

BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of Redmond School District 2J)	FINDINGS OF FACT,
)	CONCLUSIONS,
)	AND FINAL ORDER
)	Case No. 25-054-016

I. BACKGROUND

On March 13, 2025 and March 19, 2025, the Oregon Department of Education (Department) received a written request for a special education complaint investigation from one of the parents (Complainant) of a student (Student) residing in the Redmond School District 2J (District). The Complainant 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 Complainant and the District agree to the extension in order to engage in mediation or local resolution or for exceptional circumstances related to the complaint.²

On March 24, 2025, the Department's Complaint Investigator sent a *Request for Response (RFR)* to the District identifying the specific allegations in the Complaint to be investigated and establishing a *Response* due date of April 11, 2025.

The District submitted a *Response* on April 11, 2025, denying the allegations, providing an explanation, and submitting documents supporting the District's position. The District submitted additional documents on April 18, 2025 and April 21, 2025. The District submitted the following relevant items:

1. District's Written *Response* to Complaint, dated April 11, 2025
2. 3-Year Reevaluation File Review Report, 03/04/25
3. Adapted PE, 02/07/25
4. Health Alert, no date
5. Program Accommodations, 08/30/23
6. Emergency Action Plan, 09/06/22
7. Functional Vision Evaluation, 02/28/25
8. Evaluation, 11/12/24

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

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

9. Occupational Therapy Services/Support, 02/10/25
10. Direct Messages, 11/12-12/02/24
11. Statement of Eligibility for Special Education, 03/14/25
12. Prior Written Notice (PWN), 03/14/25
13. OT Notes, 09/04/24-03/06/25
14. IEP Draft, 02/10/25
15. IEP Amendment, 02/27/24
16. Meeting Summary, 11/12/24
17. Parent Meeting, 09/17/24
18. Meeting Summary, 12/17/24
19. Notice of Team Meeting, 02/05/25
20. PWN, 02/10/25
21. Meeting Summary, 10/01/24
22. Notice of Team Meeting, 02/25/25
23. Notice of Team Meeting, 03/10/25
24. Notice of Team Meeting, 10/28/24
25. PWN, 04/25/24
26. IEP Progress Report, 03/07/25
27. PWN, 02/14/25
28. PWN, 11/12/24
29. Meeting Summary, 02/10/25
30. Notice of Team Meeting, 01/21/25
31. Notice of Team Meeting, 12/19/24
32. PWN, 03/18/25
33. Special Education Student Contact Log, 03/19/25
34. Additional Documents Request, no date
35. Daily Attendance Profile, 2024-25
36. Parent/Guardian Consent for Individual Evaluation, 11/12/24
37. Student Health Incident List, 03/01/24-04/17/25
38. IEP, 02/27/24
39. AT/Augmentative Communication Services/Support, 02/23/24
40. Meeting Summary, 02/26/24
41. Doctor's Notes, 02/10/25
42. Emails, 4/17/24 - 03/18/25
43. Direct Messages, 09/11/24 - 02/28/25

The Complainant submitted a *Reply* on April 22, 2025, providing an explanation, a rebuttal, and documents in support of the Complainant's position. The Complainant submitted the following relevant items:

1. Complainant's *Reply* to the District's *Response* to *RFR*, 04/22/25
2. Screenshots, various dates
3. Document Photos, various dates
4. Text Messages, various dates
5. Email, re: IEP agenda, 02/25 - 03/07/25
6. Email, re: IEP meeting, 03/13/25

7. Email, re: meet [the Consultant], 02/05 - 02/07/25
8. Email, re: [the Student], 02/04 - 02/05/25
9. Email, re: [the Student] PWN, request and update, 03/04 - 04/14/25
10. Email, re: hearing aid, 01/06 - 01/09/25
11. Email, re: new message from [a teacher], 11/04 - 11/18/24

The Complaint Investigator interviewed the Complainant on April 21, 2025 and April 24, 2025. On April 21, 2025, the Complaint Investigator interviewed District personnel, and on April 29, 2025, the Complaint Investigator interviewed the ODE IEP Facilitator. The Complaint Investigator reviewed and considered all of these documents, interviews, and exhibits to reach the findings of fact and conclusions of law contained in this order. This order is timely.

