

BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of Klamath County School)	FINDINGS OF FACT,
District 01)	CONCLUSIONS,
)	AND FINAL ORDER
)	Case No. 24-054-066

I. BACKGROUND

On November 1, 2024, the Oregon Department of Education (Department) received a written request for a special education complaint investigation from the parents (Parents) of a student (Student) residing in the Klamath County School District 01 (District). The Parents 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 Parents and the District agree to the extension in order to engage in mediation or local resolution or for exceptional circumstances related to the complaint.²

On November 7, 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 November 21, 2024.

The District submitted a *Response* on November 21, 2024, denying the allegations, providing an explanation, and submitting documents supporting the District's position. On November 22, 2024, the investigation was paused as the Department believed that both Parties had agreed to a pause for the Parties to engage in mediation and the investigation resumed on December 9, 2024. The District provided an additional *District Response* on December 13, 2024. The District submitted the following relevant items:

1. Statement of Eligibility for Special Education, 10/04/23
2. Individualized Education Program (IEP), 01/30-06/16/23
3. Prior Notice of Special Education Action, 06/05/23
4. Extended School Year, 06/05/23
5. Meeting Minutes, 06/05/23
6. IEP, 10/26/23

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

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

7. Prior Notice of Special Education Action, 02/16/24
8. IEP, 02/16/24
9. Prior Notice of Special Education Action, 12/04/23
10. Prior Notice of Special Education Action, 01/23/24
11. Prior Notice of Special Education Action, 01/02/24
12. Informed and Written Consent for Placement on an Abbreviated School Day Program, 01/23/24
13. IEP, 02/16-04/26/24
14. Written Agreement Between Parent and District, 04/26/24
15. Daily Tracker, 12/12/23-04/11/24
16. Tutoring Log, 12/26/23-07/12/24
17. Prior Notice of Special Education Action, 09/26/23
18. Prior Notice of Special Education Action, 10/26/23
19. Prior Notice of Special Education Action, 11/16/23
20. Prior Notice of Special Education Action, 10/21/24
21. Prior Notice of Special Education Action, 03/20/24
22. Prior Notice of Special Education Action, 04/26/24
23. Meeting Agenda, 08/31, no year
24. Meeting Minutes, 09/26/23
25. IEP Agenda, 10/26/23
26. Meeting Agenda, 11/16/23
27. IEP Meeting Minutes, 12/04/23
28. IEP Agenda, 01/03-02/07/24
29. IEP Agenda, 01/03-02/16/24
30. Special Education-Services for Home-Schooled Students with Disabilities Policy IBAGL-AR, 03/11/08-05/17/12
31. Service Logs, 09/05-11/09/23
32. Service Logs, 01/02-04/12/24
33. Prior Notice of Special Education Action, 08/23/23
34. IEP, 01/30-08/31/23
35. Prior Notice of Special Education Action, 05/26/23
36. Daily Tracker, 04/02-04/05/24
37. Daily Tracker, 04/08-04/12/24
38. Daily Tracker, Daily Observations, and Goal Tracker, 04/15-04/19/24
39. Daily Tracker, Daily Observations, and Goal Tracker, 04/22-04/26/24
40. Daily Tracker, Daily Observations, and Goal Tracker, 04/29-05/03/24
41. Daily Tracker, Daily Observations, and Goal Tracker, 05/06-05/10/24
42. Daily Tracker, Daily Observations, and Goal Tracker, 05/13-05/17/24
43. Daily Tracker, Daily Observations, and Goal Tracker, 05/20-05/24/24
44. Daily Tracker, Daily Observations, and Goal Tracker, 05/27-05/31/24
45. Daily Tracker, Daily Observations, and Goal Tracker, 06/03-06/07/24
46. Email, re: packets, 04/01-04/23/24
47. Student Progress Report, 04/23/24
48. Email, re: resource last week, 06/03/24
49. Email, re: resource last week/[student], 05/21-06/03/24

50. Email, re: [student] [Prior Written Notice] PWN, 06/03/24
51. Email, re: PWN, 06/13/24
52. Email, re: [the Student] PWN, 06/03/24
53. Email, re: [the Student], 10/18/24
54. I-Ready Diagnostic Results, 05/15-05/21/24
55. Annual Academic and Functional Goals and Objectives, 04/20/21- 06/14/24
56. Email, re: tutoring, 04/25/24

The Parents submitted a *Reply* on December 20, 2024, providing an explanation and rebuttal and documents in support of the Parents' position. The Parents submitted the following relevant items:

1. Daily Tracker, 11/17/23-06/06/24
2. Email, re: PWN related to tutoring, 01/05/24
3. Email, re: [the Student], 12/13-12/15/23
4. Email, re: tutoring, 12/08/23
5. Email, re: question, 02/28/24

The Complaint Investigator interviewed one of the Parents and the District's personnel on January 8, 2025. 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 Parents' 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 SDI Discussion in Section IV. This Complaint covers the one-year period from November 2, 2023 to the filing of this Complaint on November 1, 2024.

Allegations	Conclusions
<p>When IEPs Must Be In Effect</p> <p>The Complaint alleged that the District violated the IDEA when it failed to implement the Student's IEP accommodations for pre-planning field trip support on February 13, 2024 and February 20, 2024. It is also alleged that the Student's [Augmented Alternative Communication] AAC device was not accessible to them and specially designed instruction (SDI) for math was not implemented correctly. Further alleged was the failure to</p>	<p>Substantiated in Part</p> <p>The Student had access to the AAC device and the District was making arrangements to provide tutoring, the Parent requested a delayed start, and the District was reconvening an IEP meeting to consider the Parent's request for a change in location for the</p>

Allegations	Conclusions
<p>provide two hours per week of home tutoring services from January 2, 2024 to January 23, 2024.</p> <p>(OAR 581-015-2220; 34 CFR §300.323)</p>	<p>tutoring services. SDI was implemented in the manner stated in the IEP.</p> <p>Not Contested</p> <p>The District did not contest the allegation related to pre-planning both of the field trips.</p>
<p>Content of IEP</p> <p>The Complaint alleged that the District violated the IDEA when home tutoring services were provided to the Student, and the IEP was not revised to reflect these services until April 20, 2024.</p> <p>(OAR 581-015-2200; 34 CFR §300.320)</p>	<p>Substantiated</p> <p>The District did not document tutoring services that were being provided in the IEP.</p>
<p>Least Restrictive Environment</p> <p>The Complaint alleged that the District violated the IDEA when the Student was “routinely placed/educated in a separate setting [hallway] from peers at the discretion of a paraprofessional.” This included specially designed instruction for math. The Student did not have access to “library, enrichment, or class activities.”</p> <p>(OAR 581-015-2240; 34 CFR §300.116)</p>	<p>Not Substantiated</p> <p>The District implemented the calming/break accommodation as written in the IEP and the IEP team agreed to the use of the hallway for instruction. There was evidence the Student had access to enrichment classes with greater access planned, but would often decline to attend.</p>
<p>Prior Written Notice</p> <p>The Complaint alleged that the District violated the IDEA when it issued inaccurate prior written notices on December 4, 2023, January 2, 2024, and June 3, 2024. Further, the Complaint alleged the Parents received these notices after the date indicated on the notices.</p> <p>(OAR 581-015-2310; 34 CFR §300.503)</p>	<p>Not Substantiated</p> <p>The PWNs dated December 4, 2023 and January 2, 2024 accurately reflect the discussions of the IEP Team. The June 3, 2024 may have had inaccurate information that the District immediately corrected once the misunderstood information was made known to the District.</p>

Allegations	Conclusions
<p>Free Appropriate Public Education (FAPE)</p> <p>The Complaint alleged that the District’s failure to implement the Student’s IEP as written and provide the Student with the least restrictive environment denied the Student a FAPE, and the District violated the IDEA.</p> <p>(OAR 581-015-2040; 34 CFR §300.101)</p>	<p>Not Substantiated</p> <p>The Student was making progress toward their IEP goal in math and received passing grades. The LRE allegation was not substantiated.</p>

REQUESTED CORRECTIVE ACTION
<p>The Parent requested the following corrective action:</p> <ul style="list-style-type: none"> • Provide compensation for missed activities, opportunities with peers, and specially designed instruction in math. • Provide tutoring services through a private class or program. • Provide training for staff to follow IEP accommodations, IEP development and implementation, and procedural safeguards. • Provide training for the District’s personnel to support disability and inclusion and to support alternative forms of AAC. • Make corrections to the inaccurate documentation.

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 November 2, 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 was twelve years old and attended sixth grade at an elementary school in the District during the 2023-24 school year.
2. The Student is eligible for special education in the areas of Other Health Impairment (OHI), Autism Spectrum Disorder (ASD), and Specific Learning Disability (SLD). The Parents revoked consent for special education and related services on October 18, 2024, and the District confirmed this action on October 21, 2024 via a PWN.

