spoke with the District staff specifically for the feeder schools. Parent resided in the Wilson High School service area.

19. The District explained to Parent that the Child would need to be registered with the District in order for Special Education services to be explored. Parent then enrolled the child in the District at the Student's neighborhood school.
20. On February 12, 2013, Parent, the Student and two District Representatives met to discuss the Student's IEP and to discuss placement options for the Student within the District. The Student's Multnomah County Service Coordinator was also present.
21. Parent initially requested home instruction with an end goal being the child's eventual return to school given the child's anxiety and medical issues with attendance. No specific written notice of placement had been generated at the February 12, 2013 meeting, but at that time, the District offered only the Communication Behavioral (CB) Classroom at the elementary school as a placement choice based on the needs of the child and the Least Restrictive Environment (LRE). A notice of IEP meeting was sent on February 1, 2013 and the notes from District indicate that an IEP meeting took place on February 12, 2013.
22. The District had drafted a Notice of Placement that included only regular classroom and the CB Classroom at the elementary school. The draft of the Notice of Placement was dated February 12, 2013, the same day the first IEP meeting took place.
23. Parent was interested in other placements and transition plans that would enable the Student's return to physical attendance at a school. Parent disclosed that the Student had severe anxiety with attending school and that the Student suffered physical problems due to the anxiety, e.g. chronic constipation and an exacerbation of the Student's sleep disorder.
24. The District was concerned that if the Student's placement did not include physical attendance at school (rather than an on-line school or home instruction), the child would not return to school again based upon the Student's truancy record. Further, the District was concerned with whether the Student could be controlled physically in the future given the Student's size if socialization skills were not imparted at an early age and in a school setting. The District felt it was imperative that the Student personally attend classes in a CB Classroom as soon as practicable and among peers.
25. Parent proposed a transition process to the District where the Student would be home schooled with a Special Education instructor coming to the house for initial instruction. After the Student had built a rapport with the Special Education teacher, the lessons would be moved to a more public place and then eventually back to a school setting.
26. A second IEP meeting had been scheduled for February 19, 2013 with two district staff and Parent, but due to scheduling problems, Parent could not attend that meeting. This IEP meeting was rescheduled and held via telephone on February 20, 2013.
27. Parent again related to the District that her child had anxiety issues with peers and was unable to tolerate a regular classroom environment. However, her goal was still to have the Student return to the classroom on at least a part time basis.
28. The District proposed that the Student visit the Elementary School to engage in a series of "preferred activities" wherein the Student would become comfortable with a teacher or para-educator and then eventually move into a classroom. Parent alleges there was never any discussion of a "gentle transition" with "preferred activities."<sup>4</sup>
29. The District mailed Parent a copy of an IEP dated February 19, 2013 which was an exact copy of the SPSED IEP from October 9, 2012 without any modifications to the former IEP other than the cover page.
30. The District mailed Parent a copy of the Prior Written Notice of Placement on or about February 22, 2013 that proposed a change to the Student's placement from the SPSED

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<sup>4</sup> The District proposed a "gentle transition" that would allow the Student to engage in a "preferred activity" while on school premises, either the gym or playground. Parent had discussed how the Student preferred using a Power Pumper. The District allegedly proposed that the Student would visit the playground at the elementary school and use the Power Pumper while in the presence of Parent and the CB teacher. This activity could occur over a period of time until the child was comfortable with the CB teacher and willing to enter the classroom with the CB teacher.

