

BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of Redmond School District)
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FINDINGS OF FACT,
CONCLUSIONS,
AND FINAL ORDER
Case No. 19-054-008

I. BACKGROUND

On March 4, 2019, the Oregon Department of Education (Department) received a letter of complaint (Complaint) from the parent (Parent) of a student (Student) residing in the Redmond School District (District). The Parent requested that the Department conduct a special education investigation under Oregon Administrative Rule (OAR) 581-015-2030. The Department provided the District with a copy of the Complaint on March 4, 2019.

On March 8, 2019, 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 March 22, 2019. The District completed its *Response* and the Department's Contract Investigator (Investigator) received it electronically and in hard copy on March 22, 2019. The *Response* included a narrative, exhibit listing, and the following documents:

1. Case History Form dated November 3, 2014
2. Student Disciplinary Report dated June 9, 2016
3. Notice of Team Meeting dated April 5, 2017
4. IEP Meeting Attendance and Agenda dated April 7, 2017
5. Confidential Meeting Summary/Annual IEP Meeting dated April 7, 2017
6. IEP Team Meeting Notes dated April 7, 2017
7. Prior Written Notice dated April 7, 2017
8. IEP dated April 7, 2017
9. IEP Progress Report dated April 12, 2017
10. Special Services Procedural Checklist dated April 14, 2017
11. Notice of Team Meeting dated May 16, 2017
12. Confidential Meeting Summary dated May 17, 2017
13. Prior Written Notice dated May 17, 2017
14. IEP Meeting Attendance and Agenda dated May 17, 2017
15. Special Education Placement Determination dated May 17, 2017
16. IEP Team Attendance and Agenda dated September 27, 2017
17. Behavior Check in Confidential Meeting Summary dated September 27, 2017
18. Notice of Team Meeting dated January 11, 2018
19. Prior Written Notice regarding evaluation dated January 26, 2018
20. Confidential Meeting Summary dated January 26, 2018
21. IEP team meeting agenda dated January 26, 2018
22. IEP team meeting summary dated January 26, 2018
23. Student Services Procedural checklist stamped received February 1, 2018
24. Informal notation of disciplinary concerns compiled by Dean of Students dated between March 5, 2018 and March 4, 2019
25. Notice of Team Meeting dated March 16, 2018
26. IEP Team Meeting Agenda dated April 3, 2018
27. IEP team meeting summary dated April 3, 2018
28. Prior Written Notice dated April 3, 2018
29. IEP dated April 3, 2018
30. IEP Progress Notes dated April 30, 2018
31. Student Services Procedural checklist stamped received May 2, 2018

32. Emails between District personnel and the Parents
33. Notes from parent phone call dated November 14, 2018
34. Notes from parent phone call dated November 15, 2018
35. Daily Check in Responses dated between November 16, 2018 and February 15, 2019
36. Behavior tracking form/teacher responses dated February 20, 2019 to March 1, 2019
37. Parent meeting minutes dated March 5, 2019
38. Final Grades for school year 2017-2018
39. Final Grades for Trimester 1 & 2, school year 2018-2019
40. Attendance Profile for school year 2017-2019
41. Attendance Profile for school year 2018-2019 (to date)

At the request of the Investigator, the District submitted the following documents during and after the in-person interviews:

1. Photographic evidence of classroom achievement banner hanging in STEM classroom;
2. Copy of the Student's annual measurable goals progress report
3. The Student's 2015 Functional Behavioral Assessment and Summary

The Parent submitted the following documents to the Investigator on March 29, 2019:

1. Emails containing Student check in data beginning November 11, 2018 through February 15, 2019;
2. Emails between Parent and District beginning August 29, 2018 through February 19, 2019
3. Personal profile of Student

At the request of the Investigator, the Parent also submitted:

1. The Student's grade reports for the first and second trimester of the 2018-2019 academic year;
2. The Student's grade report for the third trimester that reflected grades up to and including April 9, 2019.
3. The Student's March 14, 2019 IEP

On March 9, 2019, the Investigator interviewed both the Parent and District personnel. The Investigator reviewed and considered the previously-described documents, interviews, and exhibits in reaching the findings of facts and conclusions of law contained in this order.

