

**BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION**

In the Matter of: )  
Corvallis School District 509J )

FINDINGS OF FACT,  
CONCLUSIONS,  
AND FINAL ORDER  
Case No. 18-054-033

**I. BACKGROUND**

On August 6, 2018, the Oregon Department of Education (Department) received a written request for a special education complaint investigation from the Parent (Parent) of a student (Student) who receives special education services in the Corvallis School District 509J (District). The Parent requested that the Department conduct an investigation under Oregon Administrative Rule (OAR) 581-015-2030. The Department confirmed receipt of the complaint on August 7, 2018.

The Department has jurisdiction to resolve this complaint.<sup>1</sup> Under state and federal law, the Department must investigate written complaints that allege violations of the Individuals with Disabilities Education Act (IDEA) and issue an order within sixty days of receipt of the complaint. This timeline may be extended if the Parent and the District agree an extension to engage in mediation or local resolution of the complaint, or for extenuating circumstances. This order is timely.

A complaint must allege a violation that occurred not more than one year before the date the complaint was received by the Department.<sup>2</sup> Based on the date the Department received the complaint, the relevant period for this Complaint is August 7, 2017 through August 6, 2018.

On August 13, 2018, the Department’s Complaint Investigator (Investigator) 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 August 27, 2018.

On August 24, 2018, the District submitted a packet of materials to the Investigator. These materials are listed in the chart below:

<b>Document Title</b>	<b>Date</b>
1. District Response Letter	8/24/18
2. Formal Complaint Response, Building Level	7/24/18
3. Formal Appeal Response, District level	8/16/18
4. Formal Complaint Response, Building level Formal Complaint Response, School Board	8/23/18
5. Formal Complaint Emails and Supporting Documents	6/12-7/25/18

<sup>1</sup> 34 CFR §§ 300.151-153; OAR 581-015-2030.

<sup>2</sup> OAR 581-015-2030(5).

- |  |            |
|--|------------|
| 6. Formal Appeal from The Family   | 8/2/18     |
| 7. Formal Complaint from The Family  | 6/11/18    |
| 8. Continued Formal Complaint Emails and Supporting Documents                                | 8/5-8/6/18 |
| 9. <i>2017-2018 Linus Pauling Bell Schedule</i>  |            |
| 10. <i>The Student's Assigned Classes and Schedule Changes for the 2017-2018 School Year</i> |            |
| 11. Student Attendance Report  | 2017-2018  |
| 12. Student Transcript and Report Cards  | 2017-2018  |
| 13. Building Principal Notes on the Student's schedule changes                               | 8/23/18    |
| 14. End of Year Progress Report  | 6/15/18    |
| 15. IEPs and Supporting Documents  | 3/21/18    |
| 16. Mid-Year Progress Report   | 3/23/17    |
| 17. Continued IEP's and Supporting Documents   | 3/23/17    |
| 18. Modified Assignments and Assessments   | 2017-2018  |
| 19. Assistive Technology Supporting Documents  | 2017-2018  |
| 20. Email Correspondence   |            |

The Investigator determined that on-site interviews were necessary. On September 11, 2018, the Investigator interviewed the Parent. On September 12, 2018, the Investigator interviewed the District's Special Education Coordinator, the Student's Case Manager,<sup>3</sup> the Student's Principal and Assistant Principal, and a general education teacher.

The Investigator reviewed and considered the previously-described documents, interviews, and exhibits in reaching the Findings of Fact and Conclusions of Law contained in this order.

## 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 on the Discussion in Section IV.

	<u><b>Allegations:</b></u>	<u><b>Conclusions:</b></u>
<b>1.</b>	<p><b>When IEPs Must Be in Effect</b></p> <p>The Parent alleges the Student failed to meet the stated IEP goals and experienced regression in some skills for the first time in the Student's academic career. The Parent alleges this failure and regression was a</p>	<p><b>Substantiated in Part</b></p> <p>As a result of its own investigation, the District concluded that it did not develop a cohesive modified curriculum for the Student, nor did it do so in a timely fashion. The Department concurs with the District's own findings.</p>

<sup>3</sup> This individual served as the Student's Case Manager during two different time periods of the 2017-2018 school year when the District staffed substitutes in the program.

