

BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of)	FINDINGS OF FACT,
Molalla River School District 35)	CONCLUSIONS,
)	AND FINAL ORDER
)	Case No. 25-054-010

I. BACKGROUND

On February 24, 2025, the Oregon Department of Education (the Department) received a written request for a special education complaint (Complaint) from the parent (Parent) of a student (Student) residing in the Molalla River School District (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 Parents and the District agree to the extension to engage in mediation or local resolution or for exceptional circumstances related to the complaint.²

On March 3, 2025, the Department's Complaint Investigator sent a *Request for Response (RFR)* to the District identifying specific allegations in the Complaint to be investigated and establishing a *Response* due date of March 17, 2025. On March 17, 2025, the District submitted a *Response*, disputing the allegations described in the Complaint. The District submitted the following relevant items:

1. District Written *Response*, 3/17/2025
2. Parent Complaint to Department, 1/4/2024
3. Email: Synergy error, 10/28/2024
4. Email: [Student] email, 10/17/2024
5. List of Student Absences
6. District Newsletter Mailing
7. Student Grades, first trimester 2024
8. Email: (no subject), 11/17/2024
9. Email: So this not going to work, 12/18/2024
10. Email: Want to show them screenshots? Here's one of my own [expletive deleted], 12/18/2024
11. Email: (no subject), 9/25/2024

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

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

12. Email: Confidential, 11/19/2024
13. Email: Incident today, 11/1/2024
14. Student Disciplinary Action Form, 11/1/2024
15. Email: Welcome Back! Reentry Meeting and Possible IEP Meeting, 8/22/2024
16. Email: (no subject), 8/29/2024
17. Email: (no subject), 11/10/2024
18. Email: Synergy parent info, 12/13/2024
19. Email: Spreadsheet shared with you: "Copy of [Student] 2024-25 Communications: Septe
16-20 2024", 9/20/2024
20. Text Messages between Student and Parent, 10/8/2024
21. School Behavioral Contract, 8/29/2024
22. Notice of Team Meeting, 1/14/2025
23. Email: Fwd: Scheduled Options Meeting, 3/17/2025
24. Student IEP (Draft), 1/24/2025
25. Eligibility Statement, 1/24/2025
26. IEP Meeting Notes, 1/24/2025
27. Disability Statement, Other Health Impairment, 1/24/2025
28. Prior Written Notice, 1/24/2025
29. Disability Statement, Specific Learning Disability, 1/24/2025
30. Student IEP, 1/25/2023
31. Functional-Based Behavior Support Plan, 5/5/2023
32. Student Safety Plan, 5/5/2023
33. Student Plan for Independence, 5/5/2023
34. Prior Written Notice, 5/5/2023
35. Functional-Based Behavior Support Plan, 5/5/2023
36. Notice of Team Meeting, 5/5/2023
37. Team Meeting Notes (Adjustment to IEP), 5/5/2023
38. Notice of Team Meeting, 8/30/2023
39. Special Education Placement Determination, 9/5/2023
40. Prior Written Notice, 9/5/2023
41. Student IEP, Amendment, 1/25/2023 (5/5/2023, 6/2/2023), w/Function-Based Behavior
Support Plan (5/5/2023), Student Safety Plan (5/5/2023), and Plan for Independence:
Utilizing Transitional Assistance (5/5/2023)
42. Special Education Placement Determination, 6/2/2023
43. Function Based Behavior Support Plan, 5/5/2023
44. Team Meeting Notes (Adjustment to IEP), 6/2/2023
45. Letter from Student Physician, 3/31/2023
46. Student IEP, 1/28/2022
47. Disability Statement, Emotional Disturbance Criteria, 1/28/2022
48. Eligibility Summary Statement, 1/28/2022
49. Disability Statement, Specific Learning Disability Criteria, 1/28/2022
50. Prior Written Notice, 1/28/2022
51. Special Education Placement Determination, 1/28/2022
52. Prior Written Notice of Evaluation, 1/6/2022

53. IEP Team Meeting Notes (Initial and Three year Reevaluation), 1/28/2022
54. Function-Based Behavior Support Plan, 1/28/2022
55. Notice of Team Meeting, 1/12/2022
56. Disability Statement, Other Health Impairment (80) Criteria, 1/28/2022
57. Notice of Team Meeting, 1/5/2022
58. Parent Guardian Consent for Individual Evaluation, 1/5/2022
59. Email: Proposed evaluation for [Student], 1/5/2022
60. Psychoeducational Re-Evaluation, 1/27/2022
61. Email: Fwd: Native American History Chapter 10 test, 3/17/2025
62. Prior Written Notice, 1/30/2025
63. Student IEP (Draft), 1/24/2025
64. Student IEP, 4/23/2024
65. IEP Meeting Notes, 2/3/2025
66. Notice of Team Meeting, 1/31/2025
67. Student IEP, 1/24/2025
68. Email: Re: forecasting [Student], 2/12/2025
69. Student High School Transcript with notes
70. Draft Agenda for IEP meeting, 3/15/2024
71. Email: Follow up/next steps for today's IEP meeting, 3/15/2024
72. Notes from Annual IEP for [Student], 3/15/2024
73. Email: Re:, 3/18/2024
74. IEP Progress Report, 3/25/2024
75. Agenda for 4-23-23 FIEP meeting
76. Notes from IEP Meeting, 4/23/2024
77. Student Positive Behavior Support Plan, 4/22/2024
78. Email: Updated Draft, 5/14/2024
79. Progress Period Detail
80. Notice of Team Meeting, 8/22/2024
81. Email: Re: Welcome Back! Reentry Meeting and Possible IEP Meeting, 8/23/2024
82. IEP Meeting Notes, 8/29/2024
83. Behavioral Contract, 8/29/2024
84. Email: Fwd: Planning Meeting Options, 3/12/2025
85. Student Positive Behavior Support Plan, 10/12/2023
86. Student IEP, 10/12/2023
87. Student IEP, Amendment, 10/12/2023
88. Notice of Team Meeting, 9/15/2023
89. Prior Witten Notice, 2/21/2024
90. Special Education Placement Determination, 10/12/2023
91. Notice of Team Meeting, 2/20/2024
92. Prior Written Notice, 10/16/2023
93. Student Positive Behavior Support Plan, 10/12/2023
94. Student Safety Plan, 10/12/2023
95. Notice of Team Meeting, 10/31/2024
96. Email: RE: 9/30/2024

97. Prior Written Notice of Evaluation, 11/14/2024
98. IEP Meeting Notes, 11/14/2024
99. Prior Written Notice of Evaluation, 11/14/2024
100. Email: Re: Confidential, 11/19/2024
101. Prior Written Notice of Evaluation, 11/14/2024
102. Email: Fwd: Planning Meeting Options, 3/12/2025
103. IEP Progress Report—Measurable Annual Goals, 12/1/2023
104. Email: Re: So this not going to work, 12/18/2024
105. 2024-2025 High School Student Handbook
106. Student IEP (Draft), 1/24/2025
107. Prior Written Notice, 4/24/2024
108. Special Education Placement Determination, 4/23/2024
109. Notice of Team Meeting, 4/20/2024
110. Notice of Team Meeting, 1/31/2025
111. IEP Meeting Notes, 1/24/2025
112. Prior Written Notice, 1/30/2025
113. Email: Re: [Student], 11/6/2024
114. Email: Re: Schedule Options for Meeting, 1/14/2025
115. File Review Report, 1/23/2025
116. Observations Notes, 1/17/2025
117. IEP Meeting Notes, 2/3/2205
118. Parent Written Concerns for IEP Meeting Held, 1/24/2025
119. Disciplinary Action Form, 1/29/2025
120. No Contact Contract, 2/26/2025
121. Student Commutation Tracker, 2024 trimester
122. Student IEP AMENDMENT, 1/25/2023
123. Student IEP: Extended school year decision making tool, 1/25/2023
124. Function-Based Behavior Support Plan, 5/5/2023
125. Student Safety Plan, 5/5/2023
126. Plan for Independence: Utilizing Transitional Assistance, 5/5/2023
127. Special Education Placement Determination, 6/2/2023
128. Function-Based Behavior Support Plan, 5/5/2023
129. IEP Team Meeting Notes (Adjustment to IEP, Home instruction), 6/2/2023
130. 2025-2026 Senior Forecasting Sheet,
131. IEP Team Meeting Notes, 4/23/2024
132. Intergovernmental Agreement, 2024
133. Modified Diploma Determination/Agreement, 8/29/2024
134. Student IEP Amendment, 1/25/2023
135. Special Education Placement Determination, 6/2/2023
136. Function-Based Behavior Support Plan, 5/5/2023
137. IEP Team Meeting Notes (adjustment to IEP), 6/2/2023

On March 27, 2025, the Parent’ submitted a written response to the District’s March 17, 2025, response and materials. The Parent provided additional documents in support of their written response.

On March 27, 2025, the Department’s Complaint Investigator interviewed the Parent. On March 28, 2025, the Department’s Complaint Investigator interviewed the District’s Director of Special Education. Following the interview, the District provided the Department with additional documents arising out of the March 28, 2025, interview. The Complaint Investigator reviewed and considered all these documents, interviews, and exhibits in reaching 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 Discussion in Section IV. This Complaint covers the one-year period from February 25, 2024, to the filing of this Complaint on February 24, 2025.

