

28. Annual measurable goal progress reports dated February 16, 2017
29. Placement determination dated February 16, 2017
30. Inter-District email dated February 23, 2017
31. Student Grade Reports beginning September 28, 2015 through January 3, 2017
32. Mentor notes, undated
33. District Policy on Special Education – Procedural Safeguards dated October 21, 2009 and readopted September 18, 2013
34. Linn Benton Community College Progress and Attendance Reports from October 22, 2015 through February 1, 2015

The Department's Complaint Investigator determined that in person interviews were required. On March 22, 2017, the Complaint Investigator interviewed the Special Education Teacher and a General Education Teacher. The District's Special Education Director sat in on these interviews. The Investigator specifically requested the Student's current IEP on file as of the date of the interview and received:

1. Notice of Team Meeting dated February 3, 2017
2. IEP dated February 16, 2017
3. Prior Written Notice dated February 16, 2017
4. Meeting Notes dated February 16, 2017
5. Services Summary Page dated February 16, 2017
6. Placement Page dated February 16, 2017

The Department's Complaint Investigator also interviewed the Student and the Student's Parents on March 22, 2017. At the request of the Complaint Investigator, the following documents were provided by the Parents:

1. Notice of Team Meeting dated January 10, 2017 for meeting schedule for Thursday, January 26, 2017 at 3:10 pm
2. Copy of the Student's IEP dated January 20, 2017
3. Special Education Placement Determination dated January 20, 2017 and initialed by SPED teacher.
4. Prior Written Notice dated January 21, 2017
5. Meeting notes dated January 20, 2017
6. Notice of Team Meeting dated February 3, 2017 for meeting scheduled February 16, 2017
7. Student IEP dated February 16, 2017
8. Special Education Placement Determination Page dated February 16, 2017 executed by all team members including Parents and Student
9. Copy of Parent notes taken during February 17, 2017 IEP meeting (as email attachment)

The District's Counsel remitted the following documentation to the Complaint Investigator on March 27, 2017:

1. Draft IEP dated February 16, 2017 correcting all previous deficiencies in February 16, 2017 IEP created by the District
2. Draft revision of the Student's Present Levels of Academic Achievement and Functioning dated February 16, 2017 and draft revision to Student's Placement Determination correcting previous erroneous Placement Determination by the District.

On April 3, 2017, the Complaint Investigator contacted the District and its Counsel and

requested a copy of the District's Procedural Safeguards. The District supplied its Procedural Safeguards to the Complaint Investigator on April 5, 2017.

The 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. This Complaint covers the time period from February 18, 2016 through February 17, 2017.

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 in order to participate in mediation, or if exceptional circumstances require an extension.¹ This order is timely.

II. ALLEGATIONS AND CONCLUSIONS

The Department has jurisdiction to resolve this Complaint under 34 CFR § 300.151-153 and OAR 581-015-2030. The 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.

	Allegations	Conclusions
(1)	<p><u>Parent Participation/Special Factors</u></p> <p>The Parent alleges the District violated the IDEA because the District failed to give the Parent notice of the cancellation of the Student's annual IEP meeting and failed to reschedule the IEP meeting to allow the Parent and the Student to attend. The Parent also alleges that the District violated the IDEA by failing to give the Parent information about the Student's annual IEP meeting including whether or not an IEP meeting was actually held.</p> <p>(OAR 581-015-2190, OAR 581-015-2195, OAR 581-015-2210, 34 CFR 300.321, 34 CFR 300.322)</p>	<p>Substantiated.</p> <p>The District failed to hold an IEP meeting for the Student on January 26, 2017 at 3:10 p.m. even though this time was stated in the revised Notice of Team Meeting. Upon learning of the cancellation, the Student requested to receive the IEP for review the following week rather than reschedule the meeting. The District did not hold an IEP meeting at this time.</p>
(2)	<p><u>Procedural Safeguards/Notices</u></p> <p>The Parent alleges that the District violated the IDEA because it failed to give the Parent a copy of Procedural Safeguards and also failed to give the Parent a Notice of Transfer of Rights.</p>	<p>Not Substantiated.</p> <p>The District did remit Procedural Safeguards to the Student at the February 16, 2017 IEP Meeting. Procedural Safeguards must contain a Notice of Transfer of Rights. The Procedural Safeguards which the District has been</p>