	<p>result of the District violating the IDEA when it failed to do the following:</p> <ul style="list-style-type: none"> <li>• Modify the Student's general education classroom curriculum and homework;</li> <li>• Implement a system of modified grading for the Student's work;</li> <li>• Provide or properly deliver audio books and apps for the Student's iPad;</li> <li>• Provide other assistive technology to the Student at the start of the school year;</li> <li>• Maintain technology in a manner so that the Student could use it consistently;</li> <li>• Provide materials at the Student's reading and comprehension level consistently;</li> <li>• Provide progress reports to the Parent as specified in the Student's IEP.</li> </ul>	<p>Additionally, the District acknowledges that IEP Goal Progress Reports for the Student were not sent in conformity with the frequency it memorialized in the Student's IEP. The Department concurs with the District's own findings.</p> <p>The District consistently provided the Student with appropriate assistive technology devices and services. The Department does not substantiate this allegation.</p>
<p><b>2.</b></p>	<p><b>Parent Participation</b></p> <p>The Parent alleges the District violated the IDEA when it provided the Parent with contradictory and incomplete information about the Student's program and the provision of IEP services, thus limiting the Parent's ability to participate in the IEP process.</p>	<p><b>Not Substantiated</b></p> <p>The District conducted three separate meetings to develop and revise the Student's IEP during the relevant period. At each IEP team meeting, the Parent was provided the opportunity to meaningfully participate in its development and revision.</p> <p>After conducting its own internal investigation, the District plans to convene IEP team meetings once per semester of the 2018-2019 school year to ensure meaningful participation opportunities for the Parent. The Department does not substantiate this allegation.</p>

3.	<p><b>Extended School Year Services (ESY)</b></p> <p>The Parent alleges that the District did not provide appropriate Extended School Year services to the Student and that the District did not appropriately involve the IEP Team in considering and planning the Extended School Year services for the Student.</p>	<p><b>Not Substantiated</b></p> <p>The District involved the IEP Team in the ESY consideration and decision-making and offered to provide ESY to the Student. The Department does not substantiate this allegation.</p>
4.	<p><b>Least Restrictive Environment</b></p> <p>The Parent alleges that the District did not implement the Student's IEP so that the Student remained in the Least Restrictive Environment.</p>	<p><b>Not Substantiated</b></p> <p>Throughout the relevant period, the Student's IEP Team assembled modifications to the Student's educational program—along with appropriate amounts of Specially Designed Instruction (SDI)—so that the Student can continue to make academic progress appropriate to the Student's circumstances, all the while participating in the general education environment. The Department does not substantiate this allegation.</p> <p>The District separately self-corrected an inconsistency in the Student's IEP regarding removal from the general education environment.</p>

**Requested Corrective Action**

The Parent requests the following actions be implemented as resolutions to the Complaint:

1. Review SPED programming at the school and District. Other SPED parents and community members have expressed similar frustrations and failures;
2. Publish clear roles and responsibilities for SPED at the school and the District;
3. Provide additional training and support for SPED and General Ed staff at the school;
4. Publish a clear process for identifying, applying and grading modified content;
5. Reimburse for all supplemental costs incurred in 2017-2018 (tutoring and consulting);
6. Commit to reimbursement for 2018-2019 tutoring; and

- |  |
|--|
| <p>7. Provide one consistent and qualified case manager for remaining middle school years.</p> |
|--|

### **Issues Outside the Scope of this IDEA Investigation**

The Parent alleges that the District has not provided qualified nor adequate special education teaching staff or case management. Specifically, the Parent alleges the Student had multiple case managers and special education teachers during the 2017-2018 school year and that none of these staff provided adequate support to the Student. The issue of professional competency of District staff is not a matter investigated under OAR 581-015-2030 and such a finding is not reached in this Order. The Parent may address this issue by filing a complaint with Oregon Teacher Standards and Practices Division.