Allegations	Conclusions
<p>Content of the IEP</p> <p>It was alleged that the District violated the IDEA by:</p> <ol style="list-style-type: none"> 1. Failing to include in the Student’s IEP a statement of the reason, timing, or method by which District staff would modify the Student’s grades in specific courses; and 2. Failing to include how the Student’s progress toward goals would be measured, such that the District had no clear way to track progress or calculate grades for the Student. <p>(OAR 581-015-2200; 34 CFR § 300.320)</p>	<p>Not Substantiated</p> <p>The record supports that the District did have a method by which the Student’s grades would be modified and that teachers were appropriately informed.</p> <p>The Student’s IEP includes how progress would be tracked, and the record includes progress monitoring data.</p>
<p>Parent Participation – General</p> <p>It was alleged that the District violated the IDEA by:</p> <ol style="list-style-type: none"> 1. Blocking the Parent from access to staff emails and the District’s newsletter, resulting in the Parent not receiving notice of parent/teacher conferences. It is 	<p>Not Substantiated</p> <p>The record is inconclusive regarding how the Parent ceased to receive emails for a time, however, when discovered, the District</p>

Allegations	Conclusions
<p>alleged that this primarily occurred in October 2024;</p> <ol style="list-style-type: none"> Limiting or constraining potential IEP team meeting times to those times convenient to one District administrator, over the availability of other IEP team members including the Parent; Failing to consider the Parent's input regarding the Student's academic needs and abilities, specifically the degree to which the student could participate in physical education due to physical limitations; and, Failing to share relevant information about the creation of the Student's curriculum modifications with the Parent, that were included in the Student's IEP. <p>(OAR 581-015-2190; 34 CFR § 300.500, § 300.327, & § 300.501(a) & (b))</p>	<p>scheduled replacement parent teacher conferences for the Parent.</p> <p>There is no evidence in the record that IEP team meetings for the Student were not collaboratively scheduled.</p> <p>The record contains Parent concerns for the Student's injuries, the Student's assurances that they could manage any injuries, and acknowledgements that no definitive medical information was provided to the District regarding the Student's medical condition.</p> <p>The Student's IEP does not include curriculum modifications.</p>
<p>When IEPs Must Be In Effect</p> <p>It was alleged that the District violated the IDEA by:</p> <ol style="list-style-type: none"> Failing to implement to the Student's IEP accommodation for movement breaks, when it interpreted the Student's request to leave their ceramics class as a request to drop the course, rather than a movement break, resulting in the District removing the Student from the class in favor of a physical education course; Additionally, by not providing the Student with one of their IEP accommodations on October 4, 2024, when the Student asked to leave physical education class; Failing to provide specially designed instruction, modification, and accommodations (for example allowing the Student to complete class work, especially in math, at home, and instead requiring the Student to 	<p>Not Substantiated</p> <p>The record supports that the Student requested a change in schedule, rather than a District misinterpretation of the Student's request to utilize an IEP accommodation.</p> <p>The record includes communications from the Student's teachers to the Parent approving the completion of math work outside of class time in conformity with the Student's IEP.</p>

Allegations	Conclusions
<p>complete such work in school) in accordance with the Student's IEP;</p> <p>3. Failing to ensure that District staff responsible for implementing the Student's IEP were informed of the modifications to the Student's math curriculum.</p> <p>(OAR 581-015-2220; 34 CFR § 300.323 & § 300.324)</p>	<p>The record includes communications from the Student's Math Teacher regarding the implementation of the Student's IEP accommodations.</p>
<p>IEP Team Considerations and Special Factors</p> <p>It was alleged that the District violated the IDEA by:</p> <ol style="list-style-type: none"> 1. Failing to consider the Student's academic, developmental, and functional needs arising out of their eligibility category of Specific Learning Disability as it impacted their ability to make progress in the math curriculum; 2. Failing to consider the concerns of the Parent and the strengths of the Student, when the District changed the Student's academic schedule, placing them in courses that did not match their physical abilities, specifically removing the Student from their ceramics class, and placing them in physical education, despite the Student's relevant physical limitations; 3. Failing to consider the Student's academic, developmental, functional needs and diploma requirements, when it required the Student to take additional math credits than needed or required; and, 4. Failing to share the results of evaluations or other data upon which it relied upon in developing modifications to the Student's curriculum, or the specific modifications to the Student's curriculum. <p>(OAR 581-015-2205; 34 CFR § 300.320, § 300.324(a)(1) & (2) & (b)(2))</p>	<p>Not Substantiated</p> <p>The Student's IEP progress monitoring showed that the Student was making progress in their math curriculum; additionally, the District offered to further assess the Student in other eligibility categories to address the Parent's concerns.</p> <p>The evidence supports that the Student's schedule was changed in response to a request by the Student; when the Parent raised concerns the District offered to change the Student's schedule, and the District was not provided with dispositive information regarding injuries.</p> <p>Additional math courses on the Student's schedule were the result of the Student's request to meet prerequisites for other coursework.</p> <p>The Student's IEP did not include curriculum modifications.</p>

Allegations	Conclusions
<p>Review and Revision of IEPs</p> <p>It was alleged that the District violated the IDEA when it failed to review or revise the Student’s IEP to address the concerns of the Parent, specifically physical limitations caused by an injury to the Student’s knee that limited their participation in some aspects of the curriculum.</p> <p>(OAR 581-015-2225; 34 CFR § 300.324(a)(4), (a)(5), (a)(6), & (b)(1))</p>	<p>Not Substantiated</p> <p>The record includes conflicting information from the Parent and the Student regarding possible injuries to the Student. The District was not provided with medical information regarding any injuries to the Student.</p>
<p>Free Appropriate Public Education (Denial of FAPE)</p> <p>It was alleged that the District violated the IDEA by:</p> <ol style="list-style-type: none"> 1. Not providing a clear reason, timing, or method by which District staff would track or modify the Student’s grades; 2. Not implementing modifications and accommodations to the Student’s school work, as described above, resulting in the Student not obtaining passing grades in many courses; and, 3. Not implementing the Student’s accommodations on October 4, 2024, when the Student asked to leave physical education class, resulting in a suspension of 1/2 day, thereby depriving the student of instruction time. <p>(OAR 581-015-2040; 34 CFR § 300.101)</p>	<p>Not Substantiated</p> <p>The District shared the method by which the Student’s grades would be modified with the Parent.</p> <p>The record supports that the Student’s accommodations were implemented, and that the IEP did not include curriculum modifications.</p> <p>The record supports that on the date in question the Student was not suspended.</p>
<p>Functional Behavioral Assessment (FBA)</p> <p>It was alleged that the District violated the IDEA when it failed to create or amend the Student’s behavior intervention plan (in response to concerns of the Student’s potential use or possession of alcohol on or near school grounds) and instead relied on a behavior contract to address the behavior.</p> <p>(OAR 581-015-2181)</p>	<p>Not Substantiated</p> <p>The record supports that the disciplinary action in question did not arise out of the educational environment, nor was the District then required to conduct an FBA as a result.</p>

REQUESTED CORRECTIVE ACTION

The Parent request that the District:

- Ensure a representative from the Department is present for all of the Student's IEP team meetings;
- Require the District to provide prompt responses to the Parent's emails, and that IEP team members more fully participate in meetings;
- Ensure a representative of the Department, and all of the Student's IEP team members, be involved in the development of the Student's class schedule;
- Change their student discipline policy;
- Contact the Parent in the event the Student is injured at school, or suspended;
- Meet with the Department to discuss modification to the Student's IEP to ensure their academic success;
- Convene an IEP team each trimester to discuss whether the Student required a modified grading scale for every class for success;
- Allow the Student to complete school work at home; and
- Have a more diverse group of District staff meet with the Student, rather than any one teacher or administrator meet with the Student at school.

III. FINDINGS OF FACT

1. The Student in this case is 17 years old, in the 11th grade, and attends a District high school. The Student is eligible for special education under the categories of Other Health Impairment (OHI), and Specific Learning Disability (SLD).
2. At times relevant to this matter the Student lived with respite care providers. The District would routinely communicate information to the Parent or respite care providers as appropriate for the situation.
3. The Student has positive relationships with several school staff members, has many friends, is kind, personable, and affectionate. The Student engages in class discussions, demonstrates the ability to make connections between what they are learning and their prior knowledge and experience, is inquisitive and often asks thoughtful critical questions. The Student exudes self-confidence and enjoys sports, but has suffered physical injuries which pose barriers to them joining the school basketball team.
4. On April 23, 2024, the Student's IEP team updated the Student's IEP. The Student's IEP includes specially designed instruction (SDI) in math, reading, transition, writing, and behavior. During the April 23, 2024, IEP team meeting, the Student's IEP discussed a modified diploma as the result of teachers having "observed the impact of [the Student's]

disability on [their] ability to learn". The Student presents with behaviors that impact their learning and the learning of others and has a Safety Plan and a Positive Behavior Support Plan.

