

BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of Springfield School District)	FINDINGS OF FACT,
19)	CONCLUSIONS,
)	AND FINAL ORDER
)	Case No. 24-054-058

I. BACKGROUND

On September 18, 2024, the Oregon Department of Education (Department) received a written request for a special education complaint investigation from the parent (Parent) of a student (Student) residing in the Springfield School District 19 (District). The Parent requested that the Department conduct a special education investigation under OAR 581-015-2030. The Department confirmed receipt of this Complaint and forwarded the request to the District.

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.¹ This timeline may be extended if the Parent and the District agree to the extension to engage in mediation or local resolution or for exceptional circumstances related to the complaint.²

On September 24, 2024, the Department’s Complaint 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 October 8, 2024.

The District submitted a *Response* on October 8, 2024, denying a portion of the allegations and not contesting the remaining allegations, providing an explanation, and submitting documents supporting the District’s position. The District submitted the following relevant items:

1. District’s Written *Response* to Complaint, received October 8, 2024
2. Individualized Education Program (IEP), 05/10/23
3. IEP Progress Report - Annual Goal, 01/31/24
4. Pediatric Neuropsychological Evaluation, 08/14/24
5. Prior Written Notice (PWN), 05/02/24
6. IEP Signatures, 05/02/24
7. IEP, 05/02/24
8. Handwritten Notes, 04/12/24-05/06/24
9. Transcript, 10/02/24

¹ OAR 581-015-2030(12) and 34 CFR § 300.152(a)

² OAR 581-015-2030(12) and 34 CFR § 300.152(b)

10. [District] High School IEP Process Guide, 2023-2024
11. [High School] Public Schools High School IEP Process Guide, draft edition, 2023-2024
12. Email, re: invitation [Student] IEP continuation, 05/20/24
13. Email, re: accommodations, 05/08-05/17/24

The District submitted these policies related to the complaint:

1. Special Education - Individualized Education Program (IEP)**, IGBAF, 6/22/20
2. Special Education - Individualized Education Program (IEP)**, IGBAF-AR, 6/22/20
3. Special Education - Procedural Safeguards**, IGBAG, 6/22/20
4. Special Education - Procedural Safeguards**, IGBAG-AR, 6/22/20
5. Special Education - Free Appropriate Public Education (FAPE)**, IGBAJ, 6/22/20
6. Special Education - Free Appropriate Public Education (FAPE)**, IGBAJ-AR, 6/22/20

The Parent submitted a *Reply* on October 15, 2024, providing an explanation, rebuttal, and documents in support of the Parent’s position. The Parent submitted the following relevant items:

1. Parent *Reply* to the District’s *Response* to *RFR*, 10/15/24
2. IEP, 05/10/23
3. IEP, 05/02/24
4. PWN, 05/02/24

The Complaint Investigator interviewed the Parent and District personnel on October 22, 2024. The Complaint Investigator reviewed and considered all of these documents, interviews, and exhibits to reach the findings of fact and conclusions of law contained in this order. 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. The conclusions are based on the Findings of Fact in Section III and the Discussion in Section IV. This Complaint covers the one-year period from September 19, 2023 to the filing of this Complaint on September 18, 2024.

Allegations	Conclusions
<p>Content of IEP</p> <p>The Parent alleged that the District violated the IDEA by not including a statement in the IEP describing how the Student’s disabilities affect their progress in the general education curriculum. The Parent further alleged that the</p>	<p>Substantiated in Part</p> <p>The District included an IEP statement describing how the Student’s disabilities affect their progress in the general</p>

Allegations	Conclusions
<p>Student’s present levels of performance in writing and math, functional performance in motor and cognitive skills, and appropriate goals and services based on disability impacts and academic and functional performance levels were not included. In addition, the Parent alleged the May 2, 2024 date of the IEP should instead read May 31, 2024.</p> <p>(OAR 581-015-2200; 34 CFR § 300.320)</p>	<p>education curriculum in the areas deemed appropriate by the IEP Team.</p> <p>The District included information in the Present Levels of Academic and Functional Performance in areas that directly impacted the Student.</p> <p>The District did not contest the fact that the IEP date was incorrect.</p>
<p>When IEPs Must Be In Effect</p> <p>The Parent alleged that the District violated the IDEA by not providing Occupational Therapy (OT) services or accommodations as outlined in the IEP during the 2023-24 school year.</p> <p>(OAR 581-015-2220; 34 CFR § 300.323)</p>	<p>Not Contested</p> <p>The District did not contest this allegation.</p>