3. The Student enjoys collecting fidgets, playing computer games at home, horseback riding, and learning new facts about United States history. They also love animals, especially their cat. On assessments, the Student shows strengths in listening comprehension and spelling. "They are a strong visual learner."
4. An IEP dated January 30, 2023 indicated:
 - a. The IEP Team needed to consider accommodations and supports to "help reduce [the Student's] anxiety This could include implementing a visual schedule, providing a quiet space for [the Student] to take a break when feeling overwhelmed, or allowing [the Student] to have a designated person to communicate with when feeling anxious."
 - b. The Student received an i[P]ad with installed software "for use to assist in communication needs and has been learning to use the i[P]ad for the last year." The Student was learning to use the iPad in different settings and becoming more fluent in responding. The iPad was at school daily, but the Student needed verbal prompts to take it out and use it. "Communication Device" was listed as an accommodation on the service summary.
 - c. The Student needed "replacement math service to teach basic math skills" and was receiving "60 minutes of full replacement math." This was listed on the service summary as 300 minutes per week in the special education setting with a start date of January 30, 2023.
 - d. A math goal to "use addition and subtraction within 50 to solve word problems involving situations of adding to, taking from, putting together, taking apart, and comparing, with unknowns in all positions ... in 4/5 trials with 80% accuracy."
5. The March 16, 2023 IEP progress toward the math goal indicated the Student received 300 minutes a week of math replacement time and had an A as their math grade.
6. The IEP was amended on March 22, 2023. Parental input was updated. The Parents were concerned that the iPad was not being utilized enough for communication and asked for a usage chart to be sent home weekly.
7. A PWN dated June 5, 2023 indicated the Student had made progress towards their IEP math goals and no reteaching of previous skills was needed. Still, the Student's District assessment results had declined throughout the year. The IEP Team determined the Student qualified for Extended School Year (ESY) services (four hours per week for math), but the Parents declined the services. It was also noted that the Parents had accepted tutor support, and a request would be submitted. The tutor support was to occur during the school year and not as a replacement for ESY services during the summer. The IEP team agreed to meet again in the fall to discuss tutoring and other topics further. ESY data, and the step up plan were used as assessment tools for these decisions.
8. The IEP was amended on April 24, 2023 to include:
 - a. The Student used a District iPad to "help with communication needs" throughout the day as needed in classrooms, the counseling office, the main office, the library, and occupational therapy (OT) settings.
 - b. Accommodations added to the service summary with a starting date of April 25, 2023:

- i. “[C]ommunication log once a day” in the general education classroom;
 - ii. “[P]ad log once a week” in the general education classroom;
 - iii. “[V]erbal communication prompts school days” in all school settings; and
 - iv. “[V]isual communication prompts” in all school settings.
 - c. It was noted that the Student had met their previous math goal of using “addition and subtraction within 20 to solve word problems ...” as measured by “teacher observation, assignments, and unit tests.”
9. A May 26, 2023 PWN indicated:
- a. The Student would begin an abbreviated day (8:00 a.m. - 10:00 a.m.) beginning on May 30, 2023.
 - b. “Abbreviated day is by parent request, not by [the District] recommendation.” It noted that the Student would attend OT, math in the resource room, and enrichment.
10. The IEP was amended on June 16, 2023 to include:
- a. An accommodation of “Calming/Timeout Break” in a space within the classroom that the Student could utilize with teacher prompts if needed and have access to standard sensory tools.
 - b. The June 15, 2023 IEP progress toward the math goal indicated 300 minutes per week of math replacement time, a District assessment placement score of grade 1, and an A as a math grade.
11. August 31, 2023 Meeting Notes stated that the previous year’s Special Education Teacher provided the Student with 60 minutes daily for math. This year, the IEP Team was considering a model where the Student would receive math for 30 minutes per day in the general education classroom to benefit from exposure to grade-level material and 30 minutes per day in the special education classroom to work on IEP goals. The Parents expressed concerns about transitions and possible increased anxiety for the Student and initially agreed to 30 minutes of pull-out support and 30 minutes of push-in support daily for math. The IEP team continued the discussion and eventually agreed that the Student would remain in the general education class for the full 60 minutes of math instruction with access to breaks and then go to the resource room for an additional 30 minutes of math support. The Meeting Notes also indicated, “Due to [the] abbreviated day we will look at 2 hours a week with [the] current tutor (same tutor from summer).”
12. The IEP was amended on August 31, 2023 to include SDI for math for 300 minutes per week in the general education and special education settings with a starting date of August 31, 2023. The amount of time spent in each setting was not delineated.
13. An August 31, 2023 PWN indicated:
- a. “[The Student’s] IEP team agreed to have [them] begin the 2023-2024 school year on an abbreviated day. In addition, the team agreed to ... provide half of [the Student’s] specially designed instruction in math in the general education classroom.”
 - b. “[The Student’s] school day will be from 7:40 [a.m.] - 12:35 [p.m.] to begin the school year. In addition, [the Student] will receive two hours a week of tutoring support.”

- c. Other options considered: "To continue providing [the Student] with 300 minutes a week of specially designed instruction in mathematics in the Resource Room setting."
 - d. Reason for rejecting other options: "[The Student] has progressed with [their] math skills and would benefit from exposure with the sixth[-]grade general education curriculum. Therefore, the team agreed to provide half of [their] specially designed instruction during math in the general education setting and half in the Resource Room."
14. Weekly iPad logs documenting use of the iPad for communication from September 5, 2023 through April 12, 2024 indicated the Student's schedule, if the Student followed prompts to take out the iPad and have it ready ("yes" or "no"), and if the Student used the iPad to communicate after the adult prompt ("yes" or "no"). Some days, it was noted, "Not needed," or something similar.
15. A September 26, 2023 PWN and corresponding Meeting Notes indicated:
- a. "[The Student] will begin attending school from 7:40 [a.m.] - 1:30 [p.m.] on Monday, October 2, 2023. Informed and Written Consent for Placement on Abbreviated School Day Program will be sent by DocuSign, parent verbally agreed during the meeting."
 - b. "[The Student] has been attending school from 7:40 [a.m.] - 12:35 [p.m.] on an abbreviated day. [The Student's] IEP team agreed to extend [their] day to include transitioning into class from recess, teacher read[-]aloud, and enrichment (art and STEM)."
 - c. It was also noted that the Student would continue to receive 2 hours per week of tutoring.
16. October 10, 2023 reported progress toward the Student's math goal stated, "[The Student] has met [their] current goal and is working on place value and simple multiplication. ... [Their] math grade is a (B)."
17. An IEP dated October 26, 2023 indicated:
- a. Previously documented IEP information.
 - b. Program description: "[The Student] receives [their] specially designed instruction for math and social skills in a push-in and pull-out services setting."
 - c. District assessment information showed the Student's math performance level between grade 1 and grade 2, meaning a need for intensive-level math interventions.
 - d. Strengths in the area of social skills by using an "Augmentative Communication Device and gestures to communicate and answer questions with school staff. [The Student] whisper[-]talks and uses gestures to communicate with peers at lunch and on the playground."
 - e. A math goal of scoring at the "4th[-]grade level for Numbers and Operations on the District Wide Benchmark assessment" by October 25, 2024.
 - f. Specially designed instruction for math for "240 minutes per week" in "Resource/Gen[eral] Ed[ucation]" classroom. This was further described as: "[The Student] comes to the resource room for 120 minutes per week for small group math instruction. In addition, [the Student] receives 120 minutes per week [of] one[-]on[-]one math instruction in the classroom."

- g. Accommodations with a starting date of October 26, 2023, to be implemented in all school settings, including:
 - i. "Communication Device";
 - ii. "Calming/Timeout Break";
 - iii. "Verbal Communication Prompts";
 - iv. "Visual Communication Prompts";
 - v. "Communication Log once daily"; and
 - vi. "iPad Log once weekly."
- 18. An October 26, 2023 PWN and corresponding Meeting Notes indicated that the IEP Team met to discuss the Student's abbreviated day and would meet again to discuss the IEP on December 4, 2023. The notice proposed, "[The Student] will begin attending school from 7:40 [a.m.] - 2 [p.m.] on Monday, November 13, 2023. [The Student's] IEP team agreed to extend [their] current day by 30 minutes to include small group reading based on progress with [their] current day. [The Student] will be given [a] 2-week notice of this change. Informed and Written Consent for Placement on an Abbreviated School Day Program will be sent by DocuSign, parent verbally agreed during the meeting."
- 19. The Student's daily behavior logs from November 7, 2023 through November 30, 2023 indicated:
 - a. November 7, 2023: "In person [*sic*] assembly [the Student] declined to go, did OT. Shut down slightly after not wanting to go to assembly, [*sic*] we took a break. [The Student] is feeling better." The Parent noted, "[The Student] expressed to me that [they] did want to go to assembly [*sic*] but was not given the chance to communicate."
 - b. November 8, 2023: "Class went to library [*sic*] [the Student] declined."
 - c. November 29, 2023: "Said that [their] head was hurting during lunch, said it has been hurting since last night - gave [them] some water. Said no to going to the library when asked if [they] wanted to try and go, said [they] preferred to go back to class and read."
 - d. November 30, 2023: Math in classroom, "Learned a new card game [and] really enjoyed it - Skip-Bo."
- 20. The November 15, 2023 IEP progress report for math stated, "[The Student] has met [their] current goal and is working on simple multiplication and division with use of a multiplication chart, simple fractions and rounding to the nearest 10's and 100's. [Their] math grade in resource is a 94% (A)."
- 21. A November 16, 2023 PWN and corresponding Meeting Notes indicated the Student would continue to attend school from 7:40 a.m. - 1:30 p.m. due to the Parent's request because of concerns regarding transitions. It said, "The team agreed to continue having [the Student] attend 7:40 [a.m.] - 1:30 [p.m.] to maintain the status quo, at this time." A meeting to revisit this topic was set for December 4, 2023.
- 22. The Student's daily behavior logs from December 3, 2023 through December 13, 2023 indicated:

