

BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of
Redmond School District 2J

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ORDER ON RECONSIDERATION
Case No. 19-054-043

I. BACKGROUND

On January 22, 2020, the Oregon Department of Education (Department) received an email requesting reconsideration of Final Order 19-054-043—issued on January 14, 2020—from the parent (Parent) of a student (Student) residing in the Redmond School District 2J (District). The Department confirmed receipt of the request and forwarded a copy of it to the District on January 29, 2020. Within 60 days of the date of the issuance of a final order, a party may request reconsideration of a final order. Reconsideration may be granted to review the factual basis of the order and the order’s application of the law.¹ The Parent’s request for reconsideration is timely.

II. DISCUSSION

The Parent’s Request for Reconsideration contends that the Department did not interview specific witnesses, specifically focusing on one witness’s observation that during an Individualized Education Program (IEP) team meeting, a District classroom teacher agreed to deliver “touch math” to the Student, which was not ultimately done in contravention of the Student’s IEP.

The Department has considered the Parent’s request and affirms its order in Case No. 19-054-043. The investigative record and final order reflect the relevant contents of the Student’s January 25, 2019 IEP, which states that the Student would receive small group specially designed instruction five days per week working on addition and subtraction with “teacher made curriculum.” Additionally, the Student’s IEP contains “touch math adventures” on a list of applications for the Student, but not as an exclusive method of delivering instruction. Finally, a math goal in the Student’s IEP states that “math tools” are to be used, with a parenthetical containing a list of illustrative tools (touch points, manipulatives, counting backward), but does not make “touch math” an exclusive method of instruction. These facts align with the Department’s finding in its final order that the District provided math instruction to the Student in accordance with the Student’s IEP, and that the use of instructional tools and methodologies other than “touch math” were not in conflict with the requirements of the Student’s IEP.

The Final Order issued on January 14, 2020 is Affirmed.

¹ Oregon Administrative Rule (OAR) 581-015-2030.

III. CONCLUSION

The Department complied with the IDEA's regulations for special education investigations and general supervision requirements in addition to the State's defined investigative procedures for IDEA complaints, which are set forth in OAR 581-015-2030. The Department affirms the Final Order noted above and declines to issue an amended order.

Dated this 28th Day of February 2020



Candace Pelt, Ed.D.
Assistant Superintendent
Office of Enhancing Student Opportunities

Mailing Date: February 28, 2020

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).)