II. ALLEGATIONS AND CONCLUSIONS

The Department has jurisdiction to resolve this Complaint under 34 CFR §§ 300.151-153 and OAR 581-015-2030. The Complainant's allegations and the Department's conclusions are set out in the chart below. The conclusions are based on the Findings of Fact in Section III and the Discussion in Section IV. This Complaint covers the one-year period from March 20, 2024, to the filing of this Complaint on March 19, 2025.

Allegations	Conclusions
<p>Access to Student Education Records</p> <p>The Complainant alleged that the District violated the IDEA by not providing records requested by the Complainant before special education meetings and within 45 calendar days, that the District refused to amend the Student's IEP (Individualized Education Program) when the Complainant requested that the input of the Parent be removed from the parent input section, and that the District violated the IDEA when it provided, without parent consent, confidential information via text to someone who did not have a legitimate educational interest in the information.</p> <p>(OAR 581-015-2300; 34 CFR §§ 99.20, 300.613, 300.501(a)(b)(1)(c)(1))</p>	<p>Not Substantiated</p> <p>The District provided the Complainant with the requested records. There was no request to amend the Parent's input on the IEP, and the District maintained the confidentiality of all information.</p>
<p>Parent Participation</p> <p>The Complainant alleged that the District violated the IDEA by refusing to schedule special education meetings with the Complainant at a mutually agreed-upon time, and that</p>	<p>Substantiated</p> <p>The March 14, 2025 meeting was not scheduled at a mutually</p>

Allegations	Conclusions
<p>the District did not allow the Complainant enough time to consider the large volume of information about the Student to make informed decisions.</p> <p>(OAR 581-015-2190(1)(2)(3), OAR 581-015-2195(1)(b); 34 CFR § 300.322(a)(2))</p>	<p>agreed-upon time to allow for meaningful parent participation.</p>
<p>Notice of Procedural Safeguards</p> <p>The Complainant alleged that the District violated the IDEA by not assisting the Complainant in understanding the Notice of Procedural Safeguards when the Complainant requested assistance.</p> <p>(OAR 581-015-2315; 34 CFR §§ 300.504)</p>	<p>Not Substantiated</p> <p>The District provided annual notice of the Procedural Safeguards and answered the Complainant's questions.</p>
<p>Reevaluation</p> <p>The Complainant alleged that the District violated the IDEA when the Complainant requested an evaluation for orientation and mobility that was not conducted. Further, it was alleged that physical therapy evaluations have not been completed, and the Adapted Physical Education (PE) Teacher did not provide input into the evaluations.</p> <p>(OAR 581-015-2105(4); 34 CFR § 300.303)</p>	<p>Not Substantiated</p> <p>An orientation and mobility assessment was conducted as a part of a functional vision assessment. The Student's physical therapy services were discontinued in 2020, and an evaluation was not agreed upon as part of the three-year evaluation process. The Adapted PE teacher provided input into the IEP via their report and consultation with the special education teacher, and this was evidenced in the February 10, 2025 draft IEP.</p>
<p>Prior Written Notice</p> <p>The Complainant alleged that the District violated the IDEA when it provided the Complainant with a prior written notice (PWN) that did not reflect the specific content of a meeting and may not have included the required elements.</p> <p>(OAR 581-015-2310; 34 CFR § 300.503)</p>	<p>Not Substantiated</p> <p>The February 10, 2025 PWNs reflected the decisions made by the IEP team and contained the necessary components.</p>

Allegations	Conclusions
<p>When IEPs Must Be in Effect</p> <p>The Complainant alleged that the District violated the IDEA when it did not provide the Student with “OG [Orton-Gillingham] reading curriculum from September 2024 to December 6, [2024]” and the District did not give the Complainant reading progress data during the November 2024 conferences. Further, the District was not implementing IEP supplementary aids and services, including:</p> <ul style="list-style-type: none"> a. Using “a yoga ball instead of [the Student’s] designated Rifton chair.” b. Physical therapy consultation for seating. c. “A one-on-one aide.” d. “Continued use of headphones despite requests to discontinue.” e. “Little to no communication ... regarding exposure to infectious illnesses” f. No parental consent or planning for a 5th-grade outdoor school trip. <p>(OAR 581-015-2220; 34 CFR § 300.323)</p>	<p>Not Substantiated</p> <p>The District appropriately implemented the Student’s IEP, including the supplementary aids and services.</p>
<p>Other Health Impairment</p> <p>The Complainant alleged that the District violated the IDEA when it considered whether the Student qualified as a student with a disability due to an Other Health Impairment without conducting “comprehensive evaluations.”</p> <p>(OAR 581-015-2165; 34 CFR §§ 300.8, 300.306)</p>	<p>Not Substantiated</p> <p>The District conducted the necessary evaluations to gather information about the Student and their disabilities and needs.</p>