- a. Daily schedule of 7:40 a.m. - 1:30 p.m., 9:05 a.m. - 9:45 a.m. "Math in classroom and sensory break," and 1:00 p.m. - 1:30 p.m. "Enrichment."
 - b. December 3, 2023: "Offered to go to enrichment [the Student] declined we played Uno in [resource] [sic]."
 - c. December 11, 2023:
 - i. Math: "worked on place value practice on [computer program]."
 - ii. Enrichment: "We sat for 10 minutes and took a break due to instructor upset, removed us from situation [sic]."
 - iii. One of the Parents noted: "This was the day [the Student] had to be removed from enrichment."
 - d. December 12, 2023:
 - i. Math: "Worked on multiplication with the use of [a] multiplication chart."
 - ii. Enrichment: "Office called [a Parent] [at 1:00] - [the Student's] pain was too bad to try enrichment"
 - e. December 13, 2023: No comments for math, and the Student declined participation in enrichment. One of the Parents noted: "On our 12/14/23 phone call, [the Principal] stated that [the Student's] [General Education Teacher] removed class to line up outside for [the Student] to enter room - [the Student] panicked at this - way too much attention - felt like whole class was staring at [them] [sic]."
23. A December 4, 2023 PWN indicated that the Student would continue to attend school from 7:40 a.m. - 1:30 p.m. and that the IEP team would consider having the tutor work with the Student at the end of the school day from 1:30 p.m. - 2:00 p.m. Monday through Thursday at the School after winter break. It noted that the Student was receiving 2 hours per week of tutoring services. A meeting to continue reviewing the "abbreviated day" was scheduled for January 23, 2024.
24. December 4, 2023 Meeting Notes indicated:
- a. The Student was attending school until 1:30 p.m., and while the mornings seemed to be "going really well," the Student seemed to start showing signs of anxiety around lunch. One of the Parents said they had tried to help the Student identify reasons for this but had been unable to "pin-point [sic] what it [was]."
 - b. "[The Special Education Teacher] states that in [their] room [the Student] is using [their] iPad to communicate with the other students and the teacher and that is going well."
 - c. "[One of the Parents] said [they believe] the team should reconvene after winter break to look at adding more time to [the Student's] day."
 - d. "[The Director of Special Services] offered an option of having [the Student's] tutoring take place at the end of [their] normal school day. [One of the Parents] stated [they] liked that idea because they have struggled getting [the Student's] hours coordinated outside of the school day. [One of the Parents] reports that [the Student] has a good relationship with [their] tutor. [The Student] is currently getting 2 hours of tutoring a week. [One of the Parents] asked if we could split those hours up over the week. [The Director of Special Services] stated we will coordinate the details with the tutor and start after the holidays."
 - e. "Team agrees to extend [the Student's] time to 7:40 [a.m.]-2:00 [p.m.] Mondays-Thursdays and 7:40 [a.m.]-1:30 [p.m.] on Fridays, starting the week after Winter Break

(January 2, 2024). [The Student] will receive [their] tutoring services from 1:30-2:00 [p.m.] Mondays through Thursdays, pending this works for the tutor's schedule. Details for tutoring at school will be solidified and communicated with [the Parents] before students leave for Winter Break."

- f. "[One of the Parents] had submitted typed concerns and parent input for this meeting. The process for reviewing these concerns was started with the team. Specifically, [one of the Parents] has concerns with conflicting dates and dates that appeared amended and changed in last year's IEP."

25. In a December 8, 2023 email, one of the Parents asked for information regarding the tutor assigned to the Student and adding tutoring at school to the Student's day. They stated, "If, by some chance, everything will not be ready [for] [the Student] to start [their] longer days with tutoring on 1/2/24, I would like to postpone the start of later days until [they] can be accommodated."

26. In a December 13, 2023 email, one of the Parents expressed concerns related to the Student's "increased anxiety" and complaints of [their] "sides hurting" based on notes on the daily behavior charts. They wanted "precise details" of the incident on the December 11, 2023 daily behavior chart that indicated removal from enrichment and for the team to "collaborate and figure out" what the Student may have been trying to avoid by complaining about pains. Finally, regarding the change in schedule and tutoring, they said, "I'm also misunderstanding the current abbreviated day paperwork, the [sic] meeting notes state [the Student] will be staying at school for tutoring until 2 pm starting 1/2/24. Yet, I do not believe [their] abbreviated day paperwork documented this, and as it stands right now, we are not comfortable that the level of support needed for [the Student] to be successful is established."

27. On December 15, 2023, one of the Parents emailed the Principal and the Director of Special Services, "I am following up after yesterday's phone call; we spoke about [the Student's] Abbreviated day and the tutor starting on 1/8/24 for [the Student's] day extension until 2 pm. However, I want to make sure it was understood that [the Student] will not be staying until 2 pm when we return from break 1/2/24, as stated in the 12/4/23 meeting notes."

28. A January 2, 2024 PWN indicated:

- a. The Student would continue to attend school from 7:40 a.m. - 1:30 p.m. The IEP Team "considered having [the Tutor] work with [the Student] at the end of [their] school day at [the School] Monday through Thursday beginning January 8, 2024.
- b. Reason: "The team generally agreed that tutoring at [the School] was a beneficial way to extend [the Student's] current school day beginning right after winter break."
- c. Based on: "[The Tutor] was not available the first week of school following winter break."
- d. Other options considered: "To not provide tutor time at school."
- e. Reason for rejecting other options: "[The Tutor] is available beginning January 8, 2024 and [the Student's] [Parent] has indicated that [the Tutor] and [the Student] have built a good relationship."

29. January 3, 2024 Meeting Notes indicated:

- a. "Draft IEP unchanged since November other than inclusion of parent input."
 - b. "[One of the Parents] requested [the Student's] 'break/calm' space in 5th/6th grade building be in the hallway and not the break room."
30. The Student's daily behavior logs from January 3, 2024 through January 31, 2024 indicated:
- a. Daily schedule of 7:40 a.m. - 1:30 p.m., 9:05 a.m. - 9:45 a.m. "Math in classroom and sensory break," and 1:00 p.m. - 1:30 p.m. "Enrichment."
 - b. January 3, 2024:
 - i. Math: "worked on simple fraction identification."
 - ii. Enrichment: "offered to go to enrichment. [The Student] declined. We played Uno in [the Special Education Teacher's] classroom."
 - c. January 8, 2024:
 - i. Math: "Worked on mixed number fractions."
 - ii. Enrichment: "Felt anxious about going to enrichment, prompted [the Student] to go and sit down at the table, was feeling anxious about going in and slowly made it into the doorway and watched the class from there. Continued to prompt to have [the Student] go in and sit down but was feeling too much anxiety to go past. [The Student] said [they were] feeling sick/tired."
 - d. January 11, 2024:
 - i. Math: "Worked on simple fractions today. Math vocab[ul]ary - numerator, denominator, whole number."
 - ii. Enrichment: "[Staff] offered to come walk/sit w[ith] [the Student] [at] enrichment, [the Student] declined. Allowed [them] to draw in break room."
 - e. January 12, 2024:
 - i. Math: "Math w[ith] sub[stitute] - did worksheets/math games."
 - ii. Enrichment: "Walked to enrichment entrance [and] talked about possibly sitting [at] table outside class - will try Tuesday."
 - f. January 16, 2024:
 - i. Math: "Worked on place value [and] multi[-]digit addition."
 - ii. Enrichment: "We walked to enrichment, slight anxiety but we made it. [The Student] sat [at] table outside classroom and participated in class project."
 - g. January 17, 2024:
 - i. Math: "Went home sick."
 - h. January 31, 2024:
 - i. Math: "Worked on math fractions worksheets with [Substitute Special Education Teacher]."
 - ii. Enrichment: "Walked to class, but didn't want to go in. We sat outside of class. [The Student] participated on worksheet."
31. A January 5, 2024 email between one of the Parents and the District Special Education Department indicated:
- a. An attached PWN related to tutoring and a note: "The IEP pages that were reviewed at our 1/3/2024 meeting will be sent out early next week."
 - b. One of the Parents replied, "My apologies for making this more difficult; however, I had reached out with my concerns regarding this extension of time prior to winter break, as

well as in my most recent parent input and it was put in the 'parking lot' on 1/3/24. We do not agree to this at this time. Where do we go from here?"

- c. The Director of Special Services responded, "I know that there are some concerns about having [the Student] tutored for 30 minutes a day Monday-Thursday. At our December 4, 2023 meeting the team agreed to status quo for [the Student's] time up through the start of winter break and that tutoring would start after the break. There were scheduling conflicts with the tutor and [they] could not start until 1/8/24. You should be receiving the prior written notice confirming 1/8/24 start for tutoring today if you have not already. If you feel that [the Student] is not ready and do not want [them] to stay for tutoring time, that is not an issue. The services will be available at the times the team agreed upon. We have a follow up abbreviated day meeting scheduled for January 24, 2024 to further discuss the plan for [the Student] to progress to a full day."