¹ OAR 581-015-2030 (12)

	(OAR 581-015-2315, OAR 581-015-2330, 34 CFR 300.504, 34 CFR 300.520)	distributing for academic years 2015-2016 and 2016-2017 include information regarding a Transfer of Rights; hence the Parents received the Notice of Transfer of Rights on February 27, 2014.
(3)	<p><u>IEP Content</u></p> <p>The Parent alleges that the District violated the IDEA because it did not:</p> <p><u>PLAAFP/Parental Input</u></p> <p>a) create an IEP that addressed the Student's present levels of functioning, did not update the parental concerns section, and did not update the Student's IEP with the most recent state assessment scores.</p> <p><u>Meeting Attendance</u></p> <p>b) accurately reflect the attendees at the Student's annual IEP meeting;</p> <p><u>Updated Abilities/Annual Measurable Goals</u></p> <p>c) reflect the Student's academic abilities in reading and math and that the District did not update the Student's annual goals;</p>	<p>Substantiated in Part.</p> <p>a) The January 20, 2017 IEP contains the exact same information regarding the Student's present levels of functioning as the January 29, 2016 IEP. This information was not updated until the February 16, 2017 IEP. The Parental Concerns section of the IEP is blank, but there is evidence that both the Parent and the Student had an opportunity to express their concerns during the February 16, 2017 IEP Meeting. The Student's performance on the most recent state assessment was referenced, although the specific scores were not included.</p> <p>This portion of the allegation is substantiated with respect to the January 20, 2017 IEP but not with respect to the February 16, 2017 IEP.</p> <p>b) The January 20, 2017 IEP inaccurately reflects that the General Education Teacher and a District Representative attended an IEP Meeting on January 20, 2017. However, no IEP meeting occurred at that time.</p> <p>Therefore, this portion of the allegation is substantiated.</p> <p>c) The Student's academic abilities are addressed in subsection a) of this section. The Student's annual measurable goals in the January 20,</p>

	<p><u>Transition Planning</u></p> <p>d) update or address any Transition Planning for the Student.</p> <p>(OAR 581-015-2200, 34 CFR 300.320).</p>	<p>2017 IEP are identical to those in the previous IEP. The annual measurable goals in the February 16, 2017 are extremely vague and do not take into account the Student's actual levels of achievement.</p> <p>This portion of the allegation is substantiated.</p> <p>d) While the February 16, 2017 IEP provided to the Student includes current information regarding Transition Planning, another copy of an IEP, dated February 16, 2017, provided to the Complaint Investigator by the District does not. The January 20, 2017 IEP also does not provide current information regarding Transition Planning.</p> <p>This portion of the allegation is substantiated.</p>
(4)	<p><u>Predetermination of Placement</u></p> <p>The Parent alleges that the District violated the IDEA because it did not obtain any input from the Parent or the Student before determining the Student's placement.</p>	<p>Not substantiated.</p> <p>The District held an IEP Meeting with the Student and the Parents on February 16, 2017, during which all participated in determining placement.</p>
(5)	<p><u>IEP Team</u></p> <p>The Parent alleges that the District violated the IDEA because it held the Student's IEP meeting without obtaining a written consent to hold the meeting without the attendance of either the Student or the Parent.</p> <p>(OAR 581-015-2210, 34 CFR 300.116, 34 CFR 300.327)</p>	<p>Not substantiated.</p> <p>When the District was not prepared to hold the IEP meeting on January 26, 2017, as scheduled, the Student requested the IEP document be sent home with the Student. The District did not need the Adult Student's written consent in order to hold an IEP meeting. No IEP meeting was held at that time.</p>

<p>REQUESTED CORRECTIVE ACTION:</p>
<p>Parent requests that:</p> <p>a) the District hold a new IEP meeting for the Student and that the Parents and Student receive a written copy of the new IEP;</p>

- b) that an inquiry be made into other records from the District to make sure that this has not happened or will not happen to another student or parents within the District;
- c) additional training be given to the District's Special Ed Staff and Administration;
- d) the District provide progress notes with the Student's report cards; and
- e) any other actions suggested by the Department be taken in regard to this matter.