- placement. Rather than attending an on-line program, the Student would be placed in the CB Classroom at a District elementary school.
31. The District does not have an on-line elementary school program. The District only has an on-line charter school for high school students who are chosen to attend through a lottery system.
  32. The February 2013 IEP was a Move-in IEP adopted by the District as a current Oregon IEP from another Oregon district.
  33. On or about February 22, 2013, the classroom teacher from the elementary school contacted Parent to set up a time for the Student to begin transitioning into the CB Classroom. Parent alleges the District initiated a full hour of transition time for the Student whereas the District alleges there was no time limitation on the initial transition meetings.
  34. The email from District dated February 19, 2013 to Parent indicated that Parent should contact District with "a specific hour or so that will be a good time to have [Student] transition back to a school setting." This email was sent to Parent at 8:48 am on February 19, 2013, several hours prior to the time set for the second IEP meeting (which was subsequently rescheduled for the following day).
  35. Parent withdrew the Student from school on February 26, 2013 because she did not agree with the placement decision of the District.
  36. In the email message to District, dated February 26, 2013, Parent stated "It was not my intent to enroll [Student] in the first place..." In this email Parent further states Parent has "serious concerns about the fact that [District] apparently decided on classroom placement for [Student] without my knowledge, consent or signature...." Note that the Parent's name is written on many of the District's documents regarding placement, which include: a Prior Written Notice dated February 22, 2013, meeting notes regarding placement from February 20, 2013, and a February 19, 2013 IEP which notes parent participation.
  37. The District received copies of the Student's records from Oregon City during the first week of March. Since the Student was no longer enrolled, the school filed away the Oregon City IEP.

#### IV. DISCUSSION

##### 1. Placement

Parent alleges that the District failed to consider the Student's IEP and placed the student without consideration of the IEP or the Parent's input (OAR 581-015-2250 and 34 CFR 300.116 and 34 CFR 300.327).

School districts must ensure that the placement of the student is determined by a group of persons, including the parents and other persons knowledgeable about the student, the meaning of the evaluation data and the placement options.<sup>5</sup> The placement must also be made based on the student's current IEP and is made in conformity with the Least Restrictive Environment (LRE) provisions of OAR 581-015-2240 through 581-015-2255.<sup>6</sup> In selecting the LRE, consideration is given to any potential harmful effect on the student or the quality of services that he or she needs.<sup>7</sup> Ultimately, placement determinations must be based on the student's IEP,<sup>8</sup> but each public agency must ensure that a parent of a student with a disability is a member of any group that makes decisions on educational placement.<sup>9</sup> While parent

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<sup>5</sup> OAR 581-015-2250(1)(a)

<sup>6</sup> OAR 581-015-2250(1)(b)

<sup>7</sup> 34 CFR 300.116(d)

<sup>8</sup> 34 CFR 300.116(b)(2)

<sup>9</sup> 34 CFR 300.501(c)

preference may be one factor that is considered in determining the overall outcome with respect to placement, it is not the predominant or overriding force in making a final placement decision or in deciding any matters that individually comprise placement.<sup>10</sup> It is reasonable for school personnel to make these decisions without the agreement of the parent, providing they reflect the consensus of the multidisciplinary team.<sup>11</sup>

When the Student transferred into the District, the District reviewed and adopted the Student's current IEP from Springfield School District, dated October 9, 2012. This IEP was reviewed by the District for placement purposes at a meeting held on February 12, 2013. The Notice of Team Meeting dated February 1, 2013 is addressed to the Parent and it notes the purpose of the meeting is to develop or review an IEP and placement for the student. The IEP meeting minutes dated February 12, 2013 note that the parent was in attendance at the meeting where placement and the IEP were discussed. These notes further document that the team agreed that the Student was an in-state transfer student with an existing IEP. The team went over the Springfield IEP together at the meeting. The notes indicated the Parent expressed that they would like home instruction with support coming to the home, but that the team had a conversation about federal laws and the Least Restrictive Environment (LRE) requirements. The notes further indicate Parent wanted Student to "start school gently" and the shared goal was to introduce the Student to school in a safe way. The CB Classrooms were explained to Parent at this time, and Parent shared Student's preferred activity choice.<sup>12</sup> The notes from this meeting also indicate the Parent said she would be able to bring the Student to the school for the transition period. While the team did not agree to placement at this meeting and agreed to meet again, the record indicates Parent did participate at this meeting by offering input and the IEP was considered at this time. The record also indicates the District worked with parental input regarding preferred activities of the Student.