REQUESTED CORRECTIVE ACTION
<p>The Parent requested the following corrective action:</p> <ul style="list-style-type: none"> • The District should amend the Student’s IEP to remove parental input from the Step Parent. • The District should adjust the schedules for the eligibility and IEP meetings to include a 10-day break in between. • The District should provide the Complainant with all of the materials that have been

requested.

III. FINDINGS OF FACT

IDEA regulations limit complaint investigation to alleged violations occurring no more than one year before the Department's receipt of the special education complaint. This Complaint Investigation did not consider any IDEA violations alleged to have occurred before March 18, 2024. Any facts listed below relating to circumstances or incidents earlier than that date are included solely to provide the context necessary to understand the Student's disability and special education history.

1. The Student is eleven years old, is in the 5th grade, and attends an elementary school in the District.
2. The Student is eligible for special education services under the eligibility of Deafblindness (DB), Deaf or Hard of Hearing (DHH), Visual Impairment Including Blindness (VI), and Other Health Impairment (OHI).
3. The Student's strengths are listening to and sharing with peers, working collaboratively, and participating in core instruction.
4. The IEP dated February 27, 2024 described the following:
 - a. The Student's annual IEP review date was February 26, 2025, and their reevaluation was due March 28, 2025.
 - b. The Present Levels of Academic Performance indicated that "Our district uses McGraw[-]Hill reading wonders [*sic*] for its reading curriculum. [The Student] receives specially designed instruction and is accessing the Orton-Gillingham [OG] Multi-Sensory reading program."
 - c. Winter iReady reading and math diagnostic data were listed.
 - d. Special Factors were described indicating that the Student experienced blindness or visual impairment, exhibited communication needs, was deaf or hard of hearing, and required assistive technology.
 - e. Statewide and District assessments were listed.
 - f. Anticipated progress report dates were listed as June 17, 2024 and January 27, 2025.
 - g. Goals were created in writing, math, and speech/language.
 - h. The reading goal indicated that "Given direct instruction, access to a multi-sensory reading program adult support and opportunities to practice, [the Student] will fluently decode (read) and encode (spell) short vowel CVC words with and without digraphs with at least 80% accuracy in 5 consecutive opportunities as measured by curriculum based measures, and teacher and staff data collection."

- i. Specially Designed Instruction was described for reading, which was provided by the LEA/Case Manager in the general and special education classrooms for 160 minutes per week from February 28, 2024 through February 26, 2025.
 - j. The following Supplementary Aids/Services/Accommodations were listed for the duration of February 28, 2024 through February 26, 2025:
 - i. "Access to listening amplification devices throughout the school day" provided by the LEA/Case Manager in the general and special education setting for 100 minutes each day.
 - ii. "Encourage independent attempts at tasks before assisting," provided by the LEA/Case Manager in the general education setting for 30 minutes each month.
 - iii. "Additional support as needed throughout [the Student's] day for safety (fall risk, choking risk)" provided by the LEA/Case Manager in the general and special education setting for 300 minutes each day.
 - iv. "Adaptive seating options for proper positioning and movement" provided by the LEA/Case Manager in the general and special education setting for 45 minutes each day.
 - v. "Health protocol" provided by the LEA/Case Manager in the general and special education setting for 30 minutes every month.
 - vi. "Seizure protocol" provided by the LEA/Case Manager in the general and special education setting for 30 minutes every month.
 - vii. "Mobile device with access to applications that support grade[-]level curriculum and headphones for device" provided by the Regional Program/Case Manager in the general and special education setting for 10 minutes per day.
 - viii. "Ensure proper positioning when seated for group class activities and instruction time, assemblies," provided by the LEA/Case Manager in the general and special education setting for 60 minutes per day.
 - k. Supports for School Personnel listed consultation minutes from the following: DHH, Speech Language Pathologist, Special Education, Occupational Therapist, Vision, Adapted PE, Nursing, and Assistive Technology.
 - i. Assistive Technology supplementary aids and services included access to speech-to-text and text-to-speech, and consultation as a support for school personnel.
 - l. Parent initials were not present to indicate receipt of the Parent Rights.
 - i. Meeting notes indicated that the Procedural Safeguard card was sent to parents with the Notice of Meeting.
5. On April 17, 2024, Special Education Teacher 2 began an email exchange with the Parent that continued until April 22, 2024. Special Education Teacher 2 shared that they needed to amend the IEP because "I didn't quite spell out the nursing services the way the district would like me to. There are a couple of other insignificant changes that I need to make as well (I forgot to list ESY in the narrative part of the IEP). Would it work for you if I made these changes and we didn't have a meeting to go over them? If you want to go over them, I can definitely schedule one. Would you let me know?". The Complainant and Special Education Teacher 2 tried to schedule a call on April 19, 2024, but couldn't find a mutually convenient time. After several scheduling attempts, the call was scheduled for April 22, 2024 at 3:30 p.m. The Student Contact Log dated April 22, 2024 indicated that Special Education Teacher 1 had