### **III. FINDINGS OF FACT**

1. The Student is thirteen years old and is eligible for special education services as a student with an intellectual disability. The Student resides in the District and was enrolled in the sixth grade at one of the District's middle schools during the time of the complaint investigation. At the end of the 2017-2018 school year, the Student earned a GPA of 3.71 and was absent for two days during the 2017-2018 school year.
2. The Student entered middle school at the start of the 2017-2018 school year with an IEP that had been developed on March 23, 2017. The March 23, 2017 IEP included the following provisions:
  - a. The Student needs communication support, assistive technology, and a specialized reading format;
  - b. The Student is a visual and concrete learner, has a great attitude, works hard, and is quite sociable;
  - c. On a STAR reading assessment the Student took during fifth grade, the Student scored a grade equivalency of 2.5.
  - d. The Student demonstrates minimal writing skills. A goal was written related to the Student being able to write 2-3 sentences about a topic independently in a paragraph format with appropriate conventions and spacing;
  - e. On a STAR math assessment the Student took during fifth grade, the Student scored a grade equivalency of 2.2. The Student had moved away from using manipulatives and was working on mastering double-digit subtraction. The Student was also working on time, money, basic fractions, and measurement skills;
  - f. The Student will take the extended state assessment with accessibility supports;
  - g. The Student has goals in reading, writing, math, speech and language, and self-advocacy and social skills;
  - h. The Student needs specially designed instruction (SDI) in reading for 120 minutes per week, math for 120 minutes per week, written language for 50

minutes per week, and social skills for 30 minutes per week. All SDI was to be provided in the Learning Resource Center (LRC) and general education classes. In addition, the Student was to receive 200 minutes of speech and language services per quarter;

- i. Seventeen accommodations were identified for the Student in such areas as school setting, teaching mode, instructional materials, support tools, adult support, and alternate methods to demonstrate mastery of material;
  - j. The IEP team decided the Student's education program would allow for a modified curriculum and modified grading;
  - k. The Student was also to receive two hours per year of consultation in occupational therapy.
3. At the March 23, 2017 IEP team meeting, it was decided that the Student was not eligible for Extended School Year services. The IEP Team identified the Student's appropriate placement as a general education classroom with a combination of pull-out and push-in services to provide appropriate SDI.
  4. The Student's March 23, 2017 IEP notes that the Student needs assistive technology devices or services.
  5. The Student's school includes a classroom for students with life skills needs, a Learning Resource Center (LRC) and Extended Learning Time (XLT) classes. XLT classes are available to all students in the school and function as study halls for some students. Other students may receive support or SDI in small groups or one-on-one in the XLT classes. In addition, there are math, reading, science, and social studies classes structured for students who are at a lower skill level and need more basic instruction.<sup>4</sup>
  6. During the 2017-2018 school year, the Student attended the following classes: (1) Basic Skills Math; (2) Language Arts 6; (3) Life Science 6; (4) Phys Ed/Health 6; (5) Social Studies 6; (6) XLT 6; (7) Homeroom Class 6; and, (8) Electives 6, (Coding, Mindfulness, Team Building, Music, Genealogy, Spanish, Art, Sewing, Cooking, Crafts).
  7. The Student's March 23, 2017 IEP states that the Student will be provided with the accommodation of "Alternate Grade Scale". The District allowed for "modified grading as needed and determined between gen ed teachers and case manager." The general education teachers predominately graded the Student based upon effort. Because the curriculum in the content area classes was modified to meet the Student's intellectual level, the Student's grades reflected how hard the Student had worked to complete the assignments.
  8. The above-described modified grading accommodation remained the same in the Student's 2017 and 2018 IEPs. The District acknowledges that this system of modified grading was not applied consistently across all of the Student's classes.

---

<sup>4</sup> These classes are titled "Basic Skills" for different content areas.