III. FINDINGS OF FACT

1. At the time of the filing of the Complaint, the Student was 18 years old and attending high school as a senior. The Student reached the age of majority in September, 2016. The Student resides in the Scio School District.
2. The Student was found to be eligible for services for a hearing impairment. The Student is hard of hearing and requires assistive technology devices or services.
3. The Student attends Linn Benton Community College ("LBCC") part-time through the PACE Program offered by the District. At the time the Complaint was filed, the Student was on District campus briefly each day to check in for attendance and then attended LBCC for morning sessions. The Student then returned to the District High School for 5th and 6th periods; thereafter the Student engaged in the "Cadet Teaching" program at another District School during the last period of the day. The Student is on track to graduate with a regular diploma and carries a cumulative GPA of 3.53.

A. IEP Content

4. The Student has had four IEPs prepared by the District beginning on February 11, 2015 and continuing to the date of the Complaint, February 17, 2017. The Student's Present Levels of Academic Achievement and Functioning (PLAAF) have been recorded as follows:

IEP Date	PLAAF
1/29/2016	<p>OAKS Math 234/235 (not met) Reading 242 (met) Science 235/236 (not met). The [Student's] performance in state testing indicates that [The Student] is on track to meet state standards in all subjects and has met them in Reading already.</p> <p>Goals:</p> <p>Self-management: [The Student] met the goal for asking to be moved away from noisy distractions. [The Student] has met the goal of using the chat pack daily.</p> <p>Writing: [The Student] met the previous goal of meeting the state writing scores through work samples. [The Student] is doing a great job in English class and no longer needs a goal in this area.</p> <p>Transition: A goal of understanding career requirements and doing research to learn options for taking sign language has been added to this IEP.</p>
1/20/2017	<p>OAKS Math 234/235 (not met) Reading 242 (met) Science 235/236 (not met). The [Student's] performance in state testing indicates that [The Student] is on track to meet state standards in all subjects and has met them in Reading already.</p> <p>Goals:</p>

	<p>Self-management: [The Student] met the goal for asking to be moved away from noisy distractions. [The Student] has met the goal of using the chat pack daily.</p> <p>Writing: [The Student] met the previous goal of meeting the state writing scores through work samples. [The Student] is doing a great job in English class and no longer needs a goal in this area.</p> <p>Transition: A goal of understanding career requirements and doing research to learn options for taking sign language has been added to this IEP.</p>
2/16/2017	<p>[The Student's] present academic achievement shows that [The Student] is on track to graduate in the spring with all credit earned. Reading, writing and math have not been a problem for [The Student] this year. [The Student] completed work samples in place of state tests that will allow [The Student] to graduate this Spring, 2017. State testing scores from last year show that [The Student] scored the following: Math 2596 – Level 2, Speaking 2674- 3, Writing 2613-Level 3, Reading and Literature 2746 – Level 4</p>

The Student has had the following Transition Activities:

1/29/2016	<p>Preferences/Interests/Needs: Preference: [The Student] wants to keep taking PACE and then work to become a Veterinarian.</p> <p>Interests: Animals, Veterinarian studies</p> <p>Needs: [The Student's] FM Hearing System</p> <p>Strengths: Very self-reliant</p> <p>Training: [The Student] will attend and complete regular education classes while at Scio High School. [The Student] will also take college classes to earn credit in the PACE program.</p> <p>Employment: [The Student] will explore employment opportunities that are of interest to [The Student] during [The Student]'s junior year.</p> <p>Independent living skills: Not needed at this time</p> <p>Transition services/Activities: [The Student] will be involved in . . . Mentor/Mentee class twice monthly while at Scio HS. This class involved [The Student] in conflict resolution, job shadows, community services and portfolio work.</p> <p>Course of study: Regular Ed classes working toward graduation.</p> <p>Agency participation: Not needed at this time.</p>
1/20/2017	<p>Preferences/Interests/Needs: Preference: [The Student] wants to keep taking PACE and then work to become a Veterinarian.</p> <p>Interests: Animals, Veterinarian studies</p> <p>Needs: [The Student's] FM Hearing System</p> <p>Training: [The Student] will seek out and gain employment interests/opportunities while attending LBCC while on the PACE program.</p> <p>Employment: [The Student] will explore employment opportunities that are of interest to [The Student] during [The Student]'s junior year.</p> <p>Independent living skills: Not needed at this time</p> <p>Transition services/Activities: [The Student] will be involved in . . . Mentor/Mentee class twice monthly while at Scio HS. This class involved [The Student] in conflict resolution, job shadows, community services and portfolio work.</p> <p>Course of study: Regular Ed classes working toward graduation.</p> <p>Agency participation: Not needed at this time.</p>

2/16/2017	<p>Preferences/Interests/Needs: Preference: [The Student] will complete the PACE and then work (sic) complete college registration this Spring 2017.</p> <p>Interests: Animals, Veterinarian and zoology studies</p> <p>Needs: [The Student's] FM Hearing System is still available for [The Student]'s use.</p> <p>Training: [The Student] will seek out and gain employment interests/opportunities while attending LBCC.</p> <p>Employment: [The Student] will look into employment opportunities are of if (sic) interest to [The Student] during the remaining school year 2017.</p> <p>Independent living skills: Not needed at this time</p> <p>Transition services/Activities: [The Student] has completed the Mentor/Mentee class at Scio HS. [The Student] will make contact with YTP representative to see if [The Student] qualifies for any transition services between now and graduation in June 2017.</p> <p>Course of study: College and high school classes for the remainder of the 2017 school year. [The Student] will continue to take classes at LBCC.</p> <p>Agency participation: Continue to work with the LBL ESD for hearing services.</p>
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5. The January 29, 2016 IEP noted that the Parents' input and concerns were: The Parent believes that [the Student] is a self-driven [person] with a positive attitude. The Parent also requested that a past goal be put back into [The Student]'s IEP.
6. The Student's IEP dated January 29, 2016 contained a "Placement Determination" page that selects a general education curriculum with Special Education support. This placement option was deemed to meet the requirements for least restrictive environment.
7. The Student's IEP dated January 20, 2017 contains a "Placement Determination" page that selects a general education curriculum with Special Education support. This placement option is deemed to meet the requirements for least restrictive environment.
8. The Student's IEP dated February 16, 2017 contains a "Placement Determination" page that selects general education with 100% of classroom curriculum with access available to Special Education to meet IEP goals. This placement option was noted as not meeting requirements for least restrictive environment. The option which was rejected was for general education curriculum with Special Education support. This rejected option was noted as meeting the least restrictive environment.
9. The Student's Annual Academic and Functional Goals were as follows:

IEP Date	Goals
1/29/16	<ol style="list-style-type: none"> 1. [The Student] will access [the] FM system, and make arraignments (sic) for continuing [The Student]'s education through LBCC and any other secondary institutions that has [The Student]'s field of study that [The Student] is interested in by 6/2016. 2. Within 6 months of graduation from high school, [The Student] will enroll in a college and begin earning credits toward [The Student]'s desired credits toward (sic) desired career of being a veterinarian. 3. [The Student] will use assistive technology (sound amplification system) and ask for help when needed.