REQUESTED CORRECTIVE ACTION
<p>The Parent requested the following corrective action:</p> <ul style="list-style-type: none"> ● Reconvene the Student’s IEP team, including a specialist knowledgeable about the Student’s specific disabilities, to discuss these disabilities, how they manifest and impact the Student’s education, and what goals are appropriate. ● “Create a grid or table within IEPs that lists a child’s disabilities, the impacts or potential impacts to involvement and progress in the general curriculum and corresponding [g]oals.” ● “Set measurable goals for the Student, state what services will be provided based on research, [and] [u]se of Specially Designed Instruction for areas of disability.” ● “Require training for all school personnel including regular education teachers and support staff on the importance of implementing IEPs including accommodations.” ● “[R]equire accommodations be tracked by regular education and special education to confirm that implementation is occurring by each teacher and require notes on how implementation is working. This should be communicated to the parents [and] [t]his should be monitored by the [D]istrict to confirm compliance.”

- Provide “[r]etraining for [the School] staff on special education law conducted by ODE.”
- Provide immediate implementation of OT recommendations made May 10, 2024 at District expense.
- Provide the Parent’s requested Independent Educational Evaluation (IEE) in OT at the District’s expense.
- Develop “[a]ppropriate OT goals around [the Student’s] areas of difficulties as recommended, including but not limited to organizational skills.”
- Provide direct compensatory OT services by an OT who is knowledgeable and experienced with the Student’s diagnosis.
- Provide training for all OTs and similar support service providers on special education law and the responsibilities of identifying and supporting students with a spectrum of needs.
- “Correct the date on the Student’s IEPs and PWNs to reflect the actual date on which the IEP was completed.”
- “Provide training to [the School] staff and [the District] administrators regarding accurate reflection of document completion dates.”

III. FINDINGS OF FACT

IDEA regulations limit complaint investigation to alleged violations occurring no more than one year before the Department’s receipt of the special education complaint. This Complaint Investigation did not consider any IDEA violations alleged to have occurred before September 19, 2023. Any facts listed below relating to circumstances or incidents earlier than that date are included solely to provide the context necessary to understand the Student’s disability and special education history.

1. The Student is 16 years old, in the 10th grade, and attended a magnet arts college preparatory high school in the District when the Complaint was filed.
2. The Student qualifies for special education services due to an Other Health Impairment (OHI). The re-evaluation is due March 9, 2026.
3. The Student is a bright, insightful student who excels in class, takes thorough notes, and enjoys learning. The Student is responsible for their work and is kind to others.
4. The Student’s transcript included coursework from August 2023 through June 2024. The Student received an A or a B in all courses.
5. The [High School] IEP Process Guide described that IEP goals “... should be individualized for the specific student’s needs and present levels.”
6. The Individualized Education Program (IEP) dated May 10, 2023, described the following relevant information:

- a. The Parent “has concerns about [the Student] transitioning into high school. [The Parent] is worried that if [the Student] no longer has speech services, that [the Student] might forget about the skills that [the Student] has learned and acquired. [The Parent] also [has] concerns about [the Student’s] organizational skills, and how that will affect [the Student] for [the] next school year.”
- b. The Student’s Present Levels of Academic Achievement were listed as follows:
 - i. The District Reading Assessment results dated January 15, 2023, indicated that the Student performed at the 89th percentile in passage reading, vocabulary, and comprehension and was determined to be a low risk for academic failure in these areas.
 - ii. The District iReady Math results dated January 20, 2023, revealed that the Student placed at the “78th %ile [*sic*] among typical peers and at low risk for academic failure. To be at grade level 8th graders need to score between 518 and 585.” The Student scored a 535.
 - iii. Academic Achievement testing in 2021 placed the Student at the 47th percentile in reading, writing, and math.
- c. The Student’s Present Level of Developmental and Functional Performance indicated:
 - i. In May 2023, “[the Student] is currently receiving [specially designed instruction] SDI minutes in social communication. [The Student] has shown great progress in this area and has met [their] IEP goals. During structured group activities [the Student] has demonstrated mastery of the following areas: condensing and summarizing conversational material to determine what details should be included, asking clarification questions during conversations and demonstrating active listening skills. During structured social skills groups [the Student] is an active participant and displays excellent social communication skills. When prompted to monitor how much of the conversation is being used [the Student] is able to condense [their] responses and easily engages with [their] peers in order to increase their participation in the conversation. [The Student] independently asks follow[-]up questions of [their] peers and teacher during social skills groups and asks clarifying questions when needed without being prompted. [The Student] has demonstrated these skills consistently when participating in social skills groups this school year. [The Student] has shown excellent perspective[-]taking skills during structured sessions.”
 - ii. Two of the Student’s teachers completed rating checklists regarding the Student’s social communication skills. Teacher 1 indicated that the Student “disagrees using appropriate language, uses appropriate body language during social interactions, and adjusts language based on the communication situation. Teacher 1 rated [the Student] as ‘always’ doing each item on the checklist. Teacher 1 expressed no concerns regarding [the Student’s] social communication skills in the classroom ... ” Teacher 2 “... rated [the Student] as “always” making relevant contributions to a topic during conversations/discussions and rated [the Student] as “often” doing the remaining items on the checklist. Teacher 2 reported that “[the Student] is a great contributor in class and that [the Student] does very well with the give and take during conversations.”
 - iii. “[The Student’s] performance in structured speech sessions, progress toward IEP goals, and information gathered from [their] general education teachers suggest that