The Department has jurisdiction to resolve this Complaint.¹ Under federal and state law, the Department must investigate written complaints that allege Individuals with Disabilities Education Act (IDEA) violations that occurred within one year prior to the Department's receipt of the complaint. This Complaint covers the one-year period from March 5, 2018 to March 4, 2019. The Department must issue a final order within sixty days of receiving the complaint. This Order is timely.

II. ALLEGATIONS AND CONCLUSIONS

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.

¹ 34 CFR §§ 300.151-153; OAR 581-015-2030.

	Allegations	Conclusions
1.	<p>IEP Implementation</p> <p>The Parent alleges that the District violated the IDEA because it did not implement the Student’s Individualized Education Program (IEP) and Behavioral Support Plan (BSP) and failed to provide the Student with accommodations and services under both the IEP and BSP. Specifically, the Parent alleges the District failed to provide the Student with:</p> <ul style="list-style-type: none"> a. Praise b. Pre-correct behavioral expectations c. Break Space d. Visual tools e. Preferential seating f. Opportunities to complete work in a separate setting; g. Opportunities to be a helper/mentor; and h. Mindful selection of peer buddies <p>(34 CFR § 300.320; OAR 581-015-2200)</p>	<p>Partially substantiated</p> <ul style="list-style-type: none"> a. Substantiated The Student’s teachers and case manager both deliver praise to the Student. However, those instances do not meet the 40 minute per week amount prescribed in the Student’s IEP. b. Partially Substantiated Prior to the commencement of a check-in process in November 2018, the only behavioral coaching the Student received was in response to the Student exhibiting disruptive behavior. There is no indication that behavior expectations were pre-corrected in the general education classroom. This allegation is substantiated with respect to the period prior to November 16, 2018. c. Not substantiated District staff seat the Student in an area where the Student may move about freely. The Student also has a “break pass,” which allows the Student to leave class if the Student needs a break. d. Not Substantiated The District provides visual tools to help the Student get organized for class and also uses visual tools in the check-in process to discuss behaviors and other needs. e. Not Substantiated The District initially provided the Student with preferential seating in classes, which remained for some classes, and was altered in others only after the Student’s seating was not successful and where the Student exhibited behaviors that proved to be distracting to the classroom environment. f. Not Substantiated The Student has the opportunity to complete work in a separate setting. The Student was given a pass to leave class. Also, the Student has been permitted to stay after school with a teacher to complete work or to re-take tests. The Student is also afforded the opportunity to use the special education resource room to

		<p>complete work, but chooses to not use this option.</p> <p>g. Substantiated The District has not enacted a plan whereby the Student is placed in situations to be a helper and/or mentor other students on a sustained basis for 10 minutes per week.</p> <p>h. Not substantiated The Student's teachers have been consistently mindful of selecting beneficial peer buddies for the Student.</p>
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<p>REQUESTED CORRECTIVE ACTION</p>
<p>Teachers and staff will address the Student with respect and care and have empathy and understanding of his disability while offering support, tools, IEP planned services, resources or any other options that will help [the Student] grow and learn. The school with (sic) own their accountability for [the Student's] education. [The Student] will not be ridiculed, reprimanded or made to feel bad or wrong for [the Student's] challenges or disability. If [the Student] is struggling-the school will find a solution that will work for [the Student] and create a successful environment for [the Student]. All parties will behave in ego free (sic), humble and respectful manner.</p>

III. FINDINGS OF FACT

1. The Student is twelve years old and in the sixth grade. The Student has a high aptitude for math and science and is socially conscious about children and the elderly. The Student also has a deep love of animals.
2. The Student was previously eligible for special education services under the category of Emotional Disturbance with a secondary disability category of Other Health Impairment (OHI) based on a diagnosis of Attention-Deficit/Hyperactivity Disorder (ADHD). The Student's behaviors became significant enough that during fourth grade, the Student was removed from the general education environment and was placed in a self-contained classroom. Later during the same school year, the Student returned to the general education environment. The Student's most recent Individualized Education Program (IEP)—dated April 3, 2018—reflects an eligibility of only OHI based on the Student's ADHD diagnosis.
3. The Student had a Functional Behavioral Assessment and Summary in May 2015. The challenging behaviors were noted as defiance, verbal aggression, and physical aggression in the form of throwing things and self-injury. These behaviors were triggered by adult requests or reprimands, boredom, and unstructured time. These behaviors were reinforced by adult or peer attention.
4. The Student is presently placed in the general education environment and receives specially designed instruction for behavioral/social skills for 60 minutes per week.