- a “Phone conversation with [the Complainant] who gave [Special Education Teacher 1] verbal permission to amend [the Student’s] IEP without a meeting.”
6. On April 25, 2024, the IEP dated February 27, 2024 was amended to include the following:
 - a. “ESY decision documented in the present levels.”
 - b. “Removed incorrectly placed explanation in districtwide assessments.”
 - c. “Assistive Technology supports to school personnel information updated.”
 - d. “Nursing services added in related service[s] and supports to school personnel.”
 - e. “Accommodations related to nursing changed to the role of “nurse”.
 - f. “Nursing services listed under Health/Medical changed to “[The Student] has needs that will be addressed by an RN and/or a trained staff member performing delegated nursing tasks.”
 7. An April 25, 2024 PWN described the amendments to the IEP.
 8. On September 10, 2024, the Complainant emailed Special Education Teacher 1 to request a call to “... get an update and get an IEP meeting date” On September 17, 2024, Special Education Teacher 1 emailed the Complainant, “I wanted to let you know that we have scheduled an IEP meeting on our IEP day for 10/1/24 @10:00-11:30 am. Let me know if this works for you.”
 9. On September 17, 2024, Special Education Teacher 1, a Special Education Coach, and the Complainant met to discuss the Student. Meeting Notes indicated that the meeting topics centered around the Student’s health and medical needs, including upcoming appointments and concerns about illness and feeding. The following topics were discussed: communication methods, reading intervention, seating arrangements, the structure of the Student’s school day, and the level of support the Student received. It was noted that the Complainant wanted less teacher support and more independence for the Student. There was a note that said, “No yoga ball.”
 10. Between September 29, 2024 and September 30, 2024, the following emails were exchanged between the Complainant and Special Education Teacher 1 regarding the Student’s hearing devices and an instructional assistant:
 - a. September 29, 2024:
 - i. The Complainant indicated that the Student did not return home with their device or glasses and indicated that no one was walking the Student to the After School Program, “Is [the Student’s] aid not transitioning [the Student]?”
 - b. September 30, 2024:
 - i. Special Education Teacher 1 indicated that “[The Student] does have an aid that checks in with [the Student] in the morning about [their] devices and glasses, we are working on setting up a check[-]in and check[-]out system that works for [the Student]. [The Student’s] device is at school, [the DHH Teacher], [the 5th-grade Teacher] and I were trying to get it working after school one day and it slipped through my mind and got left at school Friday. For [the After School Program], [the Student] does not have an aid that transitions [the Student], we would like [the Student] to be more independent in transitioning [themselves] at the end of the day.

This is something that was in place last year, but if you would like to change I'd be happy to chat about it tomorrow during the meeting."

- ii. The Complainant replied, "First, why is the Ponto not working? [The Student] absolutely needs someone transitioning [them]. That is written in [their] IEP, and I am not sure why last year it was done differently. I want to be clear that no changes to [the Student's] typical schedule and routine should be changed without notifying me. ... Does [the Student] not have an aid throughout the day?"
- iii. Special Education Teacher 1 responded that the "Ponto wasn't pairing well with the mic, so we were trying to make sure there wasn't too much feedback through the Ponto which was hurting [the Student's] head. The Ponto was also not loud enough and still picked up feedback. ..."