32. Tutoring logs for January 7, 2024 through January 24, 2024 indicated:

- a. January 7, 2023: "[One of the Parents] messaged that they would not be adding more time to [the Student's] day. [They] apologized for how it affects my schedule. I doubt [sic] checked that [the Student] would definitely not be at school." No hours were recorded.
- b. January 8, 2023: "10 minutes before I was supposed to be at the school [the Director of Special Services] called to tell me that I need to come to the school no matter what. I have concerns since I'm not being included in the meetings. It is hard to know what is needed if I'm being excluded from the meetings [where] all the decisions are being made." No hours were recorded.
- c. January 11, 2023: "I came early to meet with [the Student] and [one of the Parents] picked [them] up." Half an hour was recorded.
- d. January 17, 2024: "Showed up and [the Student] had [gone] home sick." Half an hour was recorded.
- e. January 18, 2024: "[The School] called to let me know [the Student] was home sick. I emailed [the Director of Special Education] to make sure I wasn't supposed to go in." No hours were recorded.
- f. January 22, 2024: "[The School] called to let me know [the Student] was home sick." No hours were recorded.
- g. January 23, 2024: Two games were listed as played. One hour was recorded.
- h. January 24, 2024: Noted that tutoring would now be at home, and the Student would be out until January 31, 2024. Half an hour was recorded.

33. A January 23, 2024 PWN indicated:

- a. "The team agreed that [the Student's] school day would return to an end time of 1:30 [sic] and tutoring would again occur at the home for 2 hours per week, as arranged by tutor and parent. The parents also requested that the team meet in 90 days, to which the team agreed."
- b. Reason: "Previously the team had agreed that [the Student's] day would be extended to 2:00 [sic] by moving [their] tutoring to the school environment at 1:30 [sic] following winter break. However, [the] [P]arents indicated that due to [the Student's] increased anxiety, they felt that increasing [the Student's] day at that time was not beneficial. The team agreed to continue to have [the Student's] day end at 1:30 [sic]."

- c. Based on: Daily behavior charts indicating the Student was “experiencing anxiety later in the day, around enrichment time.” It was also noted that the Student “had not yet returned to participation in [their] enrichment class.”
 - d. Other options considered: “To continue to offer tutoring at the school.”
 - e. Reason for rejecting other options: “The team agreed that returning to having tutoring at home, which [P]arents noted was very beneficial, and reducing anxiety around [the Student’s] return to [their] enrichment class would be a better focus for the team at this time.”
 - f. Other factors considered: There would be a different enrichment class offered after the semester and maybe the Parents and School staff could find ways to encourage the Student’s participation.
34. January 26, 2024 reported progress toward the Student’s math goal stated, “[The Student] is currently working on Base 10, simple fractions, place value and simple multiplication. [Their] modified math grade is an (A).”
35. Daily student behavior logs from February 1, 2024 through February 28, 2024 indicated:
- a. Daily schedule of 7:40 a.m. - 1:30 p.m., 9:05 a.m. - 9:45 a.m. “Math in classroom and sensory break” and 1:00 p.m. - 1:30 p.m. “Enrichment.”
 - b. February 1, 2024:
 - i. Math: “Did missing place value worksheets with [Substitute Special Education Teacher].”
 - ii. Enrichment: “Went into enrichment today. [The Student] participated in building paper rockets with [their] table.”
 - c. February 2, 2024:
 - i. Math: “[The Student] did [two] pages of missing place values [and] [nine] pages of fractions w[ith] [Substitute Special Education Teacher].”
 - ii. Enrichment: “No enrichment on Fridays - gave [the Student] free time to draw.”
 - d. February 5, 2024:
 - i. Math: “Did missing place values worksheets [and] played Uno w[ith] [Substitute Special Education Teacher].”
 - ii. Enrichment: “Went in to enrichment today and participated.”
 - e. February 6, 2024:
 - i. Math: “Worked on rounding worksheets w[ith] [Substitute Special Education Teacher]. Played Skip Bo.”
 - ii. Enrichment: Nothing noted. It stated that the Student had left school at 12:00 p.m. for an appointment.
 - f. February 12, 2024:
 - i. Math: “Rounding worksheets / played Uno w[ith] [Substitute Special Education Teacher].”
 - ii. Enrichment: Nothing noted.
 - g. February 13, 2024:
 - i. Math: “Rounding worksheets / Sequence game w[ith] [Substitute Special Education Teacher].”
 - ii. Enrichment: “[A Parent] pick[ed] up.”

- h. February 14, 2024:
 - i. Math: "Worksheets on rounding to nearest 100th. Played Skip Bo w[ith] [Substitute Special Education Teacher]."
 - ii. Enrichment: Nothing noted.
- i. February 15, 2024:
 - i. Math: "Fractions worksheets / Uno w[ith] [Substitute Special Education Teacher]."
 - ii. Enrichment: "Went to enrichment. They built paper rockets. Anxiety from shooting rockets but has been watching and participating the best [they] can."
- j. February 16, 2024:
 - i. Math: "Identifying fractions worksheets / Skip Bo w[ith] [Substitute Special Education Teacher]."
 - ii. Enrichment: Nothing noted. The previous time slot read, "Going Home."
- k. February 20, 2024:
 - i. Math: Crossed off. It was noted later that the Student arrived at 11:00 a.m. (after math in the classroom).
 - ii. Enrichment: "[The Student] participated/transitioned well into ELA. Worked with 'ozzobots.'"
- l. February 21, 2024:
 - i. Math: "Fraction worksheets / Skip Bo / Math prodigy game w[ith] [Substitute Special Education Teacher]."
 - ii. Enrichment: "Class is finishing rocket project ([t]he launching was difficult). We played Build 2 game."
 - iii. One of the Parents noted: "Math should have been in resource after 2/7/24 [and] 2/16/24 meetings."
- m. February 23, 2024:
 - i. Math: "Place value worksheets / Skip Bo w[ith] [Substitute Special Education Teacher]."
 - ii. Enrichment: Nothing noted. Earlier notation indicated the Student was going to go home early.
- n. February 26, 2024:
 - i. Math: "Place value to 999 worksheets / Skip Bo w[ith] [Substitute Special Education Teacher]."
 - ii. Enrichment: "Building wind turbines in groups."
- o. February 28, 2024:
 - i. Math: "Rounding to nearest tens/hundredths worksheets and Skip Bo game w[ith] [Substitute Special Education Teacher]."
 - ii. Enrichment: "Substitute teacher for enrichment. Played Build 2. [The Student] participated well w[ith] table mates. [The Student] used [their] pods for loudness."

36. February 7, 2024 Meeting Notes indicated:

- a. SDI for math at 240 minutes per week.
- b. "Team discussion around how, currently, [the Student] has not been able to access the general education setting (push[-]in) for math. Team agreed to change from '[g]eneral education/special education setting' to 'special education setting' (pull[-]out). [A Parent] had a question about the minutes. The original minutes from the last IEP were 300

min[utes] [per] week and [they] were told that 240 would be in the special education setting and 60 was in the general education classroom, so [the Parent] is concerned about [the Student's] overall minutes being reduced. [The Parents] requested that meeting minutes from the August meeting be reviewed to determine what was decided on the minutes. [The Attorney for the District] had access to [their] notes and confirmed the agreement on August 31 was 30 minutes of push[-]in services and 30 minutes of SDI. Team agrees the IEP does need to say 300 min[utes] [per] week in a special education setting."

- c. "To date, [the Student] has been attending enrichment after the switch to the other class."

37. When asked during an interview with the Complaint Investigator about the differences in time for math SDI in the IEP between meetings on February 7, 2024 and February 16, 2024, the Director of Special Services recalled it was a correction to make the latter amount of time more accurate and in line with the District's practice to account for weeks that were not five day weeks. They also stated the IEP was in draft form on February 7, 2024 and finalized on February 16, 2024.

38. A February 16, 2024 IEP included the following relevant information:

- a. Parent concerns:
 - i. "Upon reviewing the documents provided in June, August, and October, I observed that certain dates and services were changed without accompanying explanations or notifications. There were several amendments and changes throughout the documents. [The Student] has had an incomplete IEP for 9 months. The most recent draft dated *[sic]* 10/26/23."
 - ii. "Written [a]ttendance agreement: concerns with the time extension and tutoring at school; the tutor has also expressed concern to me. Do we have current paperwork/prior notice for these changes? What is a clear, concise plan? I have contacted school team members regarding [the Student's] increased support needs following the data on [their] daily charts."
- b. "What Works":
 - i. "[The Student] expresses that [they are] enjoying enrichment."
 - ii. "Tutoring with [the Tutor] has also been very positive, they have built a good relationship. ... [The Tutor] has asked if it would be possible to do a portion of [the Student's] tutoring in the school setting to help incorporate the social component."
- c. "Communication Device":
 - i. The Student had a "communication device (iPad) during the school day in all school settings."
 - ii. The Student would have a "communication binder with visual cards available in the classroom for easy communication between [themselves] and classroom teacher."
- d. A modified math curriculum for the Student's "independent academic skill set" was needed.
- e. Math assessment results:
 - i. Number and Operations: Grade 3 level