- a. The Student's math goal indicated that, given a calculator and one on one support in math, the Student would complete grade level math problems to make growth and progress toward a high school diploma with 80% accuracy. The Student would receive 100 minutes per week of SDI in math.
- b. The Student's reading goal indicated that, given an instructional level comprehension assessment, the Student would answer 85% of the questions correctly in 2 of 3 opportunities. The Student would receive 250 minutes per week of reading instruction.
- c. The Student's transition goal included, given a list of career-related qualities and skills, and sentence starters, the Student would circle three qualities or skills they possess, and state one way they would demonstrate each selected quality or skill, scoring (3 of 3) rubric points, as measured by (4 of 5) progress monitoring assessments. The Student would receive 20 minute per week of instruction in transition services.
- d. The Student's writing goals indicated that, given essay writing assignments, the Student would write a narrative and information essay that both receive 3s or higher in all categories according to the state rubrics. The Student would receive 100 minutes per week of written language instruction.
- e. The Student's behavior goal indicates that, given a point tracker, home-school communication and instruction in self-management of emotions and behavior, the Student would demonstrate school appropriate behaviors, to be able to access grade level curriculum, as measured by earning 80% of the points on their daily tracking sheet. The Student would receive 300 minutes per week of behavior instruction.
- f. The Student's IEP also included various supplementary aids and services such as access to word processing for all written assignments; short, simplified instructions or language when presented with new vocabulary, concepts, or language; extra time on all assignments; assessments given in small groups; frequent review of class rules with adult prompts throughout the day; adult support and line of sight supervision throughout school hours; visual schedule; access to a scribe when working on math assignments; and, staff use of evidence based practices. Additional supplementary aids and services included: direct instruction in social skills; access to text-to-speech for school work; speech-to-text for writing assignments, assessments, and responses to reading comprehension questions; safety plan; behavior support plan (BSP); access to headphones/noise reducing headphones; check for understanding after giving directions; sensory/motor breaks as requested; access to calculator for math; routines posted and practiced; and, support and coaching for problem solving and managing frustration. In addition, the Student was provided with frequent positive praise from staff throughout the day in response to appropriate behavior; speech-to-text for statewide assessments; list of potential frustrations and options created in collaboration with Student; home-school communications system; access to parent approved snacks; and, check for understanding after giving directions.

5. The Student's April 24, 2024, IEP documented in the Student's present levels that the Student reported that math was difficult for them, and that they required assistance at home to complete assignments. The Student's Math Teacher observed that, given clear expectations, the Student performed well, but that they found it difficult to stay engaged and independently participate in math assignments, projects, and activities. Overall, the Student required a great deal of redirection and a 1:1 aide or other adult assistance to work toward completing math assignments.
6. The Student's April 24, 2024, IEP included the Student's removal from the general education classroom for 2 of 6 periods for support and supervision from staff specially trained in working with students who present behaviors of concern in order to support them in effectively accessing their education.
7. On May 5, 2023, the Student's previous school district completed the development of a function-based BSP. This plan was included in the Student's current IEP.
8. On May 5, 2023, the Student's previous school district completed a student safety plan for the Student. This plan was included in the Student's current IEP.
9. On May 5, 2023, the Student's previous school district completed a plan for independence for the Student, to assist them in acquiring new skills to reduce the Student's reliance on adult support. This plan was included in the Student's current IEP.
10. On March 15, 2024, the Student's IEP team met to review the Student's IEP and BSP. Following the meeting, the District sent an email summarizing the decisions made at the meeting.

"There was consensus that the IEP meeting will be continued to complete the discussion of the service summary, non[-]participation justification, placement, transfer of rights, transition planning, courses/diploma, and state testing. It may also include further discussion of the safety plan, and a communication plan. There was consensus on an interim BSP which was discussed and crafted during the meeting, to be in place immediately until an evaluation planning meeting can be set, at which time there will be discussion of possible new FBA which may drive an updated BSP. There was consensus that at the evaluation planning meeting, there will be discussion of any recommended additional testing including U-PAR assessment, possible cognitive assessments, possible repeat of Johnson-Woodcock [*sic*] and observational assessments by the school psychologist to help inform present levels, progress, goals and supports."

During the meeting, the Student expressed interest in returning to school after being absent for over a month. At the time of the meeting, the Student was not attending school and the Parent asked to take time to consider whether the Student should return to school.

11. On March 18, 2024, the Parent communicated their interest in the Student returning to

school on March 19, 2024. The Student's IEP team met on March 18, 2024 to address the Student's lack of progress due to non-attendance and work toward getting the Student back in school.

12. On March 18, 2024, the District sent an email to the Parent suggesting an IEP team meeting in April 2024 to address the Student's needs resulting from their return to school.
13. On March 25, 2024, the District produced an IEP progress report. The report indicated that the Student was then enrolled in a general education math class and was likely to pass given adult support to help the Student stay on task. The progress report observed that the Student has a math learning disability which makes gauging their exact skill level difficult. The progress report also documented that the Student was making progress toward their goals earlier in the year but ceased making progress due to absences.
14. On April 15, 2024, the Parent sent an email to the District requesting that classroom teachers ensure that the Student goes home with their needed classwork. The Parents also provided suggestions for staff to address the Student's behavior. The Parent also inquired why the Student had a failing grade in one of their classes at that time.
15. On April 22, 2024, the Student's IEP team updated the Student's BSP.
16. On April 23, 2024, a facilitated IEP team meeting was held to continue the development of the Student's IEP from the March 15, 2024, IEP team meeting. During the meeting, the IEP team discussed a regular or modified diploma for the Student.
17. On April 24, 2024, the District sent the Parent a Prior Written Notice (PWN) documenting the revision of the Student's IEP over the course of two IEP team meetings. The PWN documented that the team agreed on all elements of the IEP including present levels, IEP goals, and placement. The PWN also documented the District's offer to evaluate the Student.
18. On May 5, 2024, the Parent sent an email to the District with a variety of questions regarding the Student's IEP and decisions made at the previous IEP team meeting.
19. On May 14, 2024, the District sent an email to the Parent regarding the IEP team's progress toward revising the Student's IEP and attached a revised draft IEP. The District observed that the pros and cons of a modified diploma were discussed at the April 23, 2024 IEP team meeting. The District responded to additional concerns and questions raised by the Parents regarding the review and revision of the Student's IEP.
20. On June 1, 2024, the Parent sent an email to the District requesting that the Student not be sent home for feeling unwell when the underlying condition is minor. The Parent expressed concerns for the increasing number of absences the Student experienced. The Parent also reported "a significant knee injury" which would "take a long time to heal." The Parent

noted that the Student tends not to let their injuries heal and is eager to participate in physical activities.

21. On June 6, 2024, the District produced a progress report for the Student's IEP goals. The District documented that the Student was making progress toward their math goals. The Student completed a grade-level math test in accordance with their IEP goal with a passing score.
22. On August 22, 2024, the District sent the Parent a Notice of IEP Team Meeting scheduled for August 29, 2024. The District also sent an email to the Parent to schedule a re-entry meeting for the Student, observing that when the previous semester ended the Student was suspended. The District also expressed interest in introducing the Parent to the Student's IEP team members.
23. On August 26, 2025, the District sent the Parent an email asking whether they preferred that the upcoming August 29, 2024, meeting be limited to the re-entry meeting, or also include an IEP team meeting.
24. On August 27, 2024, the Parent sent an email to the District agreeing to discuss a modified diploma for the Student and expressing that they felt pushed to make that decision by the District. The Parent further requested an opportunity to discuss the Student's schedule for that school year, and requested information about suspensions, occupational therapy notes, and documents relevant to grading concerns the Parent had from the previous school year. The Parent further requested that the Student be added to the meeting invitation.
25. On August 29, 2024, the Student's IEP team met to discuss the Student's return to school following their suspension the year prior, and to discuss the possibility of a modified diploma. The team also discussed a behavior contract for the Student. During the meeting, the Student voiced support for the modified diploma. The Student's teachers explained how the District would apply the modified grading scale.
26. On August 29, 2024, the Parent sent an email to the District acknowledging the Student's behavior the prior school year that led to their suspension but objected to the length of suspension. The Parent further expressed their displeasure with the modified diploma but communicated that they would agree to it.
27. On August 29, 2024, the Parent signed the Student's Behavior Contract with the District.
28. On August 29, 2024, the Parent signed the Modified Diploma Determination Agreement. On the following day, the District, responding to the Parent's August 29, 2024, email, communicated their interest in positively supporting the Student's social, emotional, and academic needs.

29. On September 24, 2024, the Parent sent an email to the Student's Math Teacher checking in on their performance, observing that the Student was then failing the class and had an assignment missing. The Parent inquired how they could assist the Student in doing better.
30. On September 25, 2024, the Parent exchanged emails with the Student's Math Teacher regarding the Student's grade. The Math Teacher wrote that the District was working with the Student "to get [their] work in and [their] grade where it reflects [their] knowledge. Since [the Student] missed assignments that means [they have] to complete them outside of class and that can happen at different times." The Parent responded with questions about the Student completing assignments outside of class and asking whether modifications were in place to assist the Student's learning. The Math Teacher noted that the Student's grade reflects their grade in a normal grading scale and would be adjusted according to the modified rubric at the end of the grading period. The Parent questioned the modified grading rubric and suggested that they had never seen the modified grading rubric mentioned.
31. On September 30, 2024, the Parent sent an email to the District, reporting that the Student's weekly communication log was sent to them a week late. The Parent also wrote that they were just learning that the Student's grades would be modified as well as their schoolwork.
32. On September 30, 2024, the District, responding to the Parent's concerns about the modified grading scale, noting that it is applied as the result of implementing a modified diploma, writing in part:

"With [the Student's] modified grading scale, there are some teachers who are applying the scale as they evaluate [the Student's] submitted work and some teachers that apply the grade scale during times teachers are required to post grades (5 week and 12 week). If you reach out to teachers, they will be able to clarify how their gradebook is set up for [the Student]. Below is the grading scale teachers are aware of and [sic] applying as they see benefits evaluations, additional attempts, and progress on assignments and skills."