9. Originally, the Student's Language Arts 6 class was to be co-taught by a Language Arts Teacher and a Special Education Teacher, the latter of whom had been assigned as the Student's Case Manager. However, before the school year began, the Special Education Teacher accepted a different position in the District and the Student's co-taught Language Arts 6 class was cancelled.
10. Because of the departure of the Case Manager originally assigned to the Student, the District assigned another Special Education Teacher to case manage for the Student. This new Case Manager prepared a global "cheat sheet" for the sixth grade teaching staff. Each "cheat sheet" outlined basic service needs for students with IEPs entering the sixth grade. After the students' schedules were finalized and teachers assigned to each student, the Case Manager prepared a summary explaining each eligible student's goals, accommodations, and parent concerns.<sup>5</sup> Each cheat sheet—along with the Student's IEP—was given to each teacher to whom the Student was assigned.
11. The Student's teachers use a multi-structured technology system where teachers can locate a student by name and retrieve full copies of a student's IEP, Section 504 Plan, and other documents.
12. The District sent IEP goal progress reports regarding the Student once during the 2017-2018 school year. The Student's March 23, 2017 IEP noted that progress will be reported at the annual IEP and at progress reporting periods. General education students receive a report card at the end of each quarter.
13. Each student at the Student's school was issued an iPad for use. Students used the iPads in classes and were permitted to take them home.
14. When the Student began the 2017-2018 school year, the plan was for the Student to use the iPad from elementary school. However, staff learned the Student's iPad was not compatible with technology used in the middle school. The Student was given a new iPad loaded with the software the Student used in elementary school and also new middle school platforms.
15. Some platforms included on the Student's iPad were Bookshare, Voice Dream Reader and Read Naturally. The Student logged on to one of these programs to read curriculum materials uploaded to the platform by staff. Unlike an electronic reader, the Student did not have the actual text downloaded to the iPad. Voice Dream Reader is an application that reads the material to the Student so that the Student can listen to curriculum materials. Many of the platforms and apps on the Student's iPad are also on general education student iPads. In addition, some accessibility settings were modified on the device, such as larger text and reduced motion.
16. The District's Summary of Activity about the iPad indicates that from September 5, 2017, through June 8, 2018, the Student had access to two different iPads. At one

---

<sup>5</sup> The Case Manager summarized the information from each student's most current IEP.

point in November 2017, one of the iPads was sent for repair, but the Student used a different iPad during that time.

17. General education teachers used a variety of methods and materials to modify the Student's curriculum. The District does not have a uniform process for modifying the Student's curriculum. The Student's general education teachers modified the Student's curriculum in the following ways:

- a. Consulting with the Student's Case Manager(s) to create mini-lessons, define the Student's appropriate instructional reading level, and use software, apps, and platforms installed on the Student's iPad;
- b. Using educational assistants or peer mentors to read to or with the Student;
- c. Providing worksheets or activities that were modified to the Student's reading level that covered the same content area as the rest of the class;
- d. Reducing the number of problems, questions, sentences, drawings, vocabulary words, shorter passages for reading, etc., required to demonstrate learning success;
- e. Providing content orally, either by a teacher or educational assistant, or by use of the iPad;
- f. Giving the Student the option to demonstrate proficiency orally or by another method;
- g. Using flash cards to help the Student learn or review material; and,
- h. Teaching the Student how to use an app on the iPad to track assignment requirements.

18. On September 29, 2017, the Student arrived home with a note stating the Student's class schedule was changing. The note indicated that one of the Student's general education classes would be replaced by a different class in a more restrictive environment. Earlier that day, the Student's Assistant Principal had spoken with the Parent about how to provide the Student with SDI in Written Language<sup>6</sup> as outlined in the IEP. The Assistant Principal contacted several of the Student's teachers and considered a change in classes, but did not authorize it to occur immediately. Nevertheless, District staff printed a new schedule for the Student and gave it to the Student to take home.

