

**BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION**

In the Matter of Reynolds SD 7

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FINDINGS OF FACT,  
CONCLUSIONS,  
AND FINAL ORDER  
Case No. 14-054-034

**I. BACKGROUND**

On October 14, 2014, the Oregon Department of Education (Department) received a letter of complaint from the parent (Parent) of a student (Student) residing in the Reynolds 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 October 14, 2014 and provided the District a copy of the complaint letter on October 15, 2014.

On October 21, 2014, 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 November 3, 2014. The District remitted its *Response* which was received by the Investigator on November 5, 2014. The District then submitted its *Response* to the Parent. The District's *Response* included a narrative response, exhibit listing, and the following documents:

1. Record review dated December 17, 2008
2. SLP Three Year Re-evaluation report dated January 20, 2009
3. Statement of Eligibility for Special Education (Mental Retardation 10) dated January 30, 2009 (Does Not Qualify)
4. Statement of Eligibility for Special Education (Communication Disorder 50) dated January 30, 2009 (Does Not Qualify)
5. Psycho Educational Assessment dated February 6, 2009
6. Educational Report for Re-evaluation dated February 9, 2009
7. Statement of Eligibility for Special Education (SLD 90) dated February 17, 2009
8. Educational Report for Re-Evaluation dated February 13, 2012
9. Class Observation for Student dated February 17, 2012
10. Statement of eligibility dated February 21, 2012 (SLD 90)
11. Meeting Notes dated February 21, 2012
12. Executed receipt of Reynolds School District Rights and Responsibilities Handbook, signed by Parent, dated January 8, 2013 for RLA East
13. Incomplete IEP dated January 8, 2013
14. The Student's IEP dated January 8, 2013
15. Team Meeting Notes from January 8, 2013 IEP meeting
16. Prior Written Notice of Educational Placement dated September 18, 2013
17. Special Education Placement Determination dated September 18, 2013
18. IEP Progress Notes dated November 13, 2013
19. The Notice of Team Meeting dated November 20, 2013
20. Prior Written Notice dated December 10, 2013 changing Student's Educational Placement
21. The Student's IEP dated December 10, 2013
22. The Special Education Team Meeting notes from the December 10, 2013 IEP meeting
23. IEP Progress Notes dated January 20, 2014

24. School psychologist test descriptions dated September, 2014 (no specific numerical date)
25. Notice of Team Meeting dated September 17, 2014
26. Record review for re-evaluation planning dated September 17, 2014
27. Prior Notice about Evaluation/Consent to Evaluation dated September 26, 2014
28. Prior Written Notice dated September 26, 2014 regarding three year evaluation and need for additional testing
29. Parental Consent for evaluation dated September 26, 2014
30. Team Meeting Notes dated September 26, 2014
31. Speech Language Pathology Tests dated September 26, 2014
32. School Psychologist Test Descriptions dated October 7, 2014
33. Notes of District SLP dated October 7, 2014
34. Handwritten notes dated October 7, 2014

During the in person interview, the Parent submitted the following documents:

1. Referral Letter for Student from OHSU dated December 17, 2002
2. OHSU CDRC Occupational Therapy Report Dated January 2, 2003
3. OHSU CDRC Speech/Language Pathology Report Dated January 2, 2003
4. OHSU CDRC Psychology Report dated January 2, 2003
5. Report Cards beginning from Multisensory Learning Academy beginning with the Student's Kindergarten year (2002-2003) through 5<sup>th</sup> Grade (2007-2008)
6. Handwritten undated Progress Notes from OHSU Social Worker B. Dworschak, LCSW
7. OHSU Child Development and Rehabilitation Center ("CDRC") Cognitive Report dated January 2, 2013
8. 7<sup>th</sup> and 8<sup>th</sup> grade report cards and Progress Reports from Reynolds Middle School
9. Transcript from Reynolds High School for first semester 9<sup>th</sup> grade;
10. Report card from RLA East for first semester 10<sup>th</sup> grade.
11. Report cards and Progress Reports (letter grades and attendance only) from RLA West for 11<sup>th</sup> grade;
12. Report card for first quarter from RLA West for 12<sup>th</sup> grade..

During the in person interview, the District submitted the following supplemental documents at the request of the Investigator:

1. Detailed Progress Reports regarding the Student's annual goals;
2. Consumer Math Worksheet/Test completed by the Student dated November 6, 2014

The Department's complaint investigator determined that on-site interviews were required. On November 17, 2014, the Department's investigator interviewed the Parents, Principal, Special Education Teacher and a Regular Education Teacher. 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.