5. The Student's IEP contains the following accommodations:

Supplementary Aids/Services	Anticipated amount & frequency	Anticipated Location	Starting Date	Ending Date	Provider	Role Responsible for Monitoring
Pre-correct behavior expectations	70 min/weekly	Gen Ed/SPED classroom	4/3/2018	4/2/2019	LEA	Case Manager
Break Space	10 min/weekly	Gen Ed/SPED classroom	4/3/2018	4/2/2019	LEA	Case Manager
Frequent movement opportunities	When [Student] is having a hard time staying focused	Gen Ed/SPED classroom	4/3/2018	4/2/2019	LEA	Case Manager
Frequent positive praise from adults	40 min/weekly	Gen Ed/SPED classroom	4/3/2018	4/2/2019	LEA	Case Manager
Visual Tools	For behavior expectations, problem solving skills/self-regulation	Gen Ed/SPED classroom	4/3/2018	4/2/2019	LEA	Case Manager
Preferential seating	Large group settings	Gen Ed/SPED classroom	4/3/2018	4/2/2019	LEA	Case Manager
Graphic organizer	During large writing and math tasks	Gen Ed/SPED classroom	4/3/2018	4/2/2019	LEA	Case Manager
Opportunities to complete work in a separate setting	When the large group setting becomes over stimulating	Gen Ed/SPED classroom	4/3/2018	4/2/2019	LEA	Case Manager
Opportunities to be a helper and/or mentor other students	10 min/ weekly	Gen Ed/SPED classroom	4/3/2018	4/2/2019	LEA	Case Manager
Mindful selection of peer buddies	When peer partners are assigned	Gen Ed/SPED classroom	4/3/2018	4/2/2019	LEA	Case Manager
Access to technology for long writing tasks	When long writing tasks are assigned	Gen Ed/SPED classroom	4/3/2018	4/2/2019	LEA	Case Manager
Regular communication with parents	When problems arise or when work is not being completed	Gen Ed/SPED classroom	4/3/2018	4/2/2019	LEA	Case Manager

6. The Student has a history of leaving assigned seating areas and often will blurt out inappropriate or poorly-timed comments. Over the past year, the Student has developed the skill of appropriate hand-raising. However, when there is a substitute teacher, the Student has struggled with impulse control and remaining on task.
7. The Student demonstrates needs in the area of organization. The Student has misplaced classroom assignments, failed to write down information about upcoming assignments, and has forgotten about certain assignments. The Parent corresponds regularly with the Student's teachers regarding assignments and created a three-part folder system to address the Student's organization needs. The Student's Case Manager updates the Parent on assignments, especially when the Student has a substitute teacher.
8. In Language Arts and Social Studies, the teacher projects assignments, necessary class materials, and deadlines on a screen each day. All students are expected to copy notes from this daily reminder into their agenda so they will be prepared for classes, assignments, quizzes, and tests. As observed by the teacher, the Student does not always copy down the entire assignment, may not be paying attention, or may simply scribble in the agenda rather than writing out daily assignments.
9. The Student began middle school during the 2018-2019 school year. The Parent emailed the School Counselor on August 30, 2018 prior to the beginning of school and apprised the school of the Student's challenging behaviors. The Parent explained that pulling the Student aside for correction or calling attention to the Student in any manner whatsoever would only exacerbate the Student's negative and disruptive behaviors.
10. At the beginning of the 2018-2019 school year, the Student was not disruptive, nor did the Student exhibit behaviors resulting in discipline. However, in late October 2018, the Student's behaviors increased and the Student's work was impacted by disorganization, behavioral outbursts, and aggression in the classroom.
11. In October 2018, to address the Student's behavior, the Student's Case Manager devised a "helper plan" so that the Student would be positively engaged with teachers and avoid unstructured time, which has historically been an area of concern for the Student. With the completion of every task, the Student would receive a "Husky pride ticket," which would entitle the Student to certain benefits. However, certain teachers did not assent to implementing the "helper plan," so it was not enacted. Consequently, District staff gave the Student praise and included the Student as a "helper" only when it could be done "organically," i.e. not contrived or planned.
12. On October 31, 2018, the Student's Case Manager emailed the Student's teachers asking for input about the Student's behavior. According to the teachers that did respond, the Student was intelligent and could contribute well to class, but had some conflicts with peers and exhibited disrespectful behavior toward staff. One teacher expressed that the Student did not seem to understand that there were many personalities in a class and that the Student was not the only individual in the room. Another teacher stated that the Student opined that no matter what the Student tried, people were just going to view the Student in a negative light because of the Student's past placements and behaviors.
13. Starting November 16, 2018, the Case Manager instituted a "check in" system where the Student, before school began, would meet with the Case Manager and visually review a set of criteria regarding the Student's mood, preparedness for school, upcoming teacher interaction, and overall organization. When the check in process was complete, the Case Manager would email the Student's teachers, giving them a "heads up" regarding the