19. The Parent promptly emailed the Assistant Principal and questioned the change. After several emails were exchanged between the Parent and the Assistant Principal, the Student remained with the class schedule implemented at the beginning of the year (six of seven classes in general education). The Student never attended a class in the more restrictive environment described in the September 29, 2017 schedule printout.

20. The Student's IEP Team met on February 21, 2018. At this meeting, the Team reviewed the Student's general education classes, during which time the Parent asked many questions about the Student's case management, grading, and modified curriculum. The IEP Team provided examples of modifications of materials, apps and other software being used on the Student's iPad. The Case Manager/math teacher

---

<sup>6</sup> This had become an issue after the co-taught Language Arts class was cancelled.



noted the Student had demonstrated some regression in skills over long break periods in the year, and suggested the IEP Team consider providing Extended School Year services to the Student. The Team discussed a wide variety of IEP issues and agreed that no draft IEP would be written prior to the March 21, 2018 annual IEP.

21. The IEP Team met on March 21, 2018 for an annual IEP. The Team reviewed progress reports prepared for the meeting. In these progress reports, District staff noted the Student's progress as "Satisfactory" in the areas of Speech/Language, Language, Math, and Study Skills, and as "Making Progress" in the area of Reading. The IEP Team did not finish developing the Student's IEP on March 21, 2018.
22. On April 10, 2018, the Student's IEP Team reconvened. The Team recommended the Student participate in Extended School Year (ESY) for two reasons. First, the Student demonstrated a prolonged recoupment period to relearn previously-acquired math skills, especially after an extended break (i.e., summer break). Additionally, because of the change in the Student's Case Manager during the 2017-2018 school year, no data was collected to establish baseline information for the Student's reading and writing skills.
23. The Student's IEP Team identified an appropriate placement as a general education classroom with two periods of Learning Resource Center (LRC) pull-out, along with 200 quarterly minutes for "Speech/Language services." In the Non-Participation Justification section, the IEP Team noted the Student would be removed from the general education setting for about 12% of the school day for instruction in the LRC.
24. The IEP Team met again on June 13, 2018 to add more accommodations for the Student, revise the Student's reading goal, and correct an inconsistency in the IEP regarding the time the Student would spend removed from the general education setting. The general education removal amount in the Student's Non-Participation Justification section conflicted with the removal description on the Student's placement page. The IEP Team corrected this error.
25. On June 13, 2018, the IEP Team also discussed the Student's ESY plan. The District informed the Parent that ESY would occur between July 9, 2018 and August 2, 2018.
26. The Student did not participate in the District's ESY program due to conflicting family summer plans. Instead, the Parent asked the District for copies of the materials the District would use during ESY. The District provided the Parent with these materials. A tutor hired by the Student's family worked with the Student on the materials over the summer. On July 5, 2018, the District sent the Parent a "Stand Ready to Serve" letter notifying the Parent that the District was ready to provide ESY services to the Student if the Parent so chose.
27. On June 11, 2018, the Parent filed a District complaint. In accordance with District policies, the District investigated the Parent's allegations at the school level and sent the results of their investigation to the Parent on July 24, 2018. On August 2, 2018, the Parent asked that some of the findings from the school investigation be reconsidered, and the District did so with an investigation conducted by a District

Assistant Superintendent. The District completed its investigation and on August 16, 2018, replied by letter to the Parent. In its letter, the District stated, “a remedy is appropriate for some of the allegations.”

28. The District agreed to the following: (1) Provide training to staff regarding progress reporting and when progress reports need to be provided; (2) Commit to hold an IEP team meeting for the Student each semester during the 2018-2019 school year to ensure meaningful parental participation; and, (3) Provide one hour of tutoring each week for the first semester of the 2018-2019 school year. The tutoring will be provided by a District contracted tutor.