The District provided the following grading scale:

"4=70%+ =A
3.5=60-69% = B
3- 50-59% = C
2=20-49% = D
1=no evidence = F"

33. On September 30, 2024, the District responded further, explaining the benefit of a modified grading system. "When a student moves to a modified diploma, a modified grading scale comes with this. This is extremely beneficial because it allows our students to show proficiency with the modified grade scale."

34. On September 30, 2024, the Parent expressed their discomfort with the modified grade scale and suggested that the Student's current academic achievement confirms the District's suspicions that the Student "had a significant intellectual disability." The Parent further requested that the District provide them with legal authority for implementing a modified grading scale along with the modified diploma. On October 1, 2024, the District sent the Parent a link to state laws relevant to modified diplomas. The Parent, responded to the District's email, suggested that the information provided did not discuss modified grading scales. The Parent also asked which of the Student's classes had modifications put into place and asked the District about those modifications.
35. On October 8, 2024, the Parent reiterated their request for information about the modified diploma and modification to the Student's curriculum. The Parent also observed that the Student was injured at school the day before, but that they were not informed about the injury.
36. On October 8, 2024, the District sent an email to the Parent, responding to their email of the same day. The District noted that the Student was due for their triennial reevaluation. The District also noted that the Student was not suspended on October 4, therefore there was no need to provide notification. The District also clarified the protocol for reporting injuries at school. Additionally, the District suggested discussing the Student's grading scale at an upcoming IEP team meeting, which the District was then attempting to schedule. The District's attendance and discipline records show that the Student had an excused absence for October 4, 2024. On the same day, the Parent responded reiterating their concerns.
37. On October 8, 2024, the Student sent messages to the Parent asking them to advocate for a change in schedule to address their injuries.
38. On October 9, 2024, the District, in response to the Parent's concerns about the Student having access to schoolwork while home, reported that the District was in touch with the Student about their schoolwork and how to contact teachers to obtain assignments.
39. On October 10, 2024, the District, responding to the concerns in the Parent's September 30, 2024, and October 8, 2024 emails, informed the Parent that concerns about curriculum modifications or accommodations and support strategies would be discussed at the Student's next IEP team meeting. The District reported that missing work was considered homework and that the Student could work toward making up that work at home. The District asserted that it followed the law regarding the Student's modified diploma. The District reported that, as a high school student, the Student had already discussed with teachers the modified grading scale and stressed the importance of empowering the Student. The District noted that the District was not forcing the Student to take any classes; rather, the Student had selected certain courses to take. Finally, the District noted that missed assignments or homework were available online through each class's online portal. On the same date, the District sent an email to the Parent responding to their questions

about modifications to grading, reiterated the grading scale provided previously on October 30, 2024, and provided additional answers to the Parent's questions distinguishing IEP accommodations from curriculum modifications.

40. On October 17, 2024, the Parent sent an email to the District, observing that they just became aware of parent/teacher conference scheduled for that same day. The Parent reported that they had not received notice of the conferences and would be unable to attend on such short notice. The Parent proposed alternative meetings times to meet with the Student's teachers.
41. On October 18, 2024, the Student's Language Arts Teacher and Learning Specialist responded to the Parent's October 17, 2024, email, suggesting a time to meet with the Parent.
42. On October 18, 2024, the Student's Principal responded to the Parents' October 17, 2024 email, observing that the Parent may not have received communications about parent/teacher conference due to an email setting in the student information system. The Principal also agreed to work with the Student's teachers to arrange alternative parent/teacher conference times to address the Parent's concerns.
43. On October 23, 2024, the Parent, responding to the Principal, provided their availability to meet with the Student's teachers. The Parent further observed that they received some but not all emails and wondered why that was. In the same email, the Parent objected to the Principal's presence at parent/teacher conferences, suggesting it would bring a "negative overtone" to the meetings.
44. On October 23, 2024, the Parent sent an email to the Student's Math Teacher expressing concerns with the Student's academic performance to date. The Parent inquired whether the Student could complete missing assignments at home. The Parent asked what else the Student could do to improve their grades and observed the impact suspensions had on their attendance.
45. On October 28, 2024, the Parent and the District exchanged emails regarding how the District email system functioned. The District explained that the settings in the student information system are set when the Student enrolled in the District, explaining, "I'm not sure if something happened when [the Student] was re-enrolled last spring but want to ensure you are getting all the communication you should be getting...We do not change anything in regards to [the student information system] unless we have parent/guardian permission."
46. On October 30, 2024, the Parent sent an email to the District noting that the District had yet to confirm the parent/teacher meeting dates and that the communication log for the Student was not yet updated, although it was supposed to be updated weekly.

47. In a separate email, the Parent reported that the Student appeared to have failing grades in several classes. As a result, the Parent requested an IEP team meeting to address the failing grades. The Parent reported that the Student was performing lower this school year on the modified diploma track than during the previous year on the regular diploma track. The Parent reported that the Student's performance may be due to the Student missing school as the result of physical injuries. The Parent wrote that the Student had "missed a ton of days this year due to a hurt foot or knee and yet, this district keeps forcing [them] to take a PE class EVERY semester." The Parent observed other obstacles to the Student's success at school and suggested that the District was not providing required IEP accommodations to the Student.
48. On October 31, 2024, the Student's PE Teacher, responding to the Parent, reported that the computer system used by the District showed a different grade on their end, and confirmed that the Student was then passing.
49. On October 31, 2024, the Student's Principal, responding to the Parent's October 30, 2024, email, proposed dates and times for the make-up parent/teacher conferences.
50. On October 31, 2024, the Student's Computer Teacher, responding to the Parent's October 28, 2024, email, reported that the Student left class prior to receiving instructions to complete their assignments. The teacher reported that they provided the assignments and instruction to the Student's Instructional Assistant, so that the Student could complete the assignment and that the District planned "to catch [them] up."
51. On October 21, 2024, the District sent the Parent notice of an IEP team meeting scheduled for November 14, 2024. The notice stated that the purpose of this meeting was to review existing information about the Student and determine whether additional testing was needed.
52. On November 1, 2024, the District sent the Parent notice of an incident at school and a resulting five-day suspension for the Student. In response, the Parent objected to the suspension determination. The Parent also suggested that the District intentionally ceased email communication and notifications to them and characterized the District's discipline as arbitrary and retaliatory in response to the Parent's advocacy.
53. On November 5, 2024, the District, responding to the Parent, wrote that the Student's suspension was the result of "verbal sexual harassment," for which the District's disciplinary matrix allotted 4-6 days of suspension.
54. On November 5, 2024, the Parents, responding to the District's clarification of the purpose of the discipline, apologized and observed that the disciplinary matrix did not make the implementation of the discipline mandatory. The Parent expressed disappointment with the number of days the Student was suspended and the impact on their education.

55. On November 6, 2024, the Principal sent the Parent an email observing that they had not received a response to their October 31, 2024, email proposing dates and times for the make-up parent/teacher conferences. The Principal noted that, when the Parent responded, they would work with staff to set up individual meetings.
56. On November 6, 2024, the Parent confirmed a meeting time for the make-up parent/teacher conferences. Through a series of emails that same day, the District and Parent communicated which dates and times were workable.
57. On November 10, 2024, the Parent sent an email to the District highlighting errors around contact information for the Student.
58. On November 12, 2024, the District responded that they had determined the reason for the way information was displayed in the student information system and would investigate a resolution. The District later indicated that the Registrar likely entered incorrect emergency contacts for the Student and explained how the contact information could be changed. The District updated the contact information that day. On the same date, the District exchanged emails with staff and the Parent troubleshooting the contact information in the District's computer system for the Student.
59. On November 12, 2024, the Principal wrote that they sent meeting invitations to all staff and the Parent for individual conferences planned for November 8, 2024. The Principal reported that all staff received an invitation, other than the one staff member who would also attend the Student's upcoming IEP team meeting. The Parent responded questioning whether the only general education teacher scheduled to attend the upcoming IEP team meeting was the Student's PE teacher. The Principal, responding to the Parent, reported that the District collects staff input ahead of IEP team meetings and would have the input available to discuss during the IEP team meeting.
60. On November 14, 2024, the Student's IEP team met following a request by the Parent to convene a meeting. During the meeting, the Parent discussed their concerns around the modified diploma, the Student's grades, and whether they should be performing better academically since the modified diploma was implemented. The District suggested additional testing and a full evaluation of the Student. The Parent and the Student voiced opposition to further evaluations.
61. On November 14, 2024, the District sent the Parent PWN documenting the Parent's concerns about the Student's academic progress, observing that these Parent concerns may be the result of additional educational disabilities, and offering to evaluate the Student to address the Parent's concerns.
62. On November 17, 2024, the Parent sent an email to the District, sharing concerns regarding the Student's recent evaluation planning meeting and "discussion around modifications and around discussions held in a recent parent teacher conference."