- [the Student's] social communication skills are likely not adversely impacting [the Student's] education. At this time it appears that [the Student] would continue to be successful with check[-]in/consultative speech services to ensure that [the Student] maintains skills when [the Student] moves on to high school. At the IEP meeting [the Parent] expressed concerns about [the Student's] understanding of nonverbal language and the intent behind other's communication. [The Parent] shared examples of [the Student] not realizing when a peer is being rude/bullying [them] and thinking that they are just joking or messing around and an example of [the Student] becoming upset when [they] did not understand that someone was just teasing (misunderstanding that they were joking around and not being mean to each other). It was decided that a goal around this area would benefit [the Student] as [the Student] transitions to high school."
- iv. "Occupational Therapy [OT] 2023: OT will provide support as needed for organization skills with the plan for a graduation at [the] next IEP."
 - v. In describing how the Student's disability affected their involvement and progress in the general education curriculum, the IEP indicated that the Student may have difficulty with the following:
 - (1) "Working cooperatively with a partner or group."
 - (2) "Expressing [their] emotions and asking for help."
 - (3) "Problem[-]solving, dealing with frustration."
 - (4) "Interacting with peers in unstructured activities on the playground."
- d. The following Measurable Annual Goals were listed:
- i. Social Pragmatic:
 - (1) "By May 2024 given a hypothetical social scenario picture or role[-]play, the Student will describe the meanings behind various nonverbal communication signs (facial expressions, body language, tone of voice) in 80% of situations presented on average over 3 data collection points as measured by the speech[-]language pathologist."
 - (2) "By May 2024 given adult examples of various tones of voice and accompanying non-verbal cues [the Student] will accurately identify the emotion or message (can include sarcasm) communicated by the tone with 80% accuracy as judged by the speech[-]language pathologist, over 3 data collection points during the reporting period."
 - e. The Service Summary indicated that the Speech-Language Pathologist provided SDI in communication skills for 60 minutes each month, beginning on May 11, 2023 and ending on May 9, 2024.
 - f. OT consultation services were listed as Supports for School Personnel by the Occupational Therapist for 60 minutes per year, beginning on May 11, 2023 and ending on May 9, 2024.
7. The Prior Written Notice (PWN) dated May 10, 2023 indicated that the changes to the IEP included reducing the communication skills services from "80 minutes per month to 60 minutes per month due to [the Student's] improved abilities and positive responses to group social skills." The PWN indicated that the following information was used to support the proposed action: "Most recent evaluation data and academic/behavioral performance

information; progress towards goals on prior IEP; [P]arent concerns and input at IEP team meeting; teacher input; observations.”