- ii. Algebra and Algebraic Thinking: Grade 2 level
 - iii. Measurement and Data: Grade 1 level
 - iv. Geometry: Grade 4 level
 - v. The Student was identified at the “intensive level” and needing “substantial interventions” in order to learn grade level math.
- f. Math goal: “By February 2025, with the service of small group instruction, [the Student] will score at the 4th grade level for Numbers and Operations on the District Wide Benchmark Assessment.”
- g. Math service of “240 minutes per week” in the special education setting and a “modified curriculum at [the Student’s] level” for math in a “small group setting” starting February 16, 2024.
- h. Accommodations with starting dates of February 16, 2024 to occur in all school settings:
- i. “Communication Device”;
 - ii. “Communication Log once daily”;
 - iii. “iPad Log once weekly”; and
 - iv. “Communication Binder” with visual supports, schedule, 5 point anxiety scale, routine cards, and calming schedule.
39. February 16, 2024 Meeting Notes indicated “Team discussion and agreement on minutes per week for SDI: Math - 240 min[utes] [per] week (discussed how this is a *minimum* [emphasis added]) in [the] special education setting.”
40. A February 16, 2024 PWN indicated a proposal to change the Student’s special education placement and provision of FAPE. It listed the following:
- a. Reason for proposed action: The Student was found eligible for special education on October 4, 2024 for ASD, OHI and SLD.
 - b. Basis of proposed action: Various eligibility reports related to each of the three disabilities.
 - c. Other options considered: “Providing math services in the general education setting.”
 - d. Reason for rejecting considered options: “[The Student’s] math needs require a quiet area with few distractions, and curriculum appropriate to [their] current level.”
 - e. Other factors considered: “[The Student] will have a specific drop off and pick locations. [sic] The team addressed the modification listed on the service page and discussed a follow-up conversation needs to take place before [the Student] enters high school.”
41. On February 28, 2024, one of the Parents emailed the Special Education Coordinator, “I am following up on a piece of our conversation yesterday. I noticed on [the Student’s] daily chart that [they spend] a bit of time in the hallway, and [the Student] isn’t sure why for some things. We mentioned [the OT] asking [the Student] if [they were] overwhelmed and offering the hallway choice to build on [the Student’s] self-advocacy. Today, [the Student] said [they] usually [do] Math, reading, OT, and ELA in the hall.” The email also mentioned that while the rest of the class was working on an ELA project, the Student was in the hallway playing a game on the computer. They said, “This concerns us; [the Student] struggles a bit in ELA, which I’ve brought to the team’s attention in the past; however, it was decided evaluations and support

were unnecessary. I'm unsure why [they] would not participate, even if it needed to be modified/accommodated for [their] comfort or skill level."

42. The March 15, 2024 IEP progress report noted progress toward the Student's math goal, "[The Student] is currently working [on] equivalent fractions, place value and multiplication. [Their] modified math grade is an (A)."
43. A March 20, 2024 PWN indicated:
- a. "[The Student] will attend [the Homeschool Center] with [an] online curriculum provided at [their] instructional level. [They] will receive [their] specially designed instruction at [their] resident [School] M/F: 8-9:45; T/Th 8:35-9:45; W 9-9:45. [The Student] will continue to have tutoring two hours per week regarding general education online curriculum."
 - b. "The team met to develop a schedule that meets both [the Student's] current IEP service minutes, and accommodations for minimal transitions to, from, and within school. [The Student] had tutoring established prior due to abbreviated day; the team determined to continue this service at this time."
 - c. "The team will collaborate to provide SDI in IEP goal areas."
44. The Student's daily behavior logs from April 1, 2024 through April 30, 2024 indicated:
- a. Schedule: 8:00 a.m. - 9:45 a.m. and 9:00 a.m. - 9:45 a.m. "Math in Resource Room."
 - b. April 1, 2024, Math: "Little hesitation walking into resource room. Math workbook (Number Worlds). Played Skip Bo." One of the Parents noted: "This was [the Student's] first day back for SDI."
 - c. April 2, 2024, Math: "Worked on math workbook w[ith] [Substitute Special Education Teacher]. Equivalent fractions."
 - d. April 3, 2024, Math: "Worked on multiples/equivalent fractions - played Skip Bo."
 - e. April 4, 2024, Math: "Did math work and had a few minutes left at the end and talked with [Substitute Special Education Teacher]."
 - f. April 5, 2024, Math: "Played math [game]... ."
 - g. April 8, 2024, Math: "Worked on completing equivalent fractions and comparing fractions in math workbook - played Skip Bo for last 10 minutes."
 - h. April 9, 2024, Math: "Completed orange workbook and moved on to blue. Started with place values."
 - i. April 10, 2024, Math: "Place value worksheets. Skip Bo."
 - j. April 11, 2024, Math: "Rounding worksheets w[ith] [Substitute Special Education Teacher]."
 - k. April 12, 2024, Math: "Worked on addition strategies lesson."
 - l. April 15, 2024, Math: "Mental addition strategies [and] grouping strategies in workbook w[ith] [Substitute Special Education Teacher]. Laughing out loud. Skip Bo [at] end of time."
 - m. April 17, 2024, Math: "Grouping lessons in workbook w[ith] [Substitute Special Education Teacher]. Played 1 round of Skip Bo."
 - n. April 18, 2024, Math: "Regrouping strategies [and] double digit addition in math workbook."

- o. April 19, 2024, Math: "Fun Friday w[ith] [Substitute Special Education Teacher] (last day). Played Skip Bo"
 - p. April 22, 2024, Math: "Solving addition problems to 1,000 in math workbook"
 - q. April 23, 2024, Math: "Number Worlds - partial sums to add 3 digit #s ... Connect 4 last 10 minutes."
 - r. April 23, 2024, Math: "Adding 3 digit #s in columns worksheet ... Prodigy (math) for last 10 minutes."
 - s. April 26, 2024, Math: "Adding 3 digit in columns worksheet ... Played Skip Bo"
 - t. April 30, 2024, Math: "Worked/completed lesson 3 / 4 in math workbook - solving addition problems to 1,000. Adding 3 columns problems. ... Let [the Student] draw for last 10 minutes."
45. An April 23, 2024 email exchange between the Parents and the District indicated that one of the Parents requested to decrease tutoring to one hour per week due to the number of transitions the Student was experiencing. The response stated that the IEP could be revised to reflect this change either by written agreement or holding an IEP meeting.
46. An April 23, 2024 IEP progress report for the Student's performance in an online math program indicated a 72% average score for March 23, 2024 through April 23, 2024, including 2 chapter tests, 6 lesson quizzes, 35 learning activities, and 11 activity quizzes at the second and third-grade level.
47. An April 25, 2024 email exchange between District staff stated, "The tutoring isn't written in [the Student's] IEP, so there is nothing to amend. [Homeschool Center Staff] also noted that [they] didn't see a signed written agreement in the file. I think we should clean it up now and add the tutoring. If [one of the Parents] wants to do [a] written agreement we can have [them] sign that with the amendment pages. It's just the cover page and services page and PWN."
48. An April 26, 2024 IEP amendment indicated tutoring for one hour per week in the community setting with a starting date of April 26, 2024, added under related services. This was accompanied by a signed written agreement for the same date indicating "The District and the Parent agree that an IEP meeting is not necessary to revise the [S]tudent's IEP between annual IEP meetings." A PWN for the same date also documented this and noted a reduction in tutoring from 2 hours per week to 1 hour per week.
49. May 3, 2024 IEP progress report for the Student's new math goal stated, "Working on objective #1 towards Feb 2025 Goal - [the Student] is able to add using carrying strategies with an average of 91% accuracy as measured by daily assignments and assessments."
50. The Student's daily behavior logs from May 1, 2024 through May 29, 2024 indicated:
- a. Schedule: 8:00 a.m. - 9:45 a.m. and 9:00 a.m. - 9:45 a.m. "Math in Resource Room."
 - b. May 1, 2024 Math: "Solving addition problems to 1,000, expanding equations, double column/triple column addition."

- c. May 2, 2024 Math: "Math free day (Skip Bo) [The Student] completed 4 lessons this week and worked really hard."
- d. May 6, 2024 Math: "Number Worlds book - lesson 3 on computational estimation."
- e. May 7, 2024 Math: "Number Worlds book - lesson 1 - variables and equality."
- f. May 10, 2024 Math: "Gim Kit game. Skip Bo"
- g. May 13, 2024 Math: "Lesson 2 - computational estimation in math worlds book ... calculating exact amount vs estimate. Participated well. Played Gim Kit for last bit of time."
- h. May 14, 2024 Math: "iReady math diagnostics"
- i. May 15, 2024 Math: "Finishing up math iReady testing. Played Skip Bo"
- j. May 17, 2024 Math: "Numbers worlds book lesson on variables and equality. After lesson played Skip Bo"
- k. May 20, 2024 Math: "Number Worlds Level E unit 3 lesson 1 /2 - subtraction strategies. Math prodigy for last 10 min[utes]"
- l. May 23, 2024 Math: "Math worlds - lesson 3 [and] 4 [and] 5 ... After lessons we played Skip Bo for remainder of time."
- m. May 28, 2024 Math: "Number Worlds Level E unit 3 lesson 1 [and] 2 subtraction strategies. Played math prodigy for last 20 minutes."
- n. May 29, 2024 Math: "Number Worlds Level E unit 3 lesson 3 [and] addition math crossword subtraction strategies..."

51. A May 15, 2024 District benchmark assessment report indicated the Student scored at an overall grade 3 level and increased their score 30 points from their previous score surpassing the "typical growth" goal. Their math domain scores were listed as:

- a. Number and Operations: Grade 3
- b. Algebra and Algebraic Thinking: Grade 3
- c. Measurement and Data: Grade 4
- d. Geometry: Grade 4

52. In a May 21, 2024 email, one of the Parents asked, "I was wondering if you could tell me when the last day of SDI will be for [the Student]? I know typically in the past [they] would not go to resource until the last day of school, it would end earlier." They also indicated the days the Student would be out of town. The Special Education Teacher responded, "Our scheduled last day for the resource room is June 7th. The week of the 10-13 we do inventory and finish up files. However, if you would like [the Student's] services to continue that last week we can make that work, just let me know." The Parent replied, "The 7th is perfect."