- a. The Parent reported that they had not received a copy of the amended IEP documenting the change from regular to modified diploma, nor had they received or signed a written agreement to make this diploma change.
 - b. The Parent expressed concerns that the Student's teachers did not know the difference between modifications and accommodations. The Parent suggested that no modifications were added to the Student's IEP following the change to a modified diploma, instead the Student's IEP included only accommodations. The Parents noted that modifications and accommodations "have to be clearly identified and implemented according to the IEP." The Parent reported that the only modification was the modified grading scale.
 - c. The Parent suggested the District was not allowing the Student's curriculum to be modified to assist the Student, despite having a modified diploma.
 - d. The Parent reported that the District had yet to inform them which classes included modifications.
 - e. The Parent reported having not received a list of missing work for the Student.
 - f. The Parent requested an IEP team meeting to address their concerns.
 - g. The Parents also stated that they did not want the Student to participate in any additional testing. The Parent indicated that they did not want the Student to become stressed due to additional testing, and that the Student would continue to qualify for special education based on past evaluations and eligibility.
63. On November 18, 2024, the District sent an email to the Parent reviewing the Student's schedule, and potential schedules, with the Parent, including prerequisites for certain math classes the Student was interested in taking. The email further observed that the Student was interested in taking electives and suggesting specific schedule changes to accommodate that request.
64. On November 19, 2024, the District's School Psychologist sent an email to the Student's IEP team, including the Parent, outlining the District's proposed evaluations of the Student. The School Psychologist indicated that the District proposed to either conduct a comprehensive evaluation of the Student to include considering the addition of a new eligibility category of intellectual disability (ID) or conduct evaluations that "would allow [the District] to better understand [the Student's] disability-related need[s] and updated [the Student's] present levels."
65. On November 19, 2024, the Parent, responding to the School Psychologist's email of the same day, wrote that the addition of ID was never previously discussed. The Parent noted that the Student's IEP team had suggested intellectual testing, which the Parent previously declined. The Parent disputed that the team ever discussed IQ testing. The Parent suggested that the team could have and should have discussed the addition or modification of accommodations and modifications to the Student's IEP. The Parent alleged that, instead, the District had only implemented a modified grading scale for the Student. The Parent reviewed their past interactions and experiences with the District and reiterated their

objection to additional testing or evaluation of the Student.

66. On November 21, 2024, the Schol Psychologist, responding to the Parent's November 19, 2024, email, acknowledged the Parent's formal response to the District's offer to test the Student, and expressed hope for positive interactions in the future.
67. On November 21, 2024, the Parent, responding to the School Psychologist, observed in part that no prior school districts that the Student attended had suggested exploring intellectual disability as a potential eligibility category for the Student, and further objecting to the suggestion and the manner in which the District raised the idea. The Parent further suggested that the Student had neglected to complete schoolwork due to absences, many of which were caused by the District's disciplinary procedures and policies. The Parent further requested an IEP team meeting to discuss modifications that the Student may require to be successful in school.
68. On December 5, 2024, the Principal sent an email to the Parent observing that the Student returned to school with a positive attitude and had advocated to leave one elective class, in exchange for a "movement period", requesting to take recreational sports. The District observed that the Student "knows sometimes [they] have injuries and [trouble] with [their] knees and that [they] would work with [the teacher] at those times." The Principal expressed that this appeared to be a positive development where the Student was advocating for themselves and finding solutions. The Principal documented the change in schedule to the recreational sports class.
69. On December 5, 2024, the Parent, responding to the Principal's email, expressed displeasure with the change in schedule. The Parent suggested that the District had not implemented the movement breaks outlined in the Student's IEP, and instead had the Student enrolled in PE classes that had led to or exacerbated physical injuries. The Parent stressed that physical injuries were an impediment to the Student. The Parent further requested an IEP team meeting to discuss these issues. The Parent also asked for information regarding a disciplinary incident the prior school year.
70. On December 5, 2024, the Parent sent an email to the Department, seeking guidance on issues with their Student's education in the District.
71. On December 13, 2024, the Parent sent an email to the District questioning the way the student information system displays contact and emergency contact information.
72. On December 16, 2024, the District, responding to the Parent's December 13, 2024, email provided an explanation for why contact information was displayed the way it was in the student information system and confirming the accuracy of the information. With the District's explanation was attached a screenshot of what the District sees on their end for contact information, to allow the Parent to see how the information is displayed to parents and District staff.

73. On December 16, 2024, the District, responding to the inquiry from the Parent that was relayed through the Department, explained that the Student was then enrolled in math courses beyond what was required for graduation due to the Student's interest in taking the course as a prerequisite for a consumer math class the following year.
74. On December 17, 2024, the Parent raised further concerns about the District's contact information and emergency contact information for the Student in their system. The Parent attached a screenshot of what they saw in the District's computer system.
75. On December 18, 2024, the District responded that the information was correct and offered the District's information technology support to assist the Parent with navigating the systems and understanding the displayed information.
76. On December 18, 2024, the Parent sent an email to the Student and the District recapping the Student's request to change their scheduled elective from ceramics to physical education. The Parent suggested that the District should have interpreted the Student's concern that they needed more movement as an opportunity to remind the Student of their IEP accommodation for movement breaks rather than a request to change their schedule and drop ceramics in favor of physical education.
77. On December 18, 2024, the Student, responding to the Parent's December 18, 2024, email, expressed displeasure with the Parent's suggested changes to their schedule, specifically the change from back to ceramics class from physical education. The Student also begged the Parent to allow them to take PE as they had asked of the District. The Student further expressed interest in taking the PE elective, acknowledged their injuries, and wrote that they knew when to take a break and that the teacher in that class accommodated that need. The Student went on to ask the District to change their schedule back to include PE.
78. On December 18, 2024, the Parent, responding to the Student and the District, provided a timeline of the Student's enrollment and absences due to injuries, and said that, rather than take PE, the Student should utilize the movement breaks included in their IEP. The Parent expressed concern for the Student's injuries and refuted some of the points made by the Student. On the same day, the District sent an email to the Parent, offering the Parent choices between classes and electives and informing them that the District would make whatever change they chose. The Student sent an email to the District and the Parent expressing further displeasure with the schedule change requested by the Parent. The Parent responded to the District by email, expressing displeasure with the Parent's lack of involvement in crafting the Student's schedule. The Parent asked for more communication regarding schedule changes as it resulted in disharmony at home. The Parent expressed pleasure that the Student's schedule was since changed, and sought an additional academic class for the Student to take over the math class they were previously enrolled in.
79. On January 7, 2025, the District sent an email to the Parent, observing that the Student's

attendance was 69%, and also provided an update regarding the Student's academic progress.

80. On January 7, 2025, Parent sent an email to the District asking about the way the Student's absences were visible on the District's parent portal. The District responded with instructions on how to view the reason for Student absences on the website. The Parent responded thanking the District for instructions relevant to the website and viewing attendance information. The Parent also requested an IEP team meeting to discuss the Student's accommodations and modifications to ensure the Student's success.
81. On January 9, 2025, the District, responding to the Parent, sent the Parent a document with information about the Student's absences.
82. On January 11, 2025, the Parent, responding to the District's information about the Student's absences, made additional observations about the absences and asked why the Parent was not receiving text messages or emails about tardies and absences.
83. On January 13, 2025, the District, responding to the Parent's concerns regarding attendance records, noted that the District records related to contact information was up to date. The District also explained the different types of absences, noting that some are school-related absences wherein the Student may be out of class for more than 20 minutes but with permission. The District also explained other excused and unexcused absence categories. The District referred the Parent to the parent portal to avoid further confusion.
84. On January 14, 2025, the District sent the Parent a Notice of Team Meeting for an IEP team meeting scheduled for January 24, 2025.
85. On January 17, 2025, the Parent sent an email to the District challenging some of the Student's absences. The Parent reported that some of the absences were due to the Student's knee injury. The Parent reported that the Student was reluctant to see a doctor which complicated documentation of injuries.
86. On January 21, 2025, the Parent sent an email to the District regarding the Student's absences as documented by the District. The Parent reported that some of the absences were due to injuries suffered by the Student. The Parent asked that the District not allow the Student to participate in athletics because of the Student's knee injury. The Parent suggested that any future determination regarding the Student's participation in PE or athletics would come after the Student's physician decided about their health.
87. On January 22, 2025, the Student sent an email to the District advocating to determine for themselves when they could participate in athletic activities and PE class
88. On January 23, 2025, the District sent an email to the Parent with a draft copy of the Student's IEP for discussion at the IEP team meeting scheduled for January 24, 2025. The

District observed that following the November 14, 2024, evaluation planning meeting that the Parent had communicated that they did not want the District to conduct additional testing. Instead, the IEP team proceeded with a file review. The District noted that, for the Student to continue to receive special education services, the District needed to hold an eligibility meeting by January 27, 2025. As such, the January 24, 2025, IEP team meeting would be both an eligibility meeting, and IEP team meeting to review several issues raised by the Parent. The District noted that the draft IEP included the District's initial thinking about how best to support the Student's social/emotional and academic success but expected the team to make changes at the meeting the following day.