29. On August 6, 2018, the Parent filed this Complaint.

### **III. DISCUSSION**

#### **A. When IEPs Must Be In Effect**

The Parent alleges the Student failed to meet the stated IEP goals and experienced regression in some skills for the first time in the Student’s academic career. The Parent alleges this failure and regression was a result of the District violating the IDEA when it failed to do the following: (1) Modify the Student’s general education classroom curriculum and homework; (2) Implement a system of modified grading for the Student’s work; (3) Provide or properly deliver audio books and apps for the Student’s iPad; (4) Provide other assistive technology to the Student at the start of the school year; (5) Maintain technology in a manner so that the Student could use it consistently; (6) Provide materials at the Student’s reading and comprehension level consistently; and, (7) Provide progress reports to the Parent as specified in the Student’s IEP.

Each student’s IEP must describe the student’s current level of academic achievement and functional performance and also must contain measurable goals. Additionally, the District must state in the IEP goals how progress on the goal will be measured and when and how that progress will be reported to the parent. This is the minimal amount of reporting on IEP goals a District must complete, but nothing precludes a District from reporting more frequently.<sup>7</sup> Each school district must provide the “special education and related services” in accordance with the IEP.<sup>8</sup> This includes the supplementary aids and services, accommodations, modifications and supports to school staff.

#### **1. Modified Curriculum**

As a result of its own investigation, the District concluded that it did not develop a cohesive modified curriculum for the Student, nor did it do so in a timely fashion. The Department concurs with the District’s own findings. While substantial amounts of the Student’s curriculum were modified, the modifications were developed on an informal basis by individual teachers and no consistency was reached in the District’s approach to the

---

<sup>7</sup> OAR 581-015-2200.

<sup>8</sup> OAR 581-015-2220.

Student's modified curriculum or grading practices. Moreover, the Student's classroom reading materials were modified to conform to the Student's level of comprehension, but this integral component of a modified curriculum was not identified or implemented in a timely basis for the 2017-2018 school year. Providing District staff with training on modifying curriculum with time for planning and implementation will benefit all students who benefit from a modified curriculum in middle school.

## **2. Progress Reports**

The District admits to the occurrence of some of Parent's allegations with respect to progress reporting. The District acknowledges that IEP Goal Progress Reports for the Student were not sent in conformity with the frequency it memorialized in the Student's IEP. The District has agreed to provide training to staff on this process.

## **3. Assistive Technology**

The District consistently provided the Student with appropriate assistive technology devices and services. The Student's IEPs note that the Student needs assistive technology devices or services. When the Student began sixth grade, the plan was for the Student to use the iPad from elementary school. However, District staff soon learned the Student's iPad was not compatible with technology used in the middle school. The Student was given a new iPad loaded with the software the Student used in elementary school and also new middle school platforms. During the relevant time period, the District consistently provided the Student with appropriate assistive technology devices and services. The Department does not substantiate this allegation.

## **B. Meaningful Parent Participation**

The Parent alleges the District violated the IDEA when it provided the Parent with contradictory and incomplete information about the Student's educational program and the delivery of IEP services, thus limiting the Parent's ability to participate in the IEP process. School districts must provide parents with an opportunity to participate in meetings with respect to the identification, evaluation, IEP, and educational placement of the child.<sup>9</sup>

The Parent's central focus regarding this allegation lies with: (1) staff turnover in the Student's case manager position during the 2017-2018 school year; and (2) the District sending the Student home with an unexpected class schedule change. Because of a staff resignation shortly before the 2017-2018 school year began, the District reassigned case management duties for the Student to a different staff member. At that time, the Student's classes were taught by a succession of substitutes. That staffing at the Student's school eventually stabilized and the Student experienced a consistent teaching staff and case manager for the final five months of the 2017-2018 school year. With respect to the Student's class schedule, the District did send home a notice of a schedule change that placed the Student in a more restrictive setting that had not been disclosed to the Parent. However, the error in finalizing the Student's schedule change was timely discovered,

---

<sup>9</sup> OAR 581-015-2190(1).

and the Student never actually attended any different classes from those assigned at the beginning of the 2017-2017 school year.