1/20/2017	<ol style="list-style-type: none"> 1. [The Student] will access [the] FM system, and make arraignments (sic) for continuing [The Student]'s education through LBCC and any other secondary institutions that has [The Student]'s field of study that [The Student] is interested in by 6/2016. 2. Within 6 months of graduation from high school, [The Student] will enroll in a college and begin earning credits toward [The Student]'s desired credits toward (sic) desired career of being a veterinarian. 3. [The Student] will use assistive technology (sound amplification system) and ask for help when needed.
2/16/2017 Student's Copy of IEP	<ol style="list-style-type: none"> 1. [The Student] will access [The Student]'s FM system, and make arraignments (sic) for continuing [The Student]'s education through LBCC and any other secondary institution that has [The Student]'s field of study that [The Student] is interested in by 6/2017. 2. [The Student] will set up visit to Oregon State University and Western Oregon University to look at college programs. 3. [The Student] will apply for scholarships and grants, with assistance from the counseling department. 4. [The Student] will develop preplanning and mapping strategies to her [The Student] be successful in college. <p>Objectives:</p> <ol style="list-style-type: none"> 1. Learn to use "Google Calendar" 2. [The Student] will add preplanning app to [The Student]'s phone.
2/16/2017 District Copy of IEP	<ol style="list-style-type: none"> 1. [The Student] will access [The Student]'s FM system, and make arraignments (sic) for continuing [The Student]'s education through LBCC and any other secondary institution that has [The Student]'s field of study that [The Student] is interested in by 6/2017. 2. Within six months of graduation from high school [The Student] will enroll in a college and begin earning credits toward her desired credits toward (sic) desired career of being a veterinarian. 3. [The Student] will use assistive technology (sound amplification system) and ask for help when needed.
Copy of IEP provided by District's Counsel on 3/22/2017 (with an IEP meeting date of February 16, 2017)	<ol style="list-style-type: none"> 1. [The Student] will access [The Student]'s FM system, and make arraignments (sic) for continuing [The Student]'s education through LBCC and any other secondary institution that has [The Student]'s field of study that [The Student] is interested in by 6/2017. 2. [The Student] will set up visit to Oregon State University and Western Oregon University to look at college programs. 3. [The Student] will apply for scholarships and grants, with assistance from the counseling department. 4. [The Student] will develop preplanning and mapping strategies to her [The Student] be successful in college. <p>Objectives:</p> <ol style="list-style-type: none"> 1. Learn to use "Google Calendar" 2. [The Student] will add preplanning app to [The Student]'s phone

10. The District provided two sets of Progress Reports regarding the Student's Annual Measurable goals.

Report Date	Goal	Progress
1/29/16	<ol style="list-style-type: none"> 1. [The Student] will access [the] FM system, and make arraignments (sic) for continuing [The Student]’s education through LBCC and any other secondary institutions that has [The Student]’s field of study that [The Student] is interested in by 6/2016. 2. Within 6 months of graduation from high school, [The Student] will enroll in a college and begin earning credits toward [The Student]’s desired credits toward (sic) desired career of being a veterinarian. 3. [The Student] will use assistive technology (sound amplification system) and ask for help when needed. 	<ol style="list-style-type: none"> 1. On target to meet annual goal. [The Student] should meet this goal by 6/2016 2. On target to meet annual goal. We will know more about the process (sic) of this goal by next year. [The Student] seems to be on track at this time. 3. Satisfactory. [The Student] continue (sic) to make strides in this area.
2/16/2017	<ol style="list-style-type: none"> 1. [The Student] will access [The Student]’s FM system, and make arraignments (six) for continuing [The Student]’s education through LBCC and any other secondary institution that has [The Student]’s field of study that [The Student] is interested in by 6/2017. 2. [The Student] will set up visit to Oregon State University and Western Oregon University to look at college programs. 3. [The Student] will apply for scholarships and grants, with assistance from the counseling department. 	<ol style="list-style-type: none"> 1. Progress Report 1 dated 2/3/16: Student should meet this goal by 6/2016. Progress Report 2 dated 2/6/17: Student has met this goal and a new goal will be added at the IEP meeting. 2. Progress Report 1 dated 2/3/2016: We will know more about the process (sic) of this goal by next year. Student seems to be on track at this time. Progress Report 2 dated February 2, 2017: On target to meet annual goal. 3. Progress Report 1 dated 2/3/2016: [The Student] continue (sic) to make strides in this area. Progress report 2 dated 2/2/2017: [The Student] uses this equipment when [The Student] needs to.