Student's needs and emotional regulation for that day. The daily check in system continued until February 15, 2019 when the Case Manager and the Parent agreed to end the process until it could be made more effective.

14. According to the Student's Progress Report for annual measurable goals, the check in process helped the Student with class preparedness and assignment completion. The Student's December 5, 2018 Progress Report noted that the Student was turning in 85% of assigned work, which was a significant improvement since the check in system began.
15. According to the check in data, the Student's received positive feedback and/or praise on the following dates: December 12, 2018, January 10, 2018, and January 18, 2018.
16. On December 6, 2018, the Student exhibited disruptive behaviors and was verbally aggressive with a peer during a class being taught by a substitute teacher. The Student's Case Manager notified the Parent of what had occurred and also sent out requests to the Student's teachers to notify the Case Manager if they would be using a substitute so the Case Manager could properly prepare. On January 19, 2019, the Student's Case Manager notified the Parents that there would be a substitute teacher in one of the Student's core classes. The Student's Case Manager stated that he would review classroom behavior expectations with the Student prior to class. The Student's Case Manager repeated the expectations and strategies with the Student on February 7, 2019 prior to another substitute teacher taking over one of the Student's classes.
17. By February 2019, the Student's grades had dropped and the Student's disinterest in school had risen to the point of where the Student's Case Manager contacted the Student's previous case manager from elementary school to obtain insights regarding the Student.
18. On February 19, 2019, the Student skipped the daily check in with the Case Manager. On March 1, 2019, check ins were stopped altogether per Parent request until all parties were back on the same page.
19. On February 21, 2019, the Student engaged in physical aggression with a peer and was suspended from school. The Student has been involved in several physical altercations with peers stemming from what the Student believes is bullying.
20. In Language Arts and Social Studies, the Student began the academic year seated front and center of the class but has been moved to the back of the class to prevent the Student from "entertaining peers." In Math and Science, the Student is seated on the end of a row to allow the Student room to move around if necessary. The Math and Science teacher also attempted to place peers next to the Student who are not as adept in math as the Student so the Student could have the opportunity to help peers. This, however, has not been as successful as the Math and Science teacher would have liked. In yet another class, the teacher specifically seated the Student near the teacher and away from peers who would distract the Student and who the Student would likewise distract. In Spanish class, the teacher would have the class change seats throughout the term, but kept the Student near the teacher or near the teaching area.
21. In Language Arts and Social Studies, the teacher has placed all the students near individuals with whom she believes they will be successful, utilizing either "elbow buddies" or peer selection for partner or group projects.
22. The Student has been given a personal "break pass" which looks similar to a generic hall pass. The Student can use the break pass to leave class if the Student believes a behavior

will arise or if the Student needs a break. The Student has used the break pass once during the Math and Science periods to work alone in a common area when there was a substitute teacher for those classes. The Student can also use the resource room as an alternate setting to complete work, but does not utilize this option.