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<sup>1</sup> OAR 581-015-2030(12) (2008)

## 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 October 14, 2013 through October 14, 2014.

	<b>Allegations</b>	<b>Conclusions</b>
1.	<p><b><u>Content and Implementation of IEP</u></b></p> <p>Parent alleges that the District failed to develop and implement an IEP that addressed the Student's disabilities. Specifically, the IEP did not include accommodations that took into account the Student's disability.</p> <p>OAR 581-015-2200, 34 CFR 300.323, 34 CFR 300.320.</p>	<p><b>Substantiated in part</b></p> <p>The IEPs in effect dated January 8, 2013 and December 10, 2013 were implemented for the Student. Additionally, the Student received other accommodations at the alternative schools attended based on the schools' special offerings for all students. However, transition requirements from the January 8, 2013 IEP were missing, so this allegation is substantiated in relation to the IEP Content allegation in respect to the missing transition components for the January 8, 2013 IEP.</p>
2.	<p><b><u>Failure to provide transition services.</u></b></p> <p>Parent alleges that the District failed to include in the IEP and to provide transition services and planning (i.e. post-secondary goals) so that the Student could be employed upon graduation.</p> <p>OAR 581-015-2235, OAR 581-015-2200(2), 34 CFR 300.320(b) 34 CFR 300.324(c).</p>	<p><b>Substantiated</b></p> <p>The January 8, 2013 IEP included no transition information, despite the fact that the Student would turn 16 during the year this IEP was in effect. However, the December 10, 2013 IEP does include minimal transition planning, information, and services for the Student who was 16 when the December 8, 2013 IEP was drafted. This allegation is substantiated.</p>

	<b><u>Requested Corrective Action</u></b>	
1.	The Student will be re-evaluated and an appropriate IEP will be developed for the Student that will allow the Student to obtain a modified diploma.	
2.	The new IEP based on the new evaluation will ensure that the Student's special needs are met and that the Student has accommodations to get an	

	education, pass classes and earn credits and get a diploma.	
3.	The District will reimburse the Student for lost wages at the minimum wage over a three year period due to three additional years of school that the Student will have to attend in order to get a diploma.	

### III. FINDINGS OF FACT

1. The Student is 17 years old and resides in the Reynolds School District. The Student currently attends Reynolds Learning Academy West. The Student has earned 8.5 credits toward a regular diploma and is eligible for special education as a student with a Learning Disability.
2. The Student initially received Early Childhood Special Education services through the Evergreen School District in Washington State beginning at approximately age 3 and has continued as a student eligible for special education.
3. The Student was enrolled in the Multisensory Learning Academy ("MLA") from kindergarten through middle school. Throughout elementary school, the Student's grades either reflected that the Student met standards or was making progress towards meeting standards. The Student has always required prompting and reminders to complete tasks and had worked with an educational assistant regularly from elementary through middle school.

The Student entered high school at Reynolds High School in September of 2011 with an IEP. However, the Student failed most classes at this school. Parent reported that when the Student entered high school, the Student no longer had an educational assistant to assist with any coursework or in the classroom.

4. The Student transferred to Reynolds Learning Academy (RLA) East from the regular high school, during the second half of the Student's freshman year in January of 2012. RLA East is a general education placement too, but it is an alternative school which was described as a smaller therapeutic environment designed to assist students who are challenged in a more traditional high school setting.
5. The Student's IEP which was developed on January 8, 2013 contained the following specially designed instruction:

Specially designed instruction	Anticipated Amount/Frequency	Anticipated Location	Starting date	Ending Date	Provider
Written Language	150 min/wk	Gen Ed Classroom	1/8/2013	1/7/2014	LEA
Reading	150 min/wk	Gen Ed Classroom	1/8/2013	1/7/2014	LEA

Mathematics	150 min/wk	Gen Ed Classroom	1/8/2013	1/7/2014	LEA
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6. The Student's January 8, 2013 IEP contained the following Supplementary Aids and Modifications:

Supplemental Aides/Services; Modifications, Accommodations	Anticipated Amount/Frequency	Anticipated Location	Starting Date	Ending Date	Provider
Additional Time for Testing	60 min per test	Gen Ed Classroom	1/8/2013	1/7/2014	LEA
Preferential Seating	Throughout the day	School Wide	1/8/2013	1/7/2014	LEA

The Student's measurable goals for this IEP were as follows:

Measurable Annual Goal:	Measurable annual short term objectives:
A. [The Student] will be able to use the multi-step writing process (identify purpose, generate ideas, plan, draft, revise and publish) to engage [the Student's] ideas at 6 <sup>th</sup> grade ability level or higher by the end of the new IEP period.	1. [The Student] will be able to write in a variety of modes (persuasive, expository and narrative) at [the Student's] ability level using the multi- step writing process with 80% accuracy or greater on 4 out of 5 trials by the end of the new IEP period.
	2. [The Student] will be able to structure ... writing by developing a beginning, middle and end with clear sequencing at [the Student's] ability level with 80% accuracy on 4 out of 5 trials by the end of the new IEP period.
	3. [The Student] will be able to use correct spelling, grammar, punctuation, capitalization and paragraphing at [the Student's] ability level with 80% accuracy of greater on 4 out of 5 trials by the end of the new IEP period.

Measurable Annual Goal:	Measurable Short-Term Objectives:
B. [The Student] will continue to read accurately by using phonics, language structure, and visual cues, at [the Student's] ability level, with 80% accuracy or greater on 4 out of 5 trials by the end of the new IEP period.	1. [The Student] will read orally with natural phrasing, expression, flow and pace, at [the Student's] ability level, recognizing phonetic and grammatical structures with 80% accuracy or greater on 4 out of 5 trials by the end of the new IEP period.

	2. [The Student] will use context clues to choose the correct meaning for identifying words in a reading passage with 80% accuracy or greater on 4 out of 5 trials, at [the Student's] ability level, by the end of the new IEP period.
	3. [The Student] will use pictures, charts, and graphs in various subject areas to determine the meaning of words in a passage at [the Student's] ability level, with 80% accuracy or greater on 4 out of 5 trials by the end of the new IEP period.

<b>Measurable Annual Goal:</b>	<b>Measurable Short Term Objectives:</b>
C. The Student will improve overall math scores in estimation, number theory, and computation at [the Student's] ability level, with 80% accuracy or greater on 8 out of 10 trials by the end of the new IEP period.	1. [The Student] will be able to perform calculations of whole numbers, fractions, decimals at [the Student's] ability level with 80% accuracy or greater by the end of the new IEP period.
	2. [The Student] will be able to use the appropriate signs and symbols to write equations with 80% accuracy or greater by the end of the new IEP period on 4 out of 5 trials
	3. [The Student] will be able to estimate solutions to problems and determine if the solutions are accurate and reasonable with 80% accuracy or greater on 4 out of 5 trials by the end of the new IEP period.

7. The Student reached sixteen years of age in June of 2013.
8. The Student transferred to another campus of the Reynolds Learning Academy, RLA West at the beginning of the 2013 school year, around September of 2013.
9. A special education placement determination form dated September 18, 2013 based on the IEP dated January 8, 2013 indicates student needs regular classes with special education support through pull out in an alternative setting.
10. A prior written notice dated September 18, 2013 notes student is being moved to a less restrictive environment due to showing "tremendous growth" and needing a less restrictive environment. The document notes the decision will be implemented on September 18, 2013.
11. District provided information related to how the IEP was implemented for the Student in both alternative schools, along with the extra accommodations provided to all students in the alternative school environments. No documents were found to evidence a failure to implement any IEP in effect for the Student during the scope of the investigation.

12. The District noted that the class sizes for the Student were approximately 15 students, and noted that RLA West uses proficiency based grading, so there are no time limits on the testing for any student.
13. While attending RLA West, the Student was withdrawn twice by the District for excessive absences, although a portion of the absences were excused by the Student's Parent.
14. On December 10, 2013, a new IEP was created for the Student. Prior to the December 2013 IEP team meeting, the Student had turned 16 years old. The Student did not attend the IEP meeting but was invited through the meeting notice.
15. The December 10, 2013 IEP contained the following specially designed instruction for the Student:

Service area	Provider	Role	Anticipated Location	Time	Frequency	Start Date	End Date
Written language	LEA	Regular Education teacher	Gen Ed Classroom	60 minutes	Per week	12/10/2013	12/9/2014
Mathematics	LEA	Regular Education Teacher	Gen Ed Classroom	60 minutes	Per week	12/10/2013	12/9/2014
Behavior	LEA	Other	Provider's Space	60 minutes	Every month	12/10/2013	12/9/2014
Reading	LEA	Regular Education Teacher	Gen Ed Classroom	60 minutes	Per week	12/10/2013	12/9/2014

16. The December 10, 2013 IEP contained the following Supplementary Aids/Services, Modifications; Accommodations.

Description	Provider	Role	Anticipated Location	Time	Frequency	Start Date	End Dated
Opportunity to meet with adult support for mental health needs	LEA	Regular Education Teacher	Provider's Space	20 minutes	Per session	12/10/2013	12/9/2014

**The Student's measurable annual goals were as follows**

- A. [The Student] when about to slip into a non-responsive state will be able to use coping strategies including breathing techniques, seeking adult support, saying or nodding he is not going to harm himself or eating a snack.
- B. Given a 6<sup>th</sup> grade IRI, [the Student] will be able to answer 70% comprehension questions at the 6<sup>th</sup> grade level on 2/3 opportunities.