8. During an interview with the Complaint Investigator, the School Psychologist recalled the Parent being concerned about the Student’s transition to high school, the Student’s social skills, interactions with peers, and organization. The School Psychologist indicated that neither the teachers nor the Parent shared academic concerns about the Student. The School Psychologist did not recall any discussion about the Student’s present levels of functional performance related to motor and cognitive skills. The School Psychologist indicated that the Student had a “... medical diagnosis that you can say at some points may be impacting [them], but it was more so that [the Student] was not really quite needing specially designed instruction.”
9. The January 31, 2024 IEP Progress Report described the following:
 - a. For the “hypothetical scenario” goal, the Student earned the following mastery levels:
 - i. November 2, 2023, Mastery Level 4: “Progress has been made towards the goal. It appears that the goal will be met by the next IEP review.”
 - ii. January 31, 2024, Mastery Level 4, the Student made progress towards the goal.
 - b. For the “tone of voice and non-verbal cues” goal, the Student earned the following mastery levels:
 - i. November 2, 2023, Mastery Level 4, the Student made progress towards the goal.
 - ii. January 31, 2024, Mastery Level 4, the Student made progress towards the goal.
10. The IEP dated May 2, 2024 described the following relevant information:
 - a. The Student indicated that the year was going well and that navigating the teachers and the system took some time. The Student said they need “to be better about noticing that work is piling up.”
 - b. The Parent indicated that the year was going well, and the Student found “a cohort that is like-minded.” According to the Parent, the Student “... has difficulties identifying potential problems early on in the term. The lack of awareness and understanding of the problem snowballs and creates a massive amount of work that becomes overwhelming and frustrating to [the Student].” The Parent shared that the Student gets “behind, frustrated, and then gets an overwhelming amount of missing assignments.” The Parent shared that “Group work has been a huge challenge for [the Student].”
 - c. The Student’s Present Levels of Academic Achievement were listed as follows:
 - i. On the June 28, 2023 [*sic*] Smarter-Balanced Assessment for English-Language Arts (ELA), the Student performed at Level 3, which indicated the Student “met” the standard for their grade level. On the specific sub-tests, the Student met in reading and did not meet in writing.
 - ii. On the June 2, 2023 Smarter-Balanced Assessment for Math, the Student performed at a Level 2 with a scale score of 2552, which indicated the Student did not meet the standard.³
 - iii. The Student’s grades were mostly B’s, and their attendance rate was 97.5%.

³ According to the Oregon Achievement Standards Summary, a scale score that “meets” in 8th grade math would be at least a 2586.

- iv. In the area of Functional Performance, it was noted that “OT consultation has not been necessary this past school year. Upon consultation with school staff, no OT-related concerns have been identified by [the Student’s] high school team. Therefore, OT consultation should be taken off [the Student’s] IEP at this time.”
- v. In Social Skills, the Student was described as a ready participant who expressed interest in developing their social skills.
- vi. Teachers indicated that the Student was doing well in their classes, was willing to ask for help, and had shown improvement in incorporating feedback from teachers. Teachers noted that the Student struggles with group work. The Student tended to change group decisions without discussion, leading to conflict. One teacher noted that the Student became frustrated when the material was challenging, but with support, the Student could understand it.
- d. The following described how the Student’s disability affected their involvement and progress in the general education curriculum: “Due to [their] disability in social communication, [the Student] may have difficulty with the following:”
 - i. “Interacting with peers in unstructured settings.”
- e. The Student’s preferences and strengths and the results of transition assessments were listed in the Summary of Present Levels of Performance for Transition Planning. Post-Secondary Goals were listed in training, education, and employment.
- f. The transition goal indicated that “Given access to Naviance [an educational data management platform], [the Student] will explore the career areas of arts, music, and finance identifying specific careers [the Student] is interested in pursuing by adding them to [the Student’s] list in Naviance, by May 2025.”
- g. The following social skills goals were described:
 - i. “By 5/7/2025, [the Student] will correctly identify humor or sarcasm in verbal communication in 8 out of 10 instances, as measured by clinician/teacher observations and informal assessments. Strategies: discuss verbal and non-verbal cues of humor and sarcasm, use video examples, and practice through structured group activities.”
 - (1) The Student’s present level described that the Student “has struggled with using humor and sarcasm appropriately with peers.”
 - ii. “By 5/7/2025, given a problem and graphic organizer template, [the Student] will 1) state the problem, 2) identify at least [two] solutions, 3) list pros and cons for each solution, and 4) determine the best solution, and explain why that is the best solution with 80% accuracy in 4 out of 5 opportunities as measured by clinician observation and data.”
 - (1) The Student’s present level indicated that the Student “currently struggles with understanding the problem, perspective taking, acknowledging others['] ideas and input, and identifying possible solutions.”
 - iii. “By 5/7/2025, when given social scenarios of conflict and [the] [Vent, Ownership, Mirror, Plan] VOMP visual, [the Student] will demonstrate understanding and ability to use the school-wide problem[-]solving model VOMP ... with 80% success in 4 out of 5 opportunities as measured by clinician/teacher observations and/or informal assessments. Success = Both/all parties feel heard, a plan is established and agreed upon by all parties that will prevent a recurrence of the same issue.”