23. The Student's Language Arts teacher has permitted the Student to stay after school to re-take exams or to work on projects in order to finish them to get credit. During in-class time, the teacher will tap on the Student's desk to keep the Student on task or will ask the Student to be productive. In this class, the Student has taken work into the hallway after being disruptive.
24. On January 17, 2019, after the Parent emailed the Language Arts teacher for direction regarding an assignment, the Language Arts teacher pulled the Student aside during a break and "called the Student out" for being off task and failing to ask clarifying questions during work time. The Student has continued to be disruptive and disrespectful in both Language Arts and Social Studies.
25. The Student enjoys Math and Science. The Student's behaviors are less disruptive in those classes. The Math and Science teacher uses 3x5 cards to randomly call on students in the class to solve problems in front of the class. Since the Student excels at Math, when the Student is called on, the teacher will ask the Student to show the steps of problem solving to the class and then the Math teacher will comment on how well the Student did, e.g. "well done, insightful" and to the class the teacher will say, "You saw a good example of a problem well done." The Math and Science teacher also uses "ACE banners" throughout the classroom which are banners denoting what students have "Aced" a math or science concept. These banners are on display continually in the Math and Science room. The Student's name appears on at least three of the Math Ace banners.

IV. DISCUSSION – IEP IMPLEMENTATION

The Parent alleges that the District violated the IDEA because it did not implement the Student's IEP and BSP and failed to provide the Student with accommodations and services under both. Specifically, the Parent alleges the District failed to provide the Student with: (1) Praise; (2) Pre-correct behavioral expectations; (3) Break Space; (4) Visual tools; (5) Preferential seating; (6) Opportunities to complete work in a separate setting; (7) Opportunities to be a helper/mentor; and (8) Mindful selection of peer buddies.

At the beginning of each school year, a school district must have in effect an IEP for each child with a disability within the school district's jurisdiction. A school district must provide special education and related services in accordance with the student's IEP.²

A. Praise

The Student's IEP states that praise must be given to the Student for at least 40 minutes on a weekly basis. As evidenced by the Case Manager's daily check in notes, the Case Manager told the Student that he was proud of the Student or that the Student was doing a good job for three weeks out of the approximately twelve weeks that the check in process was used. The Student's Math & Science teacher praised the Student whenever the Student was called upon to solve problems and also included the Student, along with others, on the ACE banner when the Student performed exceptionally. There was no indication that the Student regularly received praise in Language Arts or Social Studies.

² 34 CFR § 300.323; OAR 581-015-2220.

Although the Math & Science teacher and Case Manager delivered praise to the Student, those instances fell short of the 40 weekly minutes spelled out in the Student's IEP. This allegation is substantiated.

B. Pre-correct behavior expectations

The Student's April 3, 2018 IEP states that the Student will receive at least 70 minutes of weekly coaching to address behavioral expectations. Pre-corrective behavioral expectations were to be carried out both in the general education classroom and special education classroom. Once the check in process was instituted, the Student received behavior coaching on a daily basis from November 16, 2018 to February 15, 2019. Prior to the commencement of the check-in process in November 2018, the only behavioral coaching the Student received was in response to the Student exhibiting disruptive behavior. The Department substantiates this allegation with respect to the period prior to November 16, 2018.

C. Break space

The Student's IEP states that the Student is to have at least 10 minutes weekly of break space. In Math and Science class, the Student is deliberately seated at the end of a row and is consistently able to move about freely during class. Additionally, the Student's Case Manager created a "break pass," which allows the Student to leave class if the Student feels a break is needed or if the Student feels that a negative behavior may ensue. The Department does not substantiate this allegation.

D. Visual tools

The Student's April 3, 2018 IEP states that the Student is to receive visual tools for behavior expectations, problem solving skills, and self-regulation. The IEP contains no quantifier regarding how many visual tools the Student is to receive. On a daily basis, the Language Arts teacher used visual tools to project an agenda that helped the Student with assignment due dates and supplies needed to complete assignments. The Language Arts teacher's visual tools also provided a general outline to organize the class, inclusive of the Student, and to inform the Student of upcoming tests and quizzes. Additionally, the Student's Case Manager used visual tools when engaging the Student in the check in process, specifically a check in sheet where the Student could review moods, class needs, grades, and make comments about how the Student was feeling or performing academically. The District implemented visual tools in conformity with the Student's IEP. The Department does not substantiate this allegation.