89. On January 23, 2025, the Parent sent an email to the District, objecting to the Student's latest IEP draft. The Parent noted that the draft lacked a present levels statement, progress goals, and other observations. The Parent suggested adding more details to the draft IEP to keep the IEP team meeting shorter than previous meetings.
90. On January 23, 2025, the Parent asserted that the January 24, 2025, meeting was not the Student's annual IEP team meeting, rather it was an IEP team meeting to address the Parent's concerns. The Parent asked to limit the topics of discussion to modifications, accommodations, and parts of the Student's BSP that may need revision. The Parent asked that any other topics be deferred to the Student's annual IEP team meeting.
91. On January 24, 2025, the District held the Student's triennial reevaluation meeting. The team discussed the Parent's concerns, reviewed SDI and progress toward goals, and a variety of updates to the Student's accommodations. The District Statement of Eligibility for Special Education determined that the Student was eligible under the categories of OHI and SLD. The District sent the Parent PWN indicating the Student's IEP team found the Student eligible for special education under the categories of OHI and SLD, and that the Student's IEP team would make necessary changes to the Student's IEP at the April 3, 2025, IEP team meeting.
92. On January 30, 2025, the District sent the Parent PWN proposing obtaining signatures for the eligibility document, the modified diploma document, and providing information about the Notice of Transfer of Special Education Rights to be discussed at the next meeting.
93. On January 31, 2025, the District sent the Parent notice of an IEP team meeting scheduled for February 3, 2025. The purpose of the meeting was to review the Student's IEP and placement.
94. On February 3, 2025, the Student's IEP team met to discuss the Student's behavior. The Student participated in this meeting. As part of the meeting the team discussed the Student's modified diploma and modified grading scale. The Parent questioned the modifications the Student receives. The District responded that all of the accommodations the Student receives are listed in the Student's IEP. The District suggested reviewing and revising the Student's accommodations sooner rather than delaying that work to a future

IEP team meeting. The District and the Parent discussed the difference between accommodations and modifications listed in the Student's IEP. The Parent expressed interest in holding future meetings to continue this discussion.

95. On February 10, 2025, the Parent asked the District for a list of classes the Student needed to take the following year to meet graduation requirements.
96. On February 12, 2025, the District sent the Parent an email with a copy of the Student's transcript showing credits earned toward graduation and what credits the Student had left to earn. The District outlined the Student's preferred classes, classes remaining to be taken, and how the following year's schedule would be created from those preferences. The District also reported that the Student expressed interest in taking an athletic class, contingent on receipt of medical information clearing them to participate, and other options for the Student's participation should their physical condition not allow them to participate.
97. On February 24, 2025, the Parent filed this Complaint.
98. On March 27, 2025, the Department's Complaint Investigator interviewed the Parent.

The Parent reported that the District did not discuss the implications of a modified diploma with them at the August 29, 2024 IEP team meeting. The Parent questioned whether the Student required a modified diploma. The Parent also reported that, despite requests to meet, the District had not scheduled an IEP team meeting to address their concerns about the modified grading scale. The Parent also raised concerns that the Student's IEP was not modified or updated because of moving to a modified diploma. The Parent alleged that the District had not provided an explanation of the modifications or explained the modified grading scale until the February 3, 2025, IEP team meeting.

The Parent reported concern that the District removed them from the email list maintained by the District. The Parent acknowledged that parent/teacher conferences were listed on the District calendar but that the Parent had not referenced that information. The Parent did not recall making changes to their contact information on the District's website.

The Parent explained that, rather than allowing the Student to make changes to their schedule to allow for additional physical education classes, the District should have instead implemented a movement break for the Student as outlined in their IEP. The Parent questioned why the District made the schedule change in response to the Student's request instead of encouraging the Student to continue with their schedule at the time. The Parent suggested that the District should have determined that, due to the Student's injury-related absences, physical education classes were unsuitable for them.

Similarly, the Parent noted that during the prior school year, the Student had completed their physical education credits by doing physical activities at home due to injury, which

should have placed the District on notice regarding the Student's injuries. The Parent also acknowledged that, after the age of 15, the Student had control of their medical information and often withheld details of their doctors' visits from them and the District, including details of their injuries. As such, the Parent did not have full information regarding examination of injuries that are part of this Complaint.

The Parent reported that the Student was subjected to discipline when the District should have conducted a manifestation determination and found that the underlying behavior was a manifestation of the Student's disability. The Parent alleged that the Student's alleged possession of alcohol on campus ought to have resulted in the use of the Student's accommodations, or be understood as a manifestation of their disability, and their BSP be adjusted accordingly. The Parent reported that this behavior was impulsive, which was like much of the Student's behavior.

99. On March 28, 2025, the Department's Complaint Investigator interviewed the District's Director of Special Education.

The District reported that, upon agreeing to the modified diploma, the District implemented a modified grading scale. The District noted that the modified diploma and grading scale were discussed in-depth at the August 29, 2024, IEP team meeting. The modified diploma option was also previously discussed at other meetings with the Parent. The District reported that the difference between accommodations and modified curriculum were also discussed at this meeting. Specifically, the District noted that the IEP team discussed that the Student would access the general education curriculum with accommodations and was not receiving modified curriculum. Rather, the majority of the Student's accommodations were provided to the Student through their 1:1 aide. The District reported that, at any time, the 1:1 aide may remove the Student from class to assist them with instruction in quieter spaces. The District reported that teachers are notified when a Student is placed on a modified diploma, and this information is visible in the District's computer system when teachers input grades. The District also observed that teachers will apply that modified grading system at different times, sometimes with each assignment graded, or at times throughout the semester, or at the end of the grading period. As a result, parents looking at grades on a day-to-day basis may not see the modified grade. The District noted that this was also explained to the Parent.

The District denied intentionally changing the District's database such that the Parent did not receive emails. The District reviewed the various ways parents may make changes and reported how various family members, guardians, and those who may be responsible for picking a student up from school may receive specific messages from the District. The District noted that when the issue was brought to their attention, the District's IT office addressed the Parent's concerns and the Principal rescheduled parent/teacher conferences. The District further noted that Parent's requests to meet were accommodated at the November 14, 2024, IEP team meeting where the Parent's concerns about accommodations were discussed.

The District reported that it was common practice to allow students to make schedule changes in the first weeks of a trimester where such changes did not impact graduation requirements, and especially for electives if there was space in other electives. Student schedules were generally created at the start of student high school careers with forecasting for the coming years. When the Parent voiced concern with the Student changing their schedule, the District offered to make changes. The District noted that the Parent had not responded to that offer. The District also noted that the forecasting is completed for student schedules, and that the Student had expressed interest in taking a consumer math class. Additional math classes were required as prerequisites for the consumer math class, which is why the District had enrolled the Student in those additional courses. As part of its response, the District provided a copy of the Student's senior year forecasting sheet showing such classes highlighted.

The District reported that the Parent was provided a copy of the Student's transcript and forecast for future classes. Additionally, the Student frequently requested physical education classes, and the Parent had not previously objected to the Student participating in such classes, although mention of injuries was brought up from time to time. The District reported lacking any definitive medical information describing the Student's injuries that would preclude their participation in PE or sports.

Finally, the District reported that the discipline imposed during the prior school year was for behavior occurring after school hours but on school grounds. The District had evidence that the Student possessed alcohol on school grounds. At the time, and as a result, the District had not suspended the Student more than 10 school days and, having occurred outside of school hours, the behavior was not an issue for the educational environment. Accordingly, the District reported that no manifestation determination was required. The District reported that minors in possession of alcohol was a common situation for adolescents and was not understood as a manifestation of the Student's disabilities.

IV. DISCUSSION

Content of the IEP

The Parents alleged that the District violated the IDEA when it failed to include in the Student's IEP a statement of the reason, timing, or method by which District staff would modify the Student's grades in specific courses and failed to include how the Student's progress toward goals would be measured, such that the District had no clear way to track progress or calculate grades for the Student.