- (1) The Student's present level indicated that "[The Student] has VOMPed with a teacher, but has not yet done one with peers. [The Student] has had several informal group VOMPs with [their] Confluence group."
- iv. The Service Summary listed SDI in communication skills and transition services. The team determined there was no need for related services.
11. PWN from May 2, 2024 indicated that an annual IEP meeting was held, goals were revised, accommodations were modified, OT services were removed, and Transition Services were added.
12. In an interview with the Complaint Investigator, the Special Education Teacher indicated, "I don't know that [the Parent] had any concerns about the present levels. I know [they] had concerns about OT services." The Special Education Teacher shared that there was mention at the meeting that the Student did not "... demonstrate a need and that [the Student] was due to be exited from OT services on this IEP ... " The Special Education Teacher indicated that they rolled over the IEP statement about how the Student's disabilities affected their progress in general education from the previous school and did not recall the Parent ever objecting to the justification statement. The Special Education Teacher did not recall conversing with the Parent about the Student's present levels of achievement in writing or math, or the students present levels of functional performance in motor and cognitive skills. According to the Special Education Teacher, there was a difference between the Parent's perception of the Student's needs and the needs the Student presented at school. The Special Education Teacher recalled the Parent saying several times, "[The Student's] doing well or [the Student's] doing okay, but [they] could be doing better."
13. In an interview with the Complaint Investigator, the Parent described that the standardized test data used to assess the Student's academic performance was from 2023, making it a year old and potentially inaccurate for understanding the Student's current abilities. The Parent indicated that the School shared that they "... didn't have a test, so that's why they used the smarter balance [sic]." The Parent indicated that the data showed that the Student was not "on grade level last year" and wanted to know, "Where's the data to show that [the Student's] now on grade level for that?" The Parent believed that the IEP should have included a more comprehensive discussion of the Student's full range of disabilities and how they impact the Student's learning and functioning, particularly in areas like attention and organization.
- The Parent shared that the Student's diagnosis of a Disorder of the Central Nervous System impacted the Student's ability to break down tasks and plan steps, leading them to overwhelm and shut down when faced with complex activities. According to the Parent, this impacted the Student's ability to complete schoolwork and manage projects, even with assistance. The Parent shared that they sent emails describing their concerns and felt they alerted the Team by asking questions.
14. The Special Education Teacher's notes from May 6, 2024 attributed the Director of Special Programs as saying that "accomm[odations] for the Student must be high school appropriate, OT [services] not needed - [S]tudent is doing fine."

15. On August 14, 2024, a Pediatric Neuropsychological Evaluation Report was compiled by a licensed psychologist after the Student's pediatrician referred the Student for evaluation for Autism Spectrum Disorder (ASD). The Report indicated that the Student was diagnosed with Autism Spectrum Disorder, Severity Level 1, and that previous diagnoses included Attention-Deficit/Hyperactivity Disorder and Developmental Coordination Disorder. The Report indicated that the Student's test results revealed the following:
- a. General Intellect, Fluid Reasoning, and Working Memory were described as "average."
 - b. Verbal Comprehension and Visual-Spatial Processing were described as "high average."
 - c. Processing Speed was described as "below average."
 - d. Attention and Social Communication & Interaction were described as "atypical."
 - e. Executive Functioning, Memory & Learning, Social Cognition, and Adaptive Skills were described as "variable."
 - f. Emotions & Behavior were described as "at-risk."
16. On September 18, 2024, the Parents filed this Complaint.

IV. DISCUSSION

Content of IEP

The Parent alleged that the District violated the IDEA by not including an IEP statement describing how the Student's disabilities affected their progress in the general education curriculum. The Parent further alleged that the Student's present levels of performance in writing and math, functional performance in motor and cognitive skills, and appropriate goals and services based on disability impacts and academic and functional performance levels were not included. In addition, the Parent alleged the May 2, 2024 date of the IEP should instead read May 31, 2024.