The District conducted three separate meetings to develop and revise the Student's IEP during the relevant period. At each IEP Team meeting, the Parent was provided the opportunity to meaningfully participate in its development and revision. After conducting its own internal investigation, the District plans to convene IEP Team meetings once per semester of the 2018-2019 school year to ensure meaningful participation opportunities for the Parent.<sup>10</sup>

The Department does not substantiate this allegation.

### **C. Extended School Year**

The Parent alleges that the District did not provide appropriate Extended School Year services to the Student and that the District did not appropriately involve the IEP Team in considering and planning the ESY services for the Student. A school district meets its responsibility to an eligible student when it provides Extended School Year services as necessary and as determined by the IEP Team.<sup>11</sup>

The District timely offered ESY services, but the Parent declined to enroll the Student due to conflicting family summer plans. The IEP Team did participate in the decision to offer ESY services. As early as February 21, 2018, IEP Team members agreed the Student needed ESY services. The Student's March 21, 2018 IEP notes that the Student experiences regression on his/her IEP goals and objectives, and also experiences a prolonged recoupment period of time to relearn previously learned skills. The IEP Team decided the Student required ESY services and noted that the District's ESY program would run from July 9, 2018 to August 2, 2018. The Parent informed the District the student would not participate in ESY, but as an alternative requested the Student's ESY materials so that a tutor could work with the Student over the summer break. The District agreed and provided the materials.

The District involved the IEP Team in the ESY decision-making process and offered to provide ESY to the Student. The Department does not substantiate this allegation.

### **D. Least Restrictive Environment**

The Parent alleges that the District did not implement the Student's IEP so that the Student remained in the least restrictive environment (LRE). To the maximum extent appropriate, a district must insure that a student with a disability is educated in an environment with students who are not disabled. Only when the nature and severity of the student's disability is such that education with supplementary aids and services cannot be achieved satisfactorily, may a student be removed from the general education setting.<sup>12</sup>

---

<sup>10</sup> It is important to note that the District's agreement to convene an IEP team meeting once per semester does not preclude additional IEP meetings during this time period, as appropriate.

<sup>11</sup> OAR 581-015-2065(2).

<sup>12</sup> 34 CFR § 300.114; OAR 581-015-2240.

The Student attended six of seven classes in the general education environment for the entire school year. Throughout the relevant period, the Student's IEP Team assembled modifications to the Student's educational program—along with appropriate amounts of SDI—so that the Student can continue to make academic progress appropriate to the Student's circumstances, all the while participating in the general education environment. The Department does not substantiate this allegation.<sup>13</sup>

**CORRECTIVE ACTION<sup>14</sup>**  
*In the Matter of Corvallis School District 509J*  
 Case No. 18-054-033

Action Required	Submissions <sup>15</sup>	Due Date
With ODE consultation, develop written procedures for IEP Implementation that includes steps to ensure each teacher understands her or her specific responsibilities for <ul style="list-style-type: none"> <li>• IEP Implementation and;</li> <li>• Implementing instructional accommodations and modifications.</li> </ul>	a) Draft guidance to ODE for review and approval	<b>October 30, 20178</b>
	b) Upon approval, provide training on the guidance to staff members	<b>November 30, 2018</b>
	c) Documentation of training to include agenda and sign-in sheets	<b>November 30, 2018</b>

Dated: this 5th day of October 2018



Candace Pelt  
 Assistant Superintendent  
 Office of Student Services

Mailing Date: October 5, 2018

<sup>13</sup> On its own, the District noted an LRE issue in the Student's IEP and self-reported it with a suggested Corrective Action Plan. The District observed that the federal placement code noted on the Student's placement page did not match the actual amount of time the Student attended classes in the general education environment. The District reconvened the IEP team and corrected the inconsistency.

<sup>14</sup> The Department's order shall include any necessary corrective action as well as documentation to ensure that the corrective action has been completed (OAR 581-015-2030(13)). The Department expects and requires the timely completion of corrective action and will verify that the corrective action has been completed as specified in any final order (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>15</sup> 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: [raeannray@state.or.us](mailto:raeannray@state.or.us); fax number (503) 378-5156.