A Student's individualized education program (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 also include a statement of measurable annual goals, including academic and functional goals designed to meet the child's needs resulting from their disability and enable them to be involved in and make progress in the general education curriculum. The IEP should also include goals designed to meet the child's other educational needs resulting from their disability. The IEP must contain a description of how the child's progress toward meeting the annual goals will be measured and when periodic reports on the progress the child is making toward meeting the annual goals will be provided. Additionally, the IEP should include a statement of the specific special education and related services and supplementary aids and services to be provided to the child, and a statement of the program modifications or supports for school personnel that will be provided for the child. These supports are included to assist the student toward advancing appropriately toward attaining the annual goals, be involved and progress in the general education curriculum, and to participate in extracurricular and other nonacademic activities. These supports should also assist the student in being educated and participating with other children with and without disabilities. Finally, the IEP must include a statement of any individual appropriate accommodations necessary to measure the academic achievement and functional performance of the child on State and district-wide assessments of student achievement that are needed for the child to participate in the assessment.³

Students with a documented history of instructional barriers such as significant physical, cognitive, or emotional barriers impairing their ability to maintain grade level achievement, may be eligible for a modified diploma. The student's parent or guardian must consent in writing to a student's pursuit of a modified diploma. A student's school team, including the parent, will decide whether the student will work toward obtaining a modified diploma. Students on a modified diploma plan shall have the option to earn credit for demonstrating proficiency through classroom work or documentation of learning experience outside school, or a combination of these. A student may be given credit for successful demonstration of knowledge and skills that meets or exceeds defined levels of performance. A school district or public charter school shall grant credit toward a modified diploma only for courses that contain substantial academic content. A school district or public charter school shall grant credit for a modified diploma through a continuum of instruction beginning at basic skills and progressing through high level skills. A school district shall grant credit toward a modified diploma according to individual student needs across academic content areas including applied, consumer, academic, or knowledge and skill development.⁴

On April 23, 2024, the Student's IEP team discussed the possibility of a modified diploma for the Student. On May 14, 2024, the Student's IEP team sent an email to the Parent outlining the merits of a modified diploma for the Student. On August 27, 2024, the Parent sent an email to the District agreeing to discuss a modified diploma for the Student. On August 29, 2024, the Student's IEP team met to discuss the modified diploma option for the Student. As part of this meeting, the District explained how grades would be modified and the Student's Math Teacher

³ OAR 581-015-2200(1)(a)—(1)(g)

⁴ OAR 581-022-2010(1)—(14)

discussed how the modifications would be applied to the Student's coursework. On August 29, 2024, the Parent sent an email to the District expressing displeasure with the modified diploma option but agreed to consent to the modified diploma. On August 29, 2024, the Parent provided their consent in writing to the modified diploma option for the Student.

On September 25, 2024, the Parent sent an email to the Student's Math Teacher inquiring about the Student's grade and how the grading scale that accompanied the modified diploma would be applied to the Student's grade. On September 30, 2024, the District responded that the modified grade scale may be applied by various instructors either as they evaluate the Student's work, or at grading periods when teachers are required to post grades. The modified diploma and grading system are available to teachers in the District's computer system when grades are entered. The District provided this response to the Parent's questions about why grades may appear low because various teachers may have yet to apply the modified grading scale. The District further reported that teachers would apply the grade scale in ways that "benefits evaluations, additional attempts, and progress on assignments and skills." The District then provided the Parent with the grading scale for modifying raw scores to the modified grade.

The Student's April 23, 2024, IEP provided SDI in transition services, written language, behavior, reading, and mathematics. The Student's IEP indicated that the Student required a high degree of one-to-one instruction, redirection, and assistance to complete math assignments. As such the Student received 100 minutes per week of SDI in math. The Student's April 23, 2024, IEP also included that progress would be reported June 14, 2024, December 16, 2024, and March 14, 2024, with the Student's report cards.

The Department does not substantiate this allegation.

Parent Participation—General

The Parent alleged that the District violated the IDEA by:

1. Blocking the Parent from access to staff emails and the District's newsletter, resulting in the Parent not receiving notice of parent/teacher conferences. It is alleged that this primarily occurred in October 2024;
2. Limiting or constraining potential IEP team meeting times to those times convenient to one District administrator, over the availability of other IEP team members including the Parent;
3. Failing to consider the Parent's input regarding the Student's academic needs and abilities, specifically the degree to which the student could participate in physical education due to physical limitations; and,
4. Failing to share relevant information about the creation of the Student's curriculum modifications with the Parent, that were included in the Student's IEP.

School districts must provide one or both parents with an opportunity to participate in meetings with respect to the identification, evaluation, IEP, and educational placement of the

child. Districts must provide parents with notice of meetings sufficiently in advance to ensure that they have an opportunity to attend. The notice must state the purpose, time, and place of the meeting and who will attend. That notice must also inform the parents that they may invite other individuals whom they believe have knowledge or expertise regarding the child. Furthermore, the district must take whatever action is necessary to ensure that the parent understands the proceedings at a meeting.⁵ Districts must also take steps to ensure that the parents are present at IEP or placement meetings and are afforded the opportunity to participate.⁶

On October 17, 2024, the Parent sent an email to the District reporting their discovery that they were not receiving emails from the District about relevant events, such as parent teacher conferences. The Parent alleged that this change in communication was made by the District to limit the amount of information available to the Parent or to limit the Parent's involvement in the Student's education. After the Parent brought this issue to the District's attention, the District offered assistance in addressing how contact information was entered into the District's computer system, and offered to reschedule parent teacher conference so that the Parent could attend. The District denied that the communication difficulties were intentional. The District arranged parent/teacher conferences for the Parent in November 2024.

During an interview with the Department's Complaint Investigator, the Parent reported that the District had not limited the scheduling of IEP team meetings. The District also reported having worked collaboratively with the Parent to find mutually agreeable meeting times.

The Parent raised concerns that the District had knowledge of the Student's physical limitations due to injuries, but did not take these limitations into consideration when scheduling classes or creating the Student's IEP. The District reported that the Student had injuries, reported recovering, and enjoyed participating in physical education and sports. The record includes communications from the Student where they report their ability to manage injuries by taking breaks or utilizing their IEP accommodations, such as in their December 18, 2024, email to the District. The District reported having not received definitive information from a physician regarding the Student's physical imitations or injuries until after the filing of this Complaint. During interviews with the Department's Investigator, the Parent acknowledged that the Student controlled information about their medical condition.

During the fall of 2024, the Parent made numerous requests for information related to the Student's curriculum modifications. The Parent requested an IEP team meeting to discuss these issues. The District scheduled and convened an IEP team meeting in part to discuss these concerns on November 14, 2024. During the meeting, the District discussed the difference between accommodations and curriculum modifications. The District reported that the Student only received accommodations and does not require curriculum modifications. The Student participated in general education classes with accommodations, including a 1:1 aide, who

⁵ OAR 581-015-2190(1)—(3)

⁶ OAR 581-015-2195(1)

assists the Student in class. Assistance to the Student may occur in class or spaces outside the classroom where the Student can work in quieter spaces. The records supports that there may be confusion around the use of the terms “modified diploma,” “modified grading,” and curriculum modifications in communications between the Parent and the District.

The Department does not substantiate this allegation.

When IEPs Must Be In Effect

The Parents alleged that the District violated the IDEA by:

1. Failing to implement to the Student’s IEP accommodation for movement breaks, when it interpreted the Student’s request to leave their ceramics class as a request to drop the course, rather than a movement break, resulting in the District removing the Student from the class in favor of a physical education course; Additionally, by not providing the Student with one of their IEP accommodations on October 4, 2024, when the Student asked to leave physical education class;
2. Failing to provide SDI, modification, and accommodations (for example allowing the Student to complete class work, especially in math, at home, and instead requiring the Student to complete such work in school in accordance with the Student’s IEP);
3. Failing to ensure that District staff responsible for implementing the Student’s IEP were informed of the modifications to the Student’s math curriculum.

At the beginning of each school year, a district must have an IEP in effect for each child with a disability within the district’s jurisdiction. The district must provide special education and related services to the child in accordance with that IEP. As soon as possible following the development of the IEP, special education and related services must be made available to the child in accordance with that child’s IEP. In addition, the district must ensure that the IEP is accessible to each regular education teacher, special education teacher, and related services provider responsible for its implementation. Each teacher and service provider responsible for implementing the IEP must be informed of their specific responsibilities therein.⁷

The Parent alleged that the District improperly interpreted the Student’s request for a movement break as a request to change their schedule, when the District should have understood the request to leave their ceramics class as a request to utilize their IEP accommodation. The Parent alleged that the District thereby failed to implement the Student’s accommodation for movement breaks. The Parent, District, and Student exchanged emails about the schedule change on December 18, 2024. As part of that email exchange the District offered the Parent the choice to override the Student’s selected elective, and have them remain in the ceramics class, instead of changing that elective to physical education. The

⁷ OAR 581-015-2220(1)—(3)

District reported that the Student came to the office and requested the change in part to address their need for movement throughout the day. On December 18, 2024, the Student reiterated their interest in making the schedule change, in addition to having the movement break accommodations in their IEP in an email to the District and the Parent.

On September 25, 2024, the Student's Math Teacher, responding to the Parent's questions about the Student's IEP accommodations, reported that the Student could complete assignments outside of class time, and at home if needed. The Student's April 24, 2024, IEP includes the accommodation of allowing the Student extra time to complete all assignments.

The Parent alleged that the District either refused to create a modified curriculum or refused to discuss curriculum modifications for the Student. The District discussed accommodations, modifications, and reevaluating the Student during IEP team meetings March 15, 2024, August 29, 2024, and November 14, 2024. At the November 14, 2024, IEP team meeting the Parent declined further testing or evaluation of the Student in response to the Parent's concerns about the Student's academic progress. On November 14, 2024, the District sent the Parent PWN of the District's offer to reevaluation the Student in response to their concerns, and the Parent's preference that the District not evaluate the Student. The District also explained to the Parent that not each teacher enters modified grades in the same fashion. During interviews with the Department, the District reported their willingness to consider additional eligibility categories for the Student in response to the Parent's concerns. Thereafter, the Student's IEP continued to include accommodations to the general education curriculum, but no modifications as the result of the Student's existing special education eligibilities.