Next, a follow up meeting was held on February 20, 2013 via phone conference. The meeting notes for this meeting indicate the Parent participated via phone and again offered input on placement. The discussion revolved around ways to transition Student back to school safely. The team considered Parent input by allowing Parent to help gauge the appropriate length of time initially, by allowing the Student to be involved with a preferred activity, and noting that staff could work with the Student and the preferred activity the Parent had mentioned in the prior meeting as a way to create a gentle transition to the school environment. The notes indicate the Parent would be involved with the District to create a transition plan for Student. The notes from this meeting also state the Parent continued to advocate for home instruction, but District and the rest of the team noted that home based instruction is the most restrictive placement option for this Student and that the District needs to have the opportunity to meet the Student's needs in an appropriate less restrictive school setting designed for students with high levels of needs as noted in the Student's IEP and paperwork. Finally the notes indicate the Parent would be able to review the transition process with District after the school has had some time to work with the Student. As such, there is ample evidence that the Parent participated in the meetings and offered input despite disagreeing with the District, and that the team acted as a majority when it decided on the placement for the Student, in conformity with the current IEP and LRE requirements. Parent's allegation that her input was not taken into consideration is therefore not substantiated.

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<sup>10</sup> *Letter to Bina*, 18 IDELR 582 (OSERS 1991)

<sup>11</sup> *Letter to Coleman*, 211 IDELR 269 (OSEP 1981)

<sup>12</sup> The Meeting notes indicate student responds well to "choice of Power Pumper opportunities".

## **2. IEP Team Considerations and Special Factors**

Parent alleges that the District failed to consider the Parent's concerns regarding the enhancing the education of the Student when developing, reviewing, or revising the IEP (OAR 581-015-2205(1) and 34 CFR 300.324).

In developing, reviewing and revising a student's IEP, the IEP team must consider the (a) strengths of the child; (b) the concerns of the parents for enhancing the education of their child; (c) the results of the initial or most recent evaluation of the child; and (d) the academic, developmental and functional needs of the child (See OAR 581-015-2205).

As noted above, the evidence provided in the record is replete with instances and examples of when the District considered the Parent's input to enhance the education of the Student. For example, the District clearly included the Parent's suggestion for a preferred activity as a tool to transition Student to the school, by offering to allow Student to have Power Pumper opportunities with District staff. District also allowed Parent the ability to determine the times when Student could initially transfer into the school, as further detailed in the prior section. The District offered sufficient evidence to show that District considered and addressed parental concerns. Parent's allegation is not substantiated.

## **3. When IEPs must be in effect/IEP Implementation**

Parent alleges the District placed the Student in an inappropriate setting for the Student which was not supported by the Student's initial IEP (OAR 581-015-2220 and 34 CFR 300.323).

School districts must provide special education and related services to a child with a disability in accordance with an IEP (See OAR 581-015-2220).

In this case, the Student had a current IEP from Springfield School District when the Student transferred into the District. That IEP noted that the Student attended an on-line charter school program and the Student received services for PT, OT, and SLP at the resident school.

When the Student entered the District, the Parent requested that the Student be home schooled but also participate in an elementary on-line program and receive special education services. Oregon law does not consider home schooling a form of private school or charter school, and in Oregon, District responsibility for home schooled students under the IDEA is only for Child Find and Evaluation.<sup>13</sup> A district may consider offering IEP services to home schooled students who are enrolled in the district, but state rules only require districts to consider such an offer, not necessarily to provide IEP services to home school students.<sup>14</sup>

The District was correct to note that the IEP in effect when the Student transferred into Portland Public School District had an incorrect placement recommendation of "on-line charter school." This placement was inadequate for two reasons, first, Portland Public School District does not offer an on-line program for elementary aged students. The District's on-line school program is only available to high school students and uses a lottery system. Next, and more importantly, a charter school is a parental school choice option, not a placement option for IDEA purposes. An on-line charter school would typically be considered a general education placement for IEP purposes. The District accordingly reviewed the IEP as noted in the allegations above to discuss

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<sup>13</sup> See OAR 581-015-2080(2)(f)

<sup>14</sup> See OAR 581-021-0029

an appropriate placement for the student upon transfer to their district, with all of the appropriate parties.