C. Given a writing scaffold, [the Student] will independently compose a written paragraph, scoring a 4 in all categories.

17. The December 10, 2013 IEP also contained a "Summary of Age Appropriate Transition Planning" which include the following:

**Transition Information includes: Measurable post-secondary goals:**

Training: [The Student] will participate in all necessary training associated with ... post high school career.

Education: Upon graduation from high school, [the Student] will participate in community college full time.

Employment: Upon graduation from high school with a standard diploma, [the Student] will be employed in a non-retail or restaurant position.

**Independent Living Skill:** (This section was left blank)

**Transition services (including projected courses of study) to assist in meeting post-secondary goals:**

School year: 2013-2014

List courses: Art

Coordinated activity: Work with transition specialist

18. The Summary of Present Levels of Performance for Transition Planning on the December 10, 2013 IEP are as follows:

**Student preferences, needs and interests:**

[The Student] is going to work with a transition specialist to help [the Student] tease this out. At present, short of attending college, [the Student] is unsure of . . . aspirations in life.

**Results of age appropriate assessments:**

A one-on-one inquiry led to very minimal results. [The Student] is unable to articulate ...needs. [The Student] has said [the Student] does not want to work in retail or a restaurant. [The Student] has not been in school during assessment periods.

19. The Student did not attend the December 10, 2013 IEP meeting although the Parent did and the meeting notice indicates student was invited.

20. The home school and attending school noted on the Special Education Placement Determination form dated December 10, 2013 is Reynolds Learning Academy. The placement selected on this form is regular education 80% with special education pullout.

21. On January 8, 2014, a District employee met with the Student regarding transition services. The District employee attempted to ascertain what the Student's post-secondary goals were. The Student represented that the Student wanted to attend community college and that credit recovery and graduation were the most important thing at that time. The Student had no

interest in working in a restaurant or in a retail job. The District employee gave the Student her phone number and offered help if the Student needed any assistance with college enrollment, Job Corps or gaining job skills. To date, no other transition assistance or planning has been given to the Student.

22. "Art" was included as a course of study for transition planning by the District because it was reported as the only elective available at RLA West when the December 10, 2013 IEP was written for the Student. The parent reports that the Student has never taken an art class and has no interest or aptitude in art or any of the fine arts, although the Student will listen to music.
23. The Student was enrolled in a speech class in the spring semester of the 2013-2014 school year. The Student did not participate in the class, i.e. the Student did not give any oral presentations. The speech teacher spoke with the Student on at least two occasions in an attempt to have the Student participate in the class. The teacher offered accommodations to the Student, i.e. allowing the Student to give an oral presentation to a smaller group and allowing the Student to give an oral presentation before faculty rather than classmates. The Student did not take advantage of either proffered accommodations.
24. At the end of the Student's 11th grade year, the Parent and the District discussed the possibility that the Student would get a GED.
25. The Student enrolled in summer school at the District (summer 2014).
26. The Student attempted an on-line program through the District at the beginning of the 2014 school year, around September of 2014. The Student was not successful in this program, and returned to RLA West around September 30, 2014.
27. On September 8, 2014, the Parent and District discussed education options and concluded that perhaps an on-line program would work best for the Student. Beginning September 12, 2014, the Student attempted, for several weeks, to participate in the on line classes, but gave up because the material was too difficult and the Student did not sign up for any assistance from RLA West.
28. During the last weeks of the first quarter of the 2014-2015 school year, the Student returned to RLA West after the attempted on-line classes proved futile. The Student attended classes but did not receive any credit for those classes because the Student missed one entire half of the quarter.
29. Currently, the Student is attending RLA West and is in Supervised Study. Supervised Study is equivalent to having specialized instruction in a resource room.
30. The District reports that Student has never completed any interest inventory.
31. During the Student's 11th grade year, the Student was enrolled in Supervised Study.
32. During the pendency of this complaint, the Student is being re-evaluated for Specific Learning Disability (SLD), Autism and Emotional Disturbance. The Parent has signed all consent forms for all testing.