B. Meeting

PARENT PARTICIPATION

11. On January 10, 2017, the Student received a Notice of Team Meeting scheduling the Student’s IEP for Friday, January 27, 2017 at 10:00 a.m. The Meeting Notice contained the following language: “We highly encourage you to participate in all meetings about your child’s education program. If you cannot attend this meeting, but would be able to participate if the conference were rescheduled or conducted by phone, or if you have questions concerning your rights, please contact me [SPED teacher] by 1/25/2017 at [phone number

at Scio High School].”

12. Because the Student would be at Linn-Benton Community College and the Parent would be at work at that time, the Student requested that the meeting be rescheduled.
13. The District remitted another Notice of Team Meeting to the Student, also dated January 10, 2017, which indicated that the IEP Meeting was rescheduled for Thursday, January 26, 2017 at 3:10 p.m. The Meeting Notice contained the following language: “We highly encourage you to participate in all meetings about your child’s education program. If you cannot attend this meeting, but would be able to participate if the conference were rescheduled or conducted by phone, or if you have questions concerning your rights, please contact me [SPED teacher] by 1/25/2017 at [phone number at Scio High School].”
14. Approximately one week prior to the scheduled IEP meeting for January 26, 2017, the Special Education Teacher met with the Student to review the Student’s transition goals and to ask the Student if there had been any change of plans or if the Student had changed career goals. The Student indicated his/her desire was still to become a veterinarian or to work with animals.
15. On January 26, 2017, the Parent and the Student went to the High School at 3:10 p.m. to attend the Student’s IEP Meeting but the Special Education Teacher was not prepared for the meeting. The Parent and the Student then assumed that the IEP Meeting would take place, the next day, at the originally scheduled time of January 27, 2017 at 10:00 am. Because the Parent could not attend the next day, the Parent instructed the Special Education Teacher to simply give the Student the IEP and all the documents from the IEP Meeting, and the Student consented to this.
16. On Monday, January 30, 2017, the Special Education Teacher met with the Student and gave the Student copies of the IEP, which was dated January 20, 2017. In the presence of the Student, the Special Education Teacher placed initials next to his/her name, the name of the General Education Teacher and the name of the District Representative where “attendance” was indicated. The Special Education Teacher then gave the IEP to the Student. A Prior Written Notice, already completed on January 21, 2017, was also given to the Student at this time. The Special Education Teacher took these actions because there was concern about missing the annual review date.
17. All of the Student’s IEPs prior to February 16, 2017 state that Procedural Safeguards were given to the Parents.
18. In response to the Parent’s complaint to the District, the District held a formal IEP Meeting on February 16, 2017, during which the Parents and the Student received a copy of the Procedural Safeguards.

IV. DISCUSSION

Section 1. Parent Participation/Special Factors

The Parent alleges that the District violated the IDEA because the District failed to give the Parent and the Student notice of the cancellation of the Student’s annual IEP meeting and failed to reschedule the IEP to allow the Parent and the Student to attend. The Parent also alleges

that the District violated the IDEA by failing to give the Parent information about the Student's annual IEP meeting including whether or not an IEP meeting was actually held.

School districts must provide one or both parents with an opportunity to participate in meetings with respect to the identification, evaluation, IEP and educational placement of the child, and the provision of a free appropriate public education to the child. OAR 581-015-2190 (1). The meeting must be scheduled at a mutually agreeable time and place. OAR 581-015-2195(1)(b). Further, a meeting may be conducted without a parent in attendance if the school district has given the parent notice. OAR 581-015-2190(5)

The District initially scheduled the Student's IEP meeting for a time that would have precluded the Parent's attendance, i.e. the morning of Friday, January 27, 2017. When the Student objected to this time and date, the District rescheduled and gave the Parent and the Student a Meeting Notice on January 10, 2017 of the rescheduled IEP meeting. This Meeting Notice stated that the IEP Meeting would be held on January 26, 2017 at 3:10 p.m. so that the Parent and Student could both attend. Although the Parent and the Student were present for the IEP Meeting, the District failed to hold the meeting at the scheduled time. Because the District was not prepared to go forward at the scheduled time and place, no IEP meeting actually occurred. The Parent and the Student requested that the District send the IEP home with the Student when the documents were complete. The District did not reschedule this IEP meeting.