The student never attended ORCA. It should be noted that the Springfield IEP was never implemented or adopted by ORCA, reportedly due to the Student's inability to use the computer at a desk. Prior to the completed transfer to ORCA, the Parent relocated to the Portland area. The Student did not attend any formal education program after leaving the Oregon City School District in April 2012.

The Portland Public School District did not have any other information at the time of the two IEP meetings to ascertain if a transitional IEP had previously been developed for the Student that addressed the Student's anxiety. The District was clearly at a disadvantage to implement the current IEP which did not reflect the transitional status of the Student and which did not contain a valid placement option available in this particular District.

Further, Parent withdrew the Student from school on February 26, 2013 before the District could obtain the Student's records from Oregon City. The District received copies of the Student's records from Oregon City during the first week of March, but they were filed away without review due to the Student's prior withdrawal by Parent.

The District adopted the current IEP for the Student when the Student transferred in, and did not alter service levels. The District created a listing of placement options designed to give the Student access to all the services the Student required pursuant to the existing IEP. Further, the District complied with Federal guidelines in transitioning the Student to a Least Restrictive Environment at a local elementary school.

Finally, the District's attempt at placing the Student at the elementary school was not entirely in opposition to the Student's Springfield IEP which contains a Placement Determination stating that the child will attend one class at the Student's local school. The October 2012 IEP also includes numerous measurable annual goals for Social/Behavior skills including taking turns with others, interacting with others/play partners, and participating in conversations. This IEP also includes numerous communication goals including increasing receptive and expressive language skills and writing goals which include making writing legible to unfamiliar adults. These goals and all others from the October 2012 IEP were considered by the District when determining an appropriate placement. The specific goals detailed above, are goals that the District could reasonably work with more appropriately in a school based placement than in the more restrictive home instruction placement.

The allegation that the District failed to consider the child's initial IEP from the previous District is not substantiated under these facts.

#### **4. Transfer student**

Parent alleges the District did not provide FAPE (including services comparable to those described in the IEP from the previous in-state school district) until either adopting the IEP of the previous district or developing a new IEP for the Student (OAR 581-15-2230 and 34 CFR 300.323).

If a child with a disability (who had an IEP that was in effect in a previous school district in Oregon) transfers to a new district in Oregon, and enrolls in a new school within the same school year, the new school district (in consultation with the child's parents) must provide a free

appropriate public education to the child (including services comparable to those described in the child's IEP from the previous district), until the new district either: (a) Adopts the child's IEP from the previous school district; or (b) Develops, adopts and implements a new IEP for the child (OAR 581-15-2230).

The Student had been previously enrolled in Springfield School District during the 2012-2013 school year when the Student transferred to the Portland Public School District in January, 2013. The Student transferred with a current IEP from Springfield School District.

The District adopted the Springfield IEP. Under the previous Springfield IEP, the Student was to receive Special Education services, more specifically 30 minutes of physical therapy per month and 30 minutes of Occupational Therapy per month. The Springfield IEP was subsequently fully incorporated into the District IEP. The District did offer comparable services to the Student. The District also fully adopted the Springfield IEP's "Related Services." The question here is not whether the parent was consulted or whether the IEP was suitable, but rather the question is whether the District adopted the previous IEP and if so, did the District offer the same services to the Student as previously offered in Springfield. To this the answer is yes. The District did adopt, fully, the previous IEP from Springfield and did offer the same services to the Student as were offered in the previous IEP. Therefore the Parent's allegation is not substantiated.

#### V. CORRECTIVE ACTION<sup>15</sup>

*In the Matter of Portland School District*  
Case No. 13-054-012

Based on the facts provided, the Department did not find violation of the IDEA, and no corrective action is ordered.

Dated: this 23rd day of May, 2013



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Sarah Drinkwater, Ph.D.  
Interim Assistant Superintendent  
Office of Student Learning & Partnerships

Mailing Date: May 23, 2013

**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.

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<sup>15</sup> 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).