## DISCUSSION

### I. IEP Content and IEP Implementation

The Parent alleges that the District failed to develop and implement an IEP that addressed the Student's disabilities. Specifically, the IEP did not include accommodations that took into account the Student's disability.

A District is tasked with developing an IEP for a student that will confer an educational benefit upon the student.<sup>2</sup> An IEP must include: A statement of the child's present levels of academic achievement; A statement of measurable annual goals, including academic and functional goals; A description of how the child's progress toward meeting the annual goals will be measured; A statement of the special education and related services and supplementary aids and services to be provided to the child; An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the extracurricular or other nonacademic activities; A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on statewide and districtwide assessments; and the projected date for the beginning of the services and modifications along with the anticipated frequency, location, and duration of those services and modifications in addition to some other factors that may be required based on student need.<sup>3</sup>

When developing an IEP for a child with a disability, an IEP team must consider: the strengths of the child; the concerns of the parents for enhancing the education of their child; the results of the initial or most recent evaluation of the child; and the academic, developmental, and functional needs of the child.<sup>4</sup> Additionally, beginning no later than the first IEP in effect when a child turns 16, or younger if determined appropriate by the IEP team, and updated annually thereafter. An IEP must include appropriate measurable post-secondary goals based upon age appropriate transition assessments related to training, education, employment and where appropriate independent living skills and the transition services, including course of study, needed for reaching those goals<sup>5</sup>.

After the IEP is written and an appropriate placement determined, the district is obligated to provide the student with the special education and related services as listed in the IEP.<sup>6</sup> A District must implement an IEP with all of its required components.<sup>7</sup>

In its *Response*, District notes the Student was provided with all components of the IEPs in addition to extra accommodations that are afforded to all students at the alternative school high schools which include: smaller class size for all students, flexible learning environment, after school support until 8:00 pm, proficiency based grading, advisory classes each Friday and assigned student advisors, access to a resource room, supervised study class, and additional adult supports which include a social worker, counselor, and campus monitor. The Student passed Reading Support and Math Intervention with Cs and also passed Integrated Math with a B. The record shows the District did implement this IEP to the extent practicable when the Student was in the alternative schools.

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<sup>2</sup> See *Board of Education v. Rowley*, 458 US 176, 102 S Ct. 2024 (1982)

<sup>3</sup> 34 CFR 300.320

<sup>4</sup> 34 CFR 300.324 (a)(1).

<sup>5</sup> OAR 581-015-2200(2)

<sup>6</sup> 34 CFR 300.323 (c)

<sup>7</sup> 20 USC 1414(d)(2)(A) and 34 CFR 300.323(c)

As for IEP Content in this case, we must examine two separate IEPs which were developed for the Student during the time of this investigation. The first IEP was developed on January 8, 2013. This IEP had all required components except for the necessary transition requirements which will be detailed in the analysis below. As the Student in this case would turn 16 on June 15, 2013, the January 8, 2013 annual IEP would be in effect for the student when the student turned 16. As such, transition requirements would apply for this IEP which will be detailed below.

The second IEP in effect during this timeframe is dated December 10, 2013 when the Student's IEP was written by RLA West staff. This IEP includes all necessary components including the transition requirements which were not present on the January 8, 2013 IEP. This IEP gave the Student a mental health service accommodation based on Student need. There is also evidence the Student was given accommodations in speech class, when the Student was given extra time on a project, during this time frame. There is no evidence the December 10, 2013 IEP was not implemented.

This allegation is substantiated with respect to the missing transition content requirements from the January 8, 2013 IEP. See Corrective Action.

## **II. Failure to Provide Transition Services**

Parent alleges that the District failed to include in the IEP and to provide transition services and planning (i.e. post-secondary goals) so that the Student could be employed upon graduation.

Pursuant to 20 USC §1401 (a)(18), once a student reaches the age of 16, the IEP must contain transition services which are designed to aid a student in achieving post-secondary goals, whether they be academic, job related or independent living related.<sup>8</sup> The IEP must also include transition services, including courses of study to assist a student in reaching those goals.<sup>9</sup> Transition components must be in an IEP beginning no later than the first IEP in effect when the child turns 16, or younger, if determined appropriate by the IEP team and updated annually thereafter.<sup>10</sup> These transition components include appropriate measurable post-secondary goals based upon age-appropriate transition assessments and transition services including course of study needed to assist the child in reaching those goals.<sup>11</sup> The transition plan must be tailored to reflect the skills and interests of the student.<sup>12</sup>

The Student turned 16 in June of 2013, so the January 8, 2013 IEP would be the first IEP in effect when the student turned 16. This IEP included no transition services, nor any post-secondary goals. Accordingly, the allegation is substantiated for this IEP.