The IEP must include 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. The IEP must include a statement of measurable annual goals, including academic and functional goals (and, for children with disabilities who take alternate assessments aligned to alternate achievement standards, a description of short-term objectives) designed to 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 meet each of the child's other educational needs that result from the child's disability.⁴

The Parent shared concerns with the IEP Team about the Student's transition to high school, social skills, group work, and organizational skills. They also raised concerns about the accuracy and relevance of the standardized test data used to assess the Student's academic performance. The Parent believed that the IEP should have included a more comprehensive

⁴OAR 581-015-2200(1a-1c); 34 CFR § 300.320

discussion of the Student's full range of disabilities and their impact on the Student's learning and functioning. The Student's IEP goals focused on improving social skills, including understanding nonverbal communication, identifying humor and sarcasm, and problem-solving and transition skills. The Student received SDI in communication skills and transition skills. A Pediatric Neuropsychological Evaluation Report indicated that the Student had strengths in verbal comprehension and visual-spatial processing but showed weaknesses in processing speed, attention, and social communication and interaction. The Report also indicated that the Student's executive functioning, memory and learning, social cognition, adaptive skills, emotions, and behavior were variable and at-risk.

The IEP included a statement about how the Student's disability *may* affect their involvement and progress in the general education curriculum. This statement acknowledged the potential impact of the disability on areas such as "working cooperatively," "expressing emotions," and "problem-solving," which are relevant to academic performance. This aligns with IDEA's requirement to include a statement of the child's present levels of academic achievement and functional performance, including how the child's disability affects their involvement and progress in the general education curriculum.⁵ The IEP contained information about the Student's academic achievement, including standardized test scores in reading and math, as well as teacher reports. These data points provide insight into the Student's academic strengths and weaknesses. The IDEA emphasizes the use of a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child.⁶

The IEP Team determined that OT services were not necessary based on the Student's performance and teacher input. This decision indicated that the Team considered the Student's functional performance and concluded that it did not significantly impede their educational progress. The IDEA allows IEP teams to make individualized decisions about the types and amounts of special education and related services necessary to meet the child's unique needs.⁷

Despite the absence of specific statements and goals related to writing, math, and motor and cognitive skills, the District, through the general statement, inclusion of academic data, and consideration of functional performance in the context of OT services, sufficiently addressed the Student's academic and functional performance as required by Oregon law and the IDEA.

The District did not contest the date of the May 2024 IEP. The date listed on the document is incorrect.

The Department substantiates the allegation as it pertains to the date of the IEP.

The Department does not substantiate the remainder of the allegations for this issue.

⁵ 34 CFR § 300.320(a)(1)

⁶ 34 CFR § 300.304(b)(2)

⁷ 34 CFR § 300.324(a)(1)

When IEPs Must Be in Effect

The Parent alleged that the District violated the IDEA by not providing OT services or accommodations as outlined in the IEP during the 2023-24 school year.

At the beginning of each school year, a school district must have in effect an IEP for each child with a disability within the district’s jurisdiction. School districts must provide special education and related services to a child with a disability in accordance with an IEP.⁸ Each school district must ensure that the IEP is accessible to each regular education teacher, special education teacher, related services provider, and other service provider who is responsible for its implementation, and inform each teacher and provider of their specific responsibilities for implementing the child’s IEP and the specific accommodations, modifications, and supports that must be provided to or on behalf of the child in accordance with the IEP.⁹

The District did not contest this allegation.

V. CORRECTIVE ACTION¹⁰
In the Matter of Springfield School District 19
Case No. 024-054-058

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

Action Required	Submissions	As Soon As Possible But No Later Than Due Date
1. The District must convene an IEP meeting with the Parent to review and revise the IEP as necessary to address OT services and accommodations. ¹¹	Notice of Team Meeting, IEP meeting notes, and revised IEP.	December 15, 2024
2. Train all special education staff on the District’s written procedures to include the IDEA requirements for: a. IEP Review/Revision; b. IEP Development; and	Training agenda/materials to District Support Specialist for review/approval.	January 15, 2025

⁸ OAR 581-015-2220(1); 34 CFR § 300.323

⁹ OAR 581-015-2220(3); 34 CFR § 300.323

¹⁰ 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)).

¹¹ The Department provides IEP Facilitation services when it is mutually desired by parents and school districts and is available to support the Student’s IEP team in this meeting. If a Facilitated IEP meeting is desired, please email ode.disputeresolution@ode.state.or.us.

c. IEP Implementation.	Sign-in sheet for training.	March 15, 2025
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Dated: this 14th Day of November 2024

Ramonda Olaloye

Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing Date: November 14th, 2024

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).)