The Department substantiates this portion of the allegation.

Section 2. Procedural Safeguards/Notices

The Parent alleges that the District violated the IDEA because it failed to give the Parent or the Student a copy of Procedural Safeguards and also failed to give the Parent or the Student a Notice of Transfer of Rights.

A District must give parents and adult students a copy of the Notice of Procedural Safeguard at a minimum only one time per year, except that a copy must be given to the parents upon request of the parents. (OAR 581-015-2315(1)(b)). Further, the Department may only investigate matters that have occurred during a one-year period; hence, any failure on the part of the District to remit Procedural Safeguards to the Parents or a Notice of Transfer of Rights may be untimely if that failure did not occur between February 18, 2016 and February 17, 2017.

The record indicates that the Parents were given Procedural Safeguards during the Student's January 29, 2016 IEP Meeting. Hence, the Parents received Procedural Safeguards for academic year 2015-2016.

No IEP meeting took place on January 26, 2017 or January 27, 2017. However, the Student's IEP Meeting was held on February 16, 2017 and Procedural Safeguards were given to the Adult Student.

Pursuant to OAR 581-015-2315(2)(k), Procedural Safeguards must contain a Notice of Transfer of Rights. The District's Procedural Safeguards contain information regarding the Transfer of Rights on Page 12 of the document.

The Department does not substantiate this allegation.

Section 3. IEP Content

The Parent alleges that the District violated the IDEA because it did not create an IEP that addressed the Student's present levels of functioning, did not update the parental concerns section, and did not update the Student's IEP with the most recent state assessment scores. The Parent further alleges that the IEP also needs to accurately reflect the attendees at the Student's annual IEP meeting, academic abilities in reading and math and that the Student's annual goals be updated as well. The Parent also alleges that the District violated the IDEA because it did not update or address any Transition Planning for the Student.

a. PLAAFP/Parental Input

Under OAR 581-015-2200(1)(a), an IEP must contain a statement of the child's present levels of academic achievement and functional performance, including how the child's disability affects the child's involvement and progress in the general education curriculum. Further, OAR 581-015-2205(1)(b) mandates that the concerns and input of the parent must be considered when developing, reviewing, or revising an IEP.

The Student's Present Levels of Academic Achievement and Functioning in the January 20, 2017 IEP are identical to those in the January 29, 2016 IEP. During that time period, the Student had entered the PACE program, had completed the mentor/mentee program and had begun Cadet Teaching. The Student had also taken standardized tests, the scores of which were not included in the January 20, 2017 IEP. Not until the February 16, 2017 IEP did the Student's PLAAF actually reflect the Student's levels of achievement and performance. The Adult Student did have an opportunity to provide input during the February 16, 2017 IEP Meeting, despite the Parent Input section of the IEP being left blank.

The Department substantiates this portion of the allegation with respect to the January 20, 2017 IEP but not with respect to the February 16, 2017 IEP.

b. Meeting attendance

The January 20, 2017 IEP indicates that the Adult Student, the Student's Mother, a General Education Teacher, the School Principal (serving as the District Representative), and the Special Education Teacher attended the January 20, 2017 IEP Meeting. However, no IEP meeting actually occurred on this date; therefore the data contained in the Meeting Participants section of the IEP is incorrect.

The Department substantiates this portion of the allegation.

c. Updated Abilities/Annual measurable goals

Pursuant to OAR 581-015-2220(1)(b), A statement of measurable annual goals, including academic and functional goals that meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum and that meet each of the child's other educational needs that result from the child's disability.

The Student's academic abilities are discussed in the PLAAFP/Parental Input section above. The Student's Annual Measurable Goals in the January 29, 2016 IEP and the January 20, 2017 IEP are identical. The goals do not illustrate the fact that the Student had made progress in the high school curriculum, had completed the mentor/mentee program, or had started the PACE

program. The goals also do not take into consideration any of the transition planning that the Special Education Teacher and the Student discussed.