53. A June 3, 2024 email exchange between the Parents and the District showed that the Principal requested that the Student continue to receive services according to their "normal schedules/services" for the last week of school (June 10-13). The Special Education Teacher responded that one of the Parents had informed them that June 7, 2024 would be the Student's last day of attendance. It was determined that a PWN would document this information.

54. A June 3, 2024 PWN indicated:

- a. "Through E-mail [one of the Parents] requested the schedule for the last 2 weeks of school. After hearing about the activities, field trips, and classroom programs that are happening, [one of the Parents] determined that June 7, 2024 would be [the Student's] last day attending [the School]. The [School] team stands ready to serve [the Student] June 10-13 if [they choose] to attend."
- b. "The school year is coming to a close and [one of the Parents] worked closely with service provider to determine that June 7, 2024 was a good ending date for [the Student's] services at [the School]."

55. A second June 3, 2024 PWN indicated:

- a. "[The Student's] last day of services at [the School] will be June 7, 2024. This will be the end of [their] 6th grade year at [the School]."
- b. "The school year is coming to a close and [one of the Parents] worked closely with [the] service provider to determine that June 7, 2024 was a good ending date for [the Student's] services at [the School]. The school building will be open and in session for the week of June 10-13, 2024 for students, however those days will be lots of field trips and classroom end of year activities. The service provider offered services for 10-13, however [one of the Parents] decided that ending the 7th was in the best interest of [the Student]."
(D927)

56. Regarding the PWN from June 3, 2024, the Special Education Coordinator explained during an interview with the Complaint Investigator that the Parent indicated via email the Student would be leaving the School, and the Resource Teacher called to confirm the Student's last day. The Special Education Coordinator said the PWN was created based on that call, but the wording differed from the conversation, and the Parent called the Special Education Evaluator and Coordinator to discuss the discrepancy. The Special Education Coordinator suggested they review the PWN together or present it at the August transition meeting, and the Parent agreed to wait until the August meeting. The PWN was given to the case manager at the Student's new program to give to the Parents.

57. The Student's daily behavior logs from June 3, 2024 through June 7, 2024 indicated:

- a. Schedule: 8:00 a.m. - 9:45 a.m. and 9:00 a.m. - 9:45 a.m. "Math in Resource Room."
- b. June 3, 2024 Math: "Number Worlds lesson 4 subtraction strategies word problems"
- c. June 4, 2024 Math: "Multiplication cut [and] glue activity ... played math prodigy for last 10 minutes."
- d. June 5, 2024 Math: "Fun Wednesday - played Skip Bo"
- e. June 6, 2024 Math: "Number Worlds Level E unit 3 more subtraction strategies. Lesson 5 review"
- f. June 7, 2024 Math: "Number Worlds - unit 3 - Level E week 2 lesson 1 - subtraction strategies ... money lesson with fake money."

58. A June 13, 2024 email to the District from one of the Parents said, "I wanted to contact you about my confusion with the PWN we received regarding [the Student's] SDI ending on 6/7/24. Yes, I did agree to SDI ending on 6/7/24. However, you will see the accurate reason

listed in the email exchange I've attached between me and [the Special Education Teacher] on 5/21/24. The reasoning is much different than what is documented in the PWN. ... Today is the district's last day of school, and I just received the PWN dated 6/3/24. It was mailed on 6/11/24, and I wonder why there was such a delay ..."

59. The June 13, 2024 IEP progress report for math stated, "[The Student] has met objective #1 and is able to add and subtract with 80% or better accuracy as measured with daily assignments and assessments. [They are] able to solve addition problems with carrying and subtraction problems with borrowing. [They are] also able to decipher with operation to use, between addition and subtraction, in story problems"
60. During an interview with the Complaint Investigator, the Resource Teacher stated they were on medical leave from January 20, 2024 through April 22, 2024. The Resource Teacher did not remember how the time difference was decided for the Student's math SDI between the general education and special education settings. During push-in time, the Resource Teacher worked with the Student on skills that other students were working on, but at the Student's level. During pull-out time, they worked on skills the Student was lacking. (**Resource Teacher Interview, P1-2, 01:36**) The Resource Teacher indicated the Special Education Provider Role was responsible for providing math SDI.
61. According to the Resource Teacher, the Student received pull-out instruction in the hallway sometimes. They also stated that if the Student felt anxious or overstimulated during push-in instruction, the Student would request to be removed from the classroom, and then SDI was offered outside of the classroom. The Resource Teacher did not recall how often the Student requested to leave the classroom.
62. During the interview with the Complaint Investigator, the Director of Special Services indicated the Special Education Coordinator handled the Resource Teacher's paperwork while they were on leave.
63. The Resource Teacher said they and the Student's paraprofessional filled out the iPad logs, and that all of the Student's classes and settings were included in the collected data.
64. When asked if the Student ever shared the reasons why they wanted to work in the hallway, the Resource Teacher said, "Sometimes, but it would have to be prompted. Usually [the Student] would stop whatever [they were] doing. I would ask ... 'are you feeling anxious? Are you feeling frustrated?' And [the Student] would type out on [their] iPad or ... nod to my questions." The Resource Teacher stated the Student spent most of their instructional time with them in their classroom or outside of it, and that little time was spent in the hallway.

65. During interviews with the Complaint Investigator, the Tutor explained the goals they were told to work on with the Student were social skills and mathematics. To address both goals simultaneously, the Tutor said they played math games with the Student that focused on areas that required improvement. The Tutor stated that with each IEP and tutoring service they were assigned, they were given specific goals to work on. The Tutor did not recall when they started working with the Student, but that it was sometime before winter break in 2023. Tutoring logs indicated the Tutor provided services to the Student prior to November 2, 2023.
66. According to the Tutor, they initially met the Student at their home after school for tutoring sessions. The Tutor explained the arrangement changed over winter break, and then the Tutor was supposed to work with the Student at the School. The Tutor said they ended up never meeting the Student at the School, and that they had received a message from the Parent that the Student was not ready for a longer day. The Tutor stated they initially tutored the Student twice a week, but they perceived it decreased to once a week at the end of the school year. The Tutor believed they were supposed to provide two hours of tutoring a week.
67. During an interview with the Complaint Investigator, The Director of Special Services indicated the Student started at the homeschool center around March 2024, and that the Student's 240 minutes of math SDI continued while there.
68. The Director of Special Services stated the team wanted to support the Student during their abbreviated school days, so they offered tutoring as an additional support. Around December 2023, the team discussed increasing the Student's time at the School by having the Tutor provide support at the end of the day. The plan was agreed upon by the team and the Parents. However, they perceived that after the holidays, the Student struggled more and missed several school days. The Director of Special Services said this change caused some frustration with the Parents, especially when the Tutor was present at the School during pickup. The Director of Special Services had the impression the Parents wanted to return to home tutoring "instantly," and they reiterated it had to be a team decision done through the proper channels. An IEP meeting was held in January 2024 and the decision was made to return to home tutoring. They stated the duration of tutoring remained at two hours per week.
69. The Director of Special Services explained the tutoring service log was maintained by the Tutor. When asked if tutoring was added to the IEP right away, the Director of Special Services said they did not know. They explained the School did not perceive the tutoring as a special education service, but as more of general academic support. The Director of Special Services believed tutoring services were included in PWN for clarification and

communication about what the School was doing. The Director of Special Services said of the tutoring, "... it was directly connected to the abbreviated day, so it really wasn't intended to be an integral part of [the Student's] IEP."

70. When asked about email communications between the Parent and the District from December 2023 through January 2024, the Director of Special Services indicated they revolved around the discussion to change tutoring services back to home tutoring. The School agreed to have a meeting, but could not change the IEP immediately. In January, the team met again and changed the tutoring back to home tutoring because tutoring at school was unsuccessful.
71. According to the Director of Special Services, the IEP team agreed to allow the Student to work on math outside the classroom, with the option to join the class if they were willing. They stated this approach aimed to increase inclusion, and the entire team supported it, believing it offered more integration than staying in the resource room. Regarding the Student not having their iPad with them all day, the Director of Special Services said, "The parents expressed frustration that [the Student] was not using it. ... we cannot force [the Student] to use it. It is available. We do remind [the Student]." The Director of Special Services indicated the Student was shown how to access and use the iPad. The Director could not verify that the iPad had been with the Student at recess time.
72. During interviews with the Complaint Investigator, one of the Parents reported that they believed the Student's iPad was often unavailable to them during lunchtime, in the resource room, and during enrichment time. The Parent said the Student had been using the iPad since fourth grade, and the Student had had challenges with the iPad since receiving it.
73. The Parent indicated they had discussions with School staff at IEP meetings about the iPad. The Parent said during the meeting they were told the Student should have the iPad with them in all school settings as per their accommodations. However, the Parent noted from the logs that sometimes it was stated the iPad was "not needed." The Parent believed the Student did not have the iPad with them in the general education resource room, and that it was "questionable" regarding other locations. The Parent explained they had created tools for the Student. But since they were placed in the iPad case, those tools were also unavailable. When asked what they thought it meant that the Student "did not need" their iPad, the Parent said, "... how it was explained to me by [the Students's] para[professional] was that at those times, like lunch, [the Student] would speak with [their] friends, so it wasn't needed."
74. The Parent stated that during an IEP meeting on August 31, 2023, it was discussed the Student would have push-in and pull-out services in the resource room. The Parent said that

in an IEP meeting in January 2024, a general education teacher stated the Student's SDI push-in math services were not happening, and were occurring in the hallway with the paraprofessional. The Parent requested the services be moved back to the resource room, but was told that the location didn't matter.