The December 10, 2013 IEP does have transition planning and post-secondary goals, but they are minimal. The Student's preferences, needs, and interests state that "Student is going to work with transition specialist to "...help Student tease this out". At present, short of attending college

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<sup>8</sup> Transition services available under the IDEA consist of a coordinated set of activities for a student, designed within an outcome oriented process, which promotes movement from school to post-school activities, including post-secondary education, vocational training, integrated employment . . . continuing and adult education, adult services, independent living or community participation. The coordinated setoff activities shall be based upon the individual student's needs, taking into account the student's preferences and interests and shall include instruction, community experiences, the development of employment and other post-school living objectives. 20 U.S.C. §1401(a)(19).

<sup>9</sup> See 34 C.F.R. § 300.321(b)(3).

<sup>10</sup> OAR 581-015-2200(2)

<sup>11</sup> Id.

<sup>12</sup> K.C. v. Mansfield Indp. Sch. Dist., 52 IDELR 103 (N.D. Tex. 2009).

“...student is unsure of aspirations in life.” The results of the age appropriate transition assessments states, “A one-on-one inquiry led to very minimal results. Student is unable to articulate needs. Student said Student does not want to work in retail or a restaurant. Student has not been in school during assessment periods.” For the post-secondary goals portion of the IEP, the document states that “Student will participate in all training associated with post high school career. Education- upon graduation student will participate in community college full time. Employment- upon graduation from high school student will be employed in non-retail or restaurant.” The independent living skills portion is blank. The transition services on the December 2013 IEP state that the Student will take an Art course and work with the transition specialist. The Parents reported that the Student had no interest or strengths in Art.

The District continues to point to the Student's inability to articulate individual interests as a reason to forego detailed transition planning and states that the Student's absences during assessment periods have thwarted any progress toward a viable transition plan. As previously discussed, a student's absence does not constitute a good reason for failing to engage in transition planning as transition assessments are informal assessments that can happen any time based on student availability. According to the latest attendance information, the Student does attend school at times, but still no more detailed transition information has been updated for the Student. The Student has also not been enrolled in the Advanced Enrichment Class which is the District's proffered method of interest assessment at RLA West either during the Student's junior or senior year. Finally, there is no evidence that the Student is entered in a course of study to help with the post-secondary goals.

This allegation is substantiated. See Corrective Action.

**V. CORRECTIVE ACTION<sup>13</sup>**  
*In the Matter of Reynolds School District*  
 Case No. 14-054-034

	<b>Action Required</b>	<b>Submissions<sup>14</sup></b>	<b>Due Date</b>
1.	<p><b><u>Staff Training</u></b></p> <p>a. After ODE approves the Districts policies and procedures related to student implementing an IEP when students transfer into an alternative education program, such as the Reynolds Learning Academy (RLA), the District will schedule a webinar training on these policies for specified District staff.</p>	<p>Contact Sally Simich to determine and schedule dates for training webinar(s) and e-mail to ODE a list of participants that include names, positions, and location.</p>	<p><b>January 12, 2015</b></p>

<sup>13</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).

<sup>14</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.#

	<p>This training may be provided in conjunction with the IEP Development training specified in #1.b. below.</p> <p>b. The District will schedule a webinar with Sally Simich,<sup>15</sup> ODE transition specialist, to provide training on developing the IEP content for secondary transition to any administrators, staff, counselors, and related services personnel, including those affiliated with the Reynolds Learning Academy, who may participate in IEP meetings for secondary students.</p>	<p>Upon completion of the webinar, submit a signed and dated list of participants to ODE.</p> <p>When submitting documentation by e-mail, please include the following ODE staff members in the e-mail distribution.  <a href="mailto:raeann.ray@state.or.us">raeann.ray@state.or.us</a>;  <a href="mailto:jan.burgoyne@state.or.us">jan.burgoyne@state.or.us</a>.</p>	<p><b>March 31, 2015</b></p>
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Dated: this 15th Day of December, 2014

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

Mailing Date: December 15, 2014

<sup>15</sup> Sally Simich, [sally.simich@ode.state.or.us](mailto:sally.simich@ode.state.or.us) or 503-947-5639.