The Department substantiates this portion of the allegation.

d. Transition planning

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. The IEP must also include transition services, including courses of study to assist a student in reaching those goals. 34 C.F.R. § 300.321(b)(3)

The transition goals from the Student's January 29, 2016 IEP are identical to the Student's January 20, 2017 IEP. Both the Student and the Special Education Teacher admit that they met prior to the creation of the January 20, 2017 IEP to review the Student's goals. The Student had not wavered from being interested in veterinarian studies. Therefore, the interests portion of the Transition Planning is accurate. The Transition Planning in the February 16, 2017 IEP that was provided to the Student provides specific information regarding the Student's college attendance and steps required to make that transition successful; however, the copy of the February 16, 2017 IEP provided by the District to the Complaint Investigator does not include this information.

The Department substantiates this portion of the allegation.

Section 4. Predetermination of Placement

School Districts must provide Parents the opportunity to participate in meetings with respect to a child's identification, IEP and placement. OAR 581-015-2190. This right transfers from the Parents to the Student when the Student reaches the age of majority under OAR 581-015-2325.

In the instant case, the District rescheduled the Student's IEP meeting to January 26, 2017 to accommodate the Parents. However, the District did not hold the IEP meeting at that time. At that point, the Parent and the Student requested that the IEP be sent home with the Student and no IEP meeting was held.

Upon receiving the January 20, 2017 IEP from the District, the Parent noted that the Student's Placement had been altered to a "more restrictive environment". The District later admitted this placement was a mistake and changed the placement in both versions of the Student's February 16, 2017 IEP after a full IEP Meeting was held.

The Department does not substantiate this allegation.

Section 5. IEP Team

Pursuant to OAR 581-015-2210, school districts must ensure that the IEP team for each child with a disability includes one or both of the child's parents, except as provided in OAR 581-015-2195. This right transfers to a student when the student reaches the age of majority. An IEP meeting may be conducted without a parent in attendance if the school district has given the parent notice. OAR 581-015-2190(5).

On January 10, 2017, the Student and the Parent were given notice that the Student's IEP

meeting would be held on Friday, January 27 at 10:00 am. The Student and the Parent were not able to attend at that time so the District rescheduled the meeting at the request of the Student and Parent. The IEP meeting was rescheduled to Thursday, January 26 at 3:10 p.m. However, the District was not prepared for the IEP meeting at that time. The Parent and the Student requested that the District simply send the IEP home with the Student rather than reschedule the meeting. Therefore, no IEP meeting occurred.

This Department does not substantiate this allegation.

Additional Findings

The District also failed to ensure that an annual review of the Student’s IEP occurred between January 29, 2016 and January 28, 2017, as required by OAR 581-015-2225. Simply agreeing to send home a copy of the Student’s IEP, which had not been created or reviewed by the Student’s IEP Team, does not satisfy this requirement. The District was required to hold an IEP meeting no later than January 28, 2017, whether or not the Student and the Parent agreed to attend such a meeting. While the District’s scheduling error made it extremely difficult to find a mutually agreeable time to schedule an IEP meeting on such short notice, this does not render the requirement invalid.

V. CORRECTIVE ACTION²

In the Matter of Scio District
Case No. 17-054-005

Based on the facts provided, the following corrective action is ordered.

Actions	Submissions ³	Date Due
The District will provide time for the Special Education Teacher of the Adult Student to participate in two (2) 1:1 training sessions regarding the IEP process/requirements and components of a quality IEP.	Training sessions to be developed in conjunction with the County Contact for the District and to be provided by the County Contact.	Both sessions to be completed by June 2, 2017

Dated: this 18th Day of April 2017



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

² 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).

³ Corrective action submissions and related documentation as well as any questions about this corrective action should be directed to Rae Ann Ray, Oregon Department of Education, 255 Capitol St. NE, Salem, Oregon 97310-0203; telephone — (503) 947-5722; e-mail: raeann.ray@state.or.us; fax number (503) 378-5156.