E. Preferential seating

The Student's April 3, 2018 IEP states that the Student will receive preferential seating in large group settings. The Student was given preferential seating in the beginning of the school year in Language Arts and Social Studies, but was subsequently moved to the back of the room to prevent the Student from "entertaining" peers. In another class, the instructor made it a point to seat the Student near the instructor and away from distractions. During Spanish class, the teacher kept the Student near her or in the teaching area even after several seat changes during the term. The Student has been given preferential seating all year in Math and Science class so the Student can move freely about the room and to prevent the Student from experiencing peer distractions. The District initially provided the Student with preferential seating in classes, which remained for some classes, and was altered in others only after the Student exhibited behaviors that proved to be distracting to the classroom environment. The Department does not substantiate this allegation.

F. Opportunities to complete work in a separate setting

The Student’s April 3, 2018 IEP allows for an opportunity to complete work in a separate setting when a large group setting becomes overstimulating. As previously discussed, the Student was given a pass to leave class. The Student does not frequently use this tool, but has left the class and completed work in a common area when there was a substitute teacher. Also, the Student is permitted to stay after school with the Language Arts teacher to complete work or to re-take tests. The Student is also afforded the opportunity to use the special education resource room to complete work, but chooses to not use this option. The Student has the opportunity to complete work in a separate setting. The Department does not substantiate this allegation.

G. Opportunity to be a helper and/or mentor other students

The Student’s IEP states that the Student will be given an opportunity to be a helper or to mentor other students at least 10 minutes per week. In October 2018, the Student’s Case Manager developed a plan to allow the Student to be a helper to some of the teachers. However, the Student’s teachers did not implement the plan, nor did they implement an alternative plan. The Student’s Math and Science teacher attempted to move the Student near lower-achieving peers in an effort to allow the Student to mentor them. However, this plan was not implemented on a long-term basis. The District has not enacted a plan whereby the Student is placed in situations to be a helper and/or mentor other students on a sustained basis for 10 minutes per week. The Department substantiates this allegation.

H. Mindful selection of peer buddies

The Student’s IEP states that there will be mindful selection of peer buddies when peer partners are assigned. In Language Arts and Social Studies, the Student’s teacher has been continually mindful of “elbow partners” and partner selection for the Student. Also, the Student’s Math and Science teacher has continually made an effort to select peer buddies that are helpful to the Student. The Student’s teachers have been consistently mindful of selecting beneficial peer buddies for the Student. The Department does not substantiate this allegation.

V. CORRECTIVE ACTION³

*In the Matter of Redmond School District
Case No.19-054-008*

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

	Action Required	Submissions⁴	Due Date
1.	Review and discuss the forthcoming Department-provided resources with District members of	Submit evidence of completion, including the agenda, copy of the information presented, summary of	May 24, 2019

³ The Department’s order includes corrective action. The order includes documentation to be supplied to ensure the 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).)

⁴ 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@ode.state.or.us fax number (503) 378-5156.

	the IEP Team, the Student's Case Manager, and the Student's teachers.	the discussion, and signed participant list, with position.	
2.	<p>Convene an IEP meeting to:</p> <ul style="list-style-type: none"> Reconsider, and revise as necessary, the description of each special education service and support, including the use of praise, to clearly state the commitment of resources and facilitate accurate implementation. Revise the use of praise to be more task focused and easier to monitor, incorporating recommendations for teaching children with Attention Deficit Hyperactivity Disorder in the forthcoming Department-provided resources, or from a similar source. Inform providers of any changes in their implementation responsibilities. 	Submit a copy of the IEP showing the edits.	May 24, 2019

Dated the 3rd Day of May 2019

Candace Pelt, Ed. D

Candace Pelt, Ed. D
Assistant Superintendent
Office of Student Services

Mailing Date: May 3, 2019

Appeal Rights: Parties may seek judicial review of this Order. Judicial review may be obtained by filing a petition for review within sixty days from the service of this Order with the Marion County Circuit Court or with the Circuit Court for the County in which the party seeking judicial review resides. Judicial review is pursuant to the provisions of ORS § 183.484. (OAR 581-015-2030 (14).)