75. The Parent said they could see from the logs that the Student's SDI math time was mostly spent playing games.
76. When asked why District records stated why the Student couldn't access enrichment due to anxiety, the Parent said, "... the anxiety was caused by the teacher when [the Student] had to be removed by office staff due to teacher upset." The Parent indicated this staff person taught enrichment, and the incident took place on December 11, 2023. The Parent explained the Student was unable to enter the enrichment room after that incident, and that was when the hallway instruction for enrichment started. The Parent stated this happened in the art enrichment class.
77. When asked if there were other activities the Parent believed the Student did not have access to, the Parent said the Student had difficulty accessing the library and was allowed to avoid it and sit in the classroom instead. The Parent believed the Student was not supported in accessing the library, and was always allowed to avoid it. The Parent stated they talked with the School team several times about "decision fatigue" and giving the Student too many options, but believed no solutions were implemented.
78. Regarding the PWN from December 4, 2023, the Parent agreed during an IEP meeting to add more tutoring time to the Student's schedule. However, the PWN stated that tutoring would start on January 2, 2024. The Parent reached out with concerns about the incorrect PWN, but felt they were ignored. From the discussion at the IEP meeting, the Parent believed they would meet again on January 3, 2024 and discuss how to implement the tutoring services. The Parent indicated this occurred when the tutoring was transitioning between home and school, and believed the tutor was also confused. The Parent stated there was a lapse in tutoring services in January 2024 when the services were only available at school. The Parent stated they were not able to discuss the tutoring at a meeting on January 3, 2024 and it was pushed to a meeting on January 23, 2024.
79. The Parent stated that during a meeting on January 3, 2024, they learned the Student was being removed to the teacher's lounge. The Parent questioned this and said they were told the staff could try to let the Student stay in the hallway to make the transition easier.
80. The Parent stated they received a finalized version of the IEP on February 16, 2024, but it was missing a services page.

81. The Parent believed the Student was receiving English language arts, social studies and math instruction in the hallway. The Parent stated the Student indicated to them they did not like being in the hallway. The Parent said, “[The Student] would tell me when I ... picked [them] up, ‘my class did this, but I didn't get to do that.’”

82. On November 1, 2024, the Parents filed this Complaint.

IV. DISCUSSION

When IEPs Must Be In Effect

The Complaint alleged that the District violated the IDEA when it failed to implement the Student's IEP accommodations for pre-planning field trip support on February 13, 2024 and February 20, 2024. It is also alleged that the Student's AAC device was not accessible to them and that SDI for math was not implemented correctly. Further alleged is the failure to provide two hours per week of home tutoring services from January 2, 2024 to January 23, 2024.

School districts must have an IEP in place for every student with a disability under their jurisdiction and provide special education and related services in accordance with that IEP at the start of each school year. The district must ensure the IEP is accessible to all involved staff (teachers, related service providers, etc.) and inform each person of their specific responsibilities for implementing the IEP, including accommodations, modifications, and supports.³

An IEP dated October 26, 2023 indicated the Student received SDI for math and social skills in a "push-in and pull-out services setting." The amount of SDI for math was documented as 240 minutes per week with 120 minutes in the resource room and 120 minutes in the general education classroom. Accommodations scheduled to start on October 26, 2023 included a communication device.

IEP Meeting Notes from February 7, 2024 indicated that the SDI for math that was listed on the IEP as 240 minutes per week needed to be adjusted to reflect the agreed upon 300 minutes per week. The Student was also attending enrichment classes. The February 16, 2024 IEP documented the Parent's concern that the IEP had been in draft for the past nine months. This IEP also included the provision of a communication device available all day, in all settings, and a communication binder with visual cards. The IEP math goal established was for the Student to perform at the 4th grade level with math SDI instruction to be provided in a "small group setting." IEP accommodations included communication device, communication log once daily,

³ OAR 581-015-2220; 34 CFR §300.323

iPad log once weekly, and a communication binder., and 5-point anxiety scale. The February 16, 2024 Meeting Notes indicated “Team discussion and agreement on minutes per week for SDI: Math - 240 min[utes] [per] week (discussed how this is a *minimum* [emphasis added]) in [the] special education setting,” which was a correction to the IEP.

iPad usage logs from September 5, 2023 through April 12, 2024 provided details about the Student's use of their AAC device. The Parents reported that they believed the Student's iPad was often unavailable to them during lunchtime, in the resource room, and during enrichment time. This perception was based on logs that indicated the device was not needed. District staff indicated the term "not needed" referred to the Student indicating they did not want to use the device. Daily behavior logs from November 2023 to June 2024 (except March 2024) documented the following: the Student's use of breaks, sensory breaks, refusals to attend enrichment activities (often due to Student anxiety), attending enrichment classes, learning math in the classroom, such as place value, fractions, rounding, expanding equations, money, math games, and participating in class projects. These behavior logs noted many times that the School Staff prompted and encouraged the Student to attend enrichment activities.

A January 23, 2024 PWN indicated that the Student's ending time at school would revert back to 1:30 p.m. due to the Student's increased anxiety; an enrichment class was to be offered the following semester. The Student started at the Homeschool Center around March 2024, and the Student's 240 minutes of math SDI continued in this program. During interviews, the District reported that the Student had access to the iPad as a communication device throughout the day, the Student received instruction on its use, but the School did not force the Student to use the device.

The August 31, 2023 IEP included SDI for math for 300 minutes per week in the general education and special education setting, and the amount of time spent between the two settings was not delineated in the IEP. However, Meeting Notes described the SDI as occurring equally between the two settings; this implementation was verified by the District.

The October 26, 2023 IEP included 240 minutes per week of SDI for math with 120 minutes being spent in the special education setting and the remaining 120 minutes per week was to be delivered in the general education classroom with one-to-one support. The February 7, 2024 IEP Meeting Notes indicated the IEP Team changed the location of the 240 minutes per week for SDI in math to all being provided in the special education setting. At this meeting, the Parents questioned why the SDI in math was not 240 minutes in the special education setting and 60 minutes in the general education setting for a total of 300 minutes of SDI instruction in math, as had been agreed to at the August 31, 2023 IEP meeting. The District confirmed that the agreement at the August 2023 IEP meeting was for 30 minutes of SDI in the special education setting and 30 minutes of SDI instruction in the general education setting; the District agreed to

change the IEP to reflect 300 SDI minutes per week for math. The February 16, 2024 IEP meeting notes indicated “Team discussion and agreement on minutes per week for SDI: Math - 240 min[utes] [per] week (discussed how this is a minimum [emphasis added]) in [the] special education setting” and the SDI for math remained at 240 minutes per week.

Tutoring was made available to the Student at the School after the Student’s school day in January 2024. The Parent wanted the tutoring to return to the home setting immediately and the District scheduled an IEP meeting to consider the Parent’s request before reverting the location of the tutoring services to the home location. Tutoring logs for January 7, 2024 through January 24, 2024 documented 2.5 hours total of services provided to the Student. The District made the tutoring available at the School per the IEP, until the location was revised.

The District did not contest the allegations about not pre-planning for field trips on February 13, 2024 and February 20, 2024. The District’s documentation reflected that the Student did have access to the AAC device and would not always choose to use the device. The District’s documentation of the SDI for math was for 300 minutes per week from January 30, 2023 through October 26, 2023 with the Student receiving the instruction in the special education setting, except for August to October 2023 when half of the SDI was provided in the general education setting with one-on-one support. In October 2023, the SDI for math was reduced to 240 minutes all to be provided in the special education setting. In February 2024, the Parent questioned the 240 minutes per week, the District agreed to reinstate the service minutes to 300 minutes, but instead recorded the service time as 240 minutes per week of SDI for math. The tutor logs reflect services were offered.

The Department substantiates this allegation in part.

Content of IEP

The Complaint alleged that the District violated the IDEA when home tutoring services were provided to the Student, and the IEP was not revised to reflect these services until April 20, 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 measurable annual academic and functional goals that are 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. The IEP must indicate how the goals meet each of the child’s other educational needs that result from the child’s disability. The IEP must include a description of

how the child's progress toward meeting the annual goals will be measured and when and how progress will be reported.⁴

The IEP must include a statement of the specific special education and related services, supplementary aids and services, modifications, and supports for school personnel that will be provided for the child. This statement should indicate how the child will advance toward attaining their annual goals, how they will be involved and progress in the general education curriculum, and how they will participate in extracurricular and nonacademic activities. The IEP must describe how the child will be educated and participate with other children with and without disabilities. The projected dates for initiation of services and modifications, the anticipated frequency, amount, location and duration of the services and modifications must also be described in the IEP. An explanation of the extent to which the child will not participate with children without disabilities in the regular class and activities described must also be included.⁵

The August 31, 2023 IEP meeting notes indicated the Student would receive 2 hours of tutoring per week due to the abbreviated school day. The tutoring services were not documented on the IEP. A March 20, 2024 PWN indicated that while the Student was attending the Homeschool Center their SDI would be provided at their resident school and the two hours per week of tutoring would continue regarding general education online curriculum. On April 23, 2024, the Parents requested the tutoring services reduced to one hour per week. The District responded that the IEP could be revised to reflect this change either by written agreement or IEP meeting.