The Department does not substantiate this allegation.

IEP Team Considerations and Special Factors

It is alleged that the District violated the IDEA by:

1. Failing to consider the Student's academic, developmental, and functional needs arising out of their eligibility category of SLD as it impacted their ability to make progress in their math curriculum;
2. Failing to consider the concerns of the Parent and the strengths of the Student, when the District changed the Student's academic schedule, placing them in courses that did not match their physical abilities, specifically removing the Student from their ceramics class, and placing them in physical education, despite the Student's relevant physical limitations;
3. Failing to consider the Student's academic, developmental, functional needs and diploma requirements, when it required the Student to take additional math credits than needed or required; and,
4. Failing to share the results of evaluations or other data upon which it relied upon in developing modifications to the Student's curriculum, or the specific modifications to the Student's curriculum.

In the development, review, and revision of a child's IEP, the IEP team must consider a variety of information about the student. The team should consider the concerns of the parents for enhancing the education of their child. The IEP team should consider the strengths of the child, the concerns of the parents, the result of recent evaluations, and the academic, developmental, and functional needs of the child.⁸

The Student's April 23, 2024, IEP includes SDI in math. The District tracked the Student's progress toward meeting their IEP goals. On March 25, 2024, the District provided the Parent with an IEP progress report indicating that the Student was making progress toward their IEP goal and was likely to pass their math class despite their math learning disability. On June 6, 2024, the District produced a progress report for the Student indicating the Student's progress toward completing grade level math assessments. During the same period the District had begun suggesting additional testing of the Student to address concerns raised by the Parent for the Student's math performance. On November 14, 2024, the District held an IEP team meeting to address the Parent's concerns about the Student's progress. The District proposed evaluations to consider additional eligibility categories for the Student. The Parent declined additional evaluations for the Student. The District documented the offer to evaluate, and the Parent's refusal, in a November 14, 2024 PWN. During discussions regarding the Student's needs in math, the District proposed, and the Parent agreed, on August 29, 2024, to a modified diploma for the Student. The District noted that the modified diploma allowed the Student's teachers to assess the Student's performance more broadly in consideration of their learning disability in math.

As observed above, the record includes the Student's request to change their schedule, and the Student's awareness and utilization of their IEP accommodation for movement breaks. During interviews with the Department's Investigator, the Parent reported that the Student controls their own medical information, and that, during the period covered by this Complaint, the District had no medical information regarding the Student's injuries. The record supports that the District made the schedule change in response to the Student's request.

The Parent reported that the District required the Student to take additional math courses beyond what is required by the modified diploma. The District indicated in its *Response* that the Student requested to take consumer math their senior year, which required additional math classes their junior year as a prerequisite. Included in the District's *Response* was a copy of the Student's senior year forecasting sheet showing the consumer math class as a schedule option selected by the Student. After the Parent voiced concern regarding the additional math course, the District removed the Student from the class. The record supports that the Student was enrolled in the math class because they chose the class, not because the District failed to consider the Student's needs.

The Parent alleged that the District did not provide them with evaluation data upon which the Student's curriculum modifications were based. The District reported that the Student did not

⁸ OAR 581-015-2205(1)—(5)

have curriculum modifications because they were enrolled in general education classes for which they received a variety of accommodations. The Student received assistance with accessing these accommodations through a 1:1 aide. Modifications, and thus the need for a modified diploma, were related to the manner in which teachers graded the Student's assignments.

The Department does not substantiate this allegation.

Review and Revision of IEPs

It is alleged that the District violated the IDEA when it failed to review or revise the Student's IEP to address the concerns of the Parent, specifically physical limitations caused by an injury to the Student's knee that limited their participation in some aspects of the curriculum.

A student's IEP must be reviewed and revised periodically, but at least yearly, to determine whether the annual goals for the child are being achieved. A school district must ensure that the IEP Team reviews and revises the child's IEP, as appropriate, to address a variety of factors including any lack of expected progress towards the annual goals and the general education curriculum. These requirements also apply to the results of reevaluations, information about the child provided by the parents, the child's anticipated needs, or other matters. Changes to the IEP may be made either by the entire IEP team at an IEP team meeting, or without a meeting if an agreement is made between the school district and the parent of a child with a disability.⁹

The Parent alleged that the District had direct knowledge of the Student's injuries, and that the Parent raised the issue of injuries numerous times, which should have resulted in the District considering this information when making curriculum choices for the Student. Specifically, the Parent alleged that the District should not have assigned the Student to physical education classes considering their injuries. The record supports that the Parent commented on the Student's injuries on numerous occasions. The record also included emails from the Student proclaiming their ability to manage any injuries and to rest when needed. The District reported that it was never provided with information from a physician about any physical limitations the Student had. As part of this Complaint, the Parent reported that the Student controlled access to their medical information and agreed that there was no medical information available to the Parent or the District. The District also reported that while the Parent expressed concern for the Student potentially having injuries, these concerns were not raised by the Parent during IEP team meetings during the Complaint period.

The Department does not substantiate this allegation.

⁹ OAR 581-015-2225(1)(a)—(1)(b)

Functional Behavioral Assessments

It is alleged that the District violated the IDEA when it failed to create or amend the Student's behavior intervention plan (in response to concerns of the Student's potential use or possession of alcohol on or near school grounds) and instead relied on a behavior contract to address the behavior.

School districts must conduct functional behavioral assessments to develop, review, or revise behavior intervention plans within 45 days of receiving parental consent to conduct the assessment for every student who has an IEP. This requirement is triggered when that student has placed the student, other students, or staff at imminent risk of serious bodily injury because of the student's behavior.¹⁰ School districts must also conduct a functional behavioral assessment when a student is subject to a disciplinary removal, when that removal will be for more than 10 consecutive days, or when a series of disciplinary removals constitutes a pattern. In such cases, a district must, within 10 school days of any decision to change the student's placement because of a violation of a code of student conduct, determine whether the student's behavior is a manifestation of the student's disability.¹¹

During the 2023-24 school year, the Student was subjected to discipline for possessing alcohol on school grounds. This incident occurred after school hours, on the property of a school in the District that the Student did not attend. The Parent and the District agree that, at the time of the incident, the Student was not previously suspended enough to approach either 10 consecutive days or a similar pattern of behavior resulting in ten total days of suspension. Rather, the Parent reported that the Student routinely engaged in impulsive behaviors and that the District ought to have understood the behavior in this manner. There was no manifestation determination required, as the Student was not suspended for ten consecutive or cumulative days and could be disciplined in the same manner as any other student.

The Department does not substantiate this allegation.

Free Appropriate Public Education (Denial of FAPE)

It is alleged that the District violated the IDEA by:

1. Not having a clear reason, timing, or method by which District staff would track or modify the Student's grades;
2. Not implementing modifications and accommodations to the Student's school work, as described above, resulting in the Student not obtaining passing grades in many courses; and,

¹⁰ OAR 581-015-2181(2)(a)—(2)(b)

¹¹ OAR 581-015-2415(1)—(4)

3. Not implementing the Student's accommodations on October 4, 2024, when the Student asked to leave physical education class, resulting in a suspension of 1/2 day, thereby depriving the student of instruction time.

School districts must provide FAPE to all school-age children with disabilities for whom the district is responsible.¹² Procedural violations may only lead to finding that a child did not receive a FAPE if they: "(I) impeded the child's right to a free appropriate public education; (II) significantly impeded the parents' opportunity to participate in the decision making process regarding the provision of a free appropriate public education to the parents' child, or (III) caused a deprivation of educational benefits."¹³ In determining whether a student was denied a FAPE, courts review a district's compliance with both the procedural and substantive components of the Student's education. Reviewing courts must inquire whether the school district complied with the procedural requirements of the IEP, and whether the school district met the substantive requirements to develop an IEP reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances.¹⁴

The record supports that the Parent agreed to the modified diploma for the Student. As part of those discussions, the District informed the Parent that it would implement a modified grading system. As early as September 30, 2024, the District documented in an email to the Parent the grading system in use with the Student. The District also reported that various teachers may apply that grading scale at different times during the semester.

The record supports that the Student's IEP did not require curriculum modifications. As part of the investigation, it was alleged that the Student's movement break accommodation was not implemented. The record contains emails from the Student attesting to their awareness and utilization of this accommodation.

The record in this matter includes disciplinary and attendance records. These records show that the Student had excused absences on October 3, and October 4, 2024. The disciplinary records do not show a suspension for this period. The record also includes clarifying communication between the District and the Parent regarding these dates.

The Department does not substantiate this allegation.

VII. CORRECTIVE ACTION
In the Molalla River School District
Case No. 25-054-010

The Department does not order corrective action in this matter.

¹² OAR 581-015-2040

¹³ 20 USD § 1415(f)(3)(E)(ii)

¹⁴ *Andrew F.*, 137 S.Ct. at 999.

Dated: this 25th Day of April 2025

Ramonda Olaloye

Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

Emailing Date: April 25, 2025

Appeal Rights: Partied 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 provision of ORS § 183.484. (OAR 581-015-2030 (14).)