The tutoring logs indicated these services started prior to November 2, 2023 and continued into the Complaint period. During interviews, the Tutor described their instruction to the Student as providing instruction for the social and math IEP goals, but never ended up providing the tutoring services at the School. On April 25, 2024, District staff recognized "[t]he tutoring isn't written in [the Student's] IEP ... I think we should clean it up now and add the tutoring." During interviews, the Special Education Director described the tutoring services as an ancillary "general academic support" for the Student's abbreviated day and these services were not part of the Student's IEP. A signed written agreement dated April 26, 2024 amended the IEP to include tutoring for one hour per week in the community setting with a starting date of April 26, 2024. A PWN for the same date also documented this and noted a reduction in tutoring from 2 hours per week to 1 hour per week. The content of the IEP did not reflect the agreed upon amount of SDI for math, resulting in a denial of services.

The Department substantiates this allegation.

Least Restrictive Environment (LRE)

The Complaint alleged that the District violated the IDEA when the Student was "routinely placed/educated in a separate setting [hallway] from peers at the discretion of a

⁴ 581-015-2200 (1)(a-c); 34 CFR §300.320 (a) (1-3)

⁵ 581-015-2200 (1)(d-g); 34 CFR §300.320 (a) (4-7)

paraprofessional.” This included specially designed instruction for math. The Student did not have access to “library, enrichment, or class activities.”

To the maximum extent appropriate, children with disabilities should be educated with children who do not have disabilities. Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment should occur only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.⁶

A September 26, 2023 PWN documented that the Student's day would be extended to include access to enrichment activities including "recess, teacher read[-]aloud, and enrichment (art and STEM)." The January 3, 2024 IEP meeting notes indicated "[One of the Parents] requested [the Student's] 'break/calm' space in 5th/6th grade building be in the hallway and not the break room [teacher's lounge]." On February 28, 2024, the Parents notified the District of their concerns that the Student was spending too much time in the hallway and not participating in class activities.

During interviews, the Parent reported that they requested the Student return to the Resource Room instead of spending time in the hallway. The Parent believed the Student was receiving English language arts, social studies and math instruction in the hallway which the Student did not like, according to the Parents. The Resource Teacher reported the Student received pull-out instruction in the hallway sometimes. They also stated that if the Student felt anxious or overstimulated during push-in instruction, the Student would request to be removed from the classroom, and then SDI was offered in the hallway. The District reported during interviews that the IEP Team decided to have the Student work in the hallway "with the option to join the class if they were willing." The IEP Team used this approach to increase inclusion for the Student.

The Department does not substantiate this allegation.

Prior Written Notice (PWN)

The Complaint alleged that the District violated the IDEA when it issued inaccurate PWN documents on December 4, 2023, January 2, 2024, and June 3, 2024. Further, the Complaint alleged the Parents received these notices after the date on the notices.

Prior written notice must be given to the parent of a child within a reasonable period of time before a school district proposes or refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education. The content of the PWN must include a description and an explanation of the actions proposed or refused by the school district. The PWN must include a description of each evaluation

⁶ OAR 581-015-2240; 34 CFR §300.116

procedure, assessment, test, record, or report the school district used as a basis for the proposed or refused action. A statement that the parents of a child with a disability have protection under the procedural safeguards and, if this notice is not an initial referral for evaluation, the means by which a copy of the Notice of Procedural Safeguards may be obtained. Parents must be provided sources to contact to obtain assistance in understanding the safeguards. The PWN must include a description of other options that the IEP team considered and the reasons those options were rejected as well as a description of other factors that are relevant to the agency's proposal or refusal.⁷

The December 4, 2023 PWN said the IEP team would consider having the tutoring at school at the end of the Student's school day "after winter break." The December 4, 2023 IEP meeting notes documented that the tutoring services were to start "the week after Winter Break (January 2, 2024)" and the tutors schedule would need to be considered. The Meeting Notes indicated one of the Parent's preferences was for the tutoring time to be considered after winter break and the District stated "we will coordinate the details with the tutor and start after the holidays" and the Parents would be notified about the plan "before students leave for winter break." The December 4, 2023 PWN described what was reflected in the IEP meeting notes.

On December 8 and 15, 2023, the Parents requested that the tutoring start later than January 2, 2024 if the plans were not ready. On December 13, 2023, the Parents notified the District of their concerns for the Student's increased anxiety and noted they believed the abbreviated day paperwork was inaccurate. The week after the District's winter break was January 8, 2024. On January 2, 2024, the District provided the Parents with PWN indicating the Tutor was not available to start the services until January 8, 2024. The January 2, 2024 PWN documented that the Student would attend school until 1:30 p.m, and starting on January 8, 2024 the Student would attend school until 2 p.m. The Parents believed this information was inaccurate as it was their understanding that the IEP Team would meet in January 2024 to develop a plan for tutoring to occur at the School at a later date. The PWN issued on January 2, 2024 accurately reflected what transpired.

At the end of the 2023-24 school year, the Parent inquired about the last day for special education services, and indicated their acceptance of June 7, 2024 as the last day. On June 3, 2024, the District provided PWN offering services through the last day of school June 13, 2024. The Parents notified the District that the reasons included in the June 3, 2024 PWN were not accurate; the District provided an amended PWN.

The Department does not substantiate this allegation.

Free Appropriate Public Education (FAPE)

⁷ OAR 581-015-2310; 34 CFR §300.503

The Complaint alleged that the District's failure to implement the Student's IEP as written and provide the Student with the least restrictive environment denied the Student a FAPE, and the District violated the IDEA.

School districts must prove a FAPE to all school-age children with disabilities ages 5-21 for whom they are responsible.⁸

The March 16, 2023 IEP progress toward the math goal indicated the Student received 300 minutes a week of math replacement time and had an A as their math grade. A June 5, 2023, PWN indicated the Student made progress toward their IEP math goals and did not need reteaching; however, District assessment results showed a decline. The IEP Team determined the Student qualified for ESY services, but the Parents declined, opting for tutor support during the school year instead and agreed to meet in the fall to discuss tutoring further. The April 24, 2023 amended IEP noted that the Student had met their previous math goals. A May 26, 2023 PWN indicated the Student would begin an abbreviated day (8:00 a.m. - 10:00 a.m.) beginning on May 30, 2023. "Abbreviated day is by parent request, not by [the District] recommendation." It noted that the Student would attend OT, math in the resource room, and enrichment.

The June 15, 2023 IEP progress toward the math goal indicated 300 minutes per week of math replacement time, a District assessment placement score of grade 1, and an A as a math grade. The August 31, 2023 PWN documented that the Student had made progress with their IEP math skills and would benefit from exposure with the sixth-grade general education curriculum. A September 26, 2023 PWN documented the provision of two hours per week of tutoring services. The October 10, 2023 IEP progress report for math indicated the Student had met their math goal and their math grade was B. The November 15, 2023 IEP progress report for math reported the Student had met their math goal and received an A in the resource program. The January 26 and March 15, 2024 IEP progress reports for math documented the Student received a modified math grade of an A.

The Parent stated they received a finalized version of the IEP on February 16, 2024, but it was missing a services page. The April 23, 2024 IEP progress report for the Student's performance in an online math program indicated a 72% average score, and the May 3, 2024 IEP progress report 91% accuracy on the goal. A May 15, 2024 District benchmark assessment report indicated the Student scored at an overall grade 3 level and increased their score 30 points from their previous score surpassing the "typical growth" goal. The June 13, 2024 IEP progress report for math indicated the Student had met objective 1. The aforementioned conclusion for the least restrictive environment was unsubstantiated and the District did not violate the LRE provisions.

The Department does not substantiate this allegation.

⁸ OAR 581-015-2040; 34 CFR §300.101

V. CORRECTIVE ACTION⁹

*In the Matter of Klamath County School District 01
Case No. 24-054-066*

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

Action Required	Submissions	As Soon As Possible But No Later Than Due Date
<p>1. The District must provide the Student with Compensatory Education to make up for the math SDI that resulted from the IEP not reflecting the agreement reached during the February 7, 2024 IEP meeting. The compensatory education to be offered to the Parent shall include at least 15 hours of specially designed instruction in math.</p> <p>The District must hold an IEP meeting with the Parent to develop a plan to deliver this SDI.¹⁰</p>	<p>Meeting notice, minutes, and other documentation of the IEP review meeting and determinations.</p> <p>Completed plan for delivery of Compensatory Education developed in IEP meeting with Parent;</p> <p>Evidence showing compensatory education was provided.</p>	<p>March 21, 2025</p> <p>March 21, 2025</p> <p>August 15, 2025</p>
<p>2. The District must ensure that all District staff responsible for reviewing, revising, developing, and implementing IEPs for this student receive training in each of the following areas:</p> <ul style="list-style-type: none">• When IEPs must be in effect; and• Content of IEP.	<p>Training agenda/materials to ODE District Support Specialist for review/approval.</p> <p>Sign-in sheet for training.</p>	<p>March 21, 2025</p>

Dated: this 31st Day of January 2025

⁹ 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)).

¹⁰ 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.oregon.gov



Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing Date: January 31, 2025

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).)