11. An October 1, 2024 IEP meeting summary described the following conversations:

- a. Regarding Physical Therapy:
 - i. Special Education Coach: "[The Student] doesn't have PT [Physical Therapy] [the Student] has Adaptive PE."
 - ii. Complainant: "When was it removed?"
 - iii. The Special Education Coach reviewed records, "It was removed when [the Student] was at [the Previous School] and [the Student] was moved to Adaptive PE."
 - iv. The Complainant indicated that PT was added back with an unknown person (Unknown Person).
 - v. According to the notes, the Special Education Coach shared that it was not added back and indicated that a PT evaluation could be done for the reevaluation.
 - vi. According to the notes, the Special Education Coach said, "When we sign consent I do want to address the PT at that time and look for an evaluation. This is through [the ESD]. We will work with [the Physical Therapist] and discuss any updated assessments as needed."
- b. Regarding the Yoga Ball:
 - i. The Notes indicated that Complainant said, "[The Student] had been sitting on a yoga ball for 4 months and that was not in [the Student's] IEP. It was a safety thing and increased [the Student's] fatigue. I want to make sure [the Student's] IEP is followed to a T and that [the Student] is not fatigued in school. I would like someone to speak to me first if there are any changes. The yoga ball would have been acceptable for 10 minutes at a time but not for long times."
 - ii. The Complainant indicated that the Student was getting a new hearing aid and that seizures were no longer a risk.
- c. There was discussion about the Student's chair/seating support and new Release of Information (ROI) forms for updated information. The Complainant indicated that the feeding protocol should remain the same. The 5th-grade Teacher indicated that there were upcoming field trips. The Complainant asked, "Does [the Student] have an aide with [them] one[-]on[-]one?" The 5th-grade Teacher indicated that the Student gets "additional adult support."

12. On October 2, 2024, the Complainant shared feedback from the IEP meeting in an email to Special Education Teacher 1, "Would it be possible to separate [the Student's] meetings into distinct sessions focused specifically on assessments, goals, and evaluations? ... I want to

clarify that I will not be sharing any updated medical information assessments and future goals with anyone outside of [the Student's] immediate educational team, [the Parent], and the providers involved in [the Student's] care." On October 6, 2024, Special Education Teacher 1 replied, "Meetings that we need to hold this year include a consent to evaluate, an eligibility meeting, and an annual IEP meeting. During the IEP meeting we will have a placement discussion and determination. We can hold these meetings separately, recognizing that there is a lot of information that needs to be covered. We are required by law to hold the eligibility meeting prior to [the Student's] eligibility expiring, so hopefully that gives enough time to have the outside medical evaluations completed."

13. On October 4, 2024, the DHH Teacher emailed the Student's parents, Special Education Teacher 1, and the 5th-grade Teacher to provide an update on the Student's hearing technology, "In the classroom, [the 5th-grade Teacher] will be using the Red Cat speaker during all instruction. It is placed at the front of the room facing [the Student's] Right [*sic*] side. This is the amplifier system for the whole class. We will trial this for the next week or so. Again, this is not a long[-]term solution, as it is not realistic for middle school where [the Student] will have multiple classrooms, as it does not travel. ... [The 5th-grade Teacher] is having [the Student] wear the Ponto in 15[-]minute increments. Parents, I would recommend speaking with [the Student's] audiologist about best practices for when it comes to wearing [the Student's] listening devices. My training taught me that [the Student] should be wearing it during all waking hours across all settings. I also recommend for those at home to not only encouraging [*sic*] [the Student] to use the Ponto, but to use the EduMic FM with [the Student] as well. The more consistent we are with [the Student] in using [their] listening devices, the more access [the Student] will have to spoken language and [the Student] will become more accustomed to wearing it. The sooner we start the better. Middle school is a beast when it comes to getting kids to wear devices so getting [the Student] used to it now is for the best! When [the Student] is wearing a hearing aid (Ponto or behind[-]the[-]ear hearing aid) teachers will be using the EduMic. It should go with [the Student] to specials. [Special Education Teacher 1] and [the 5th-grade Teacher] will show the other teachers how it is used (how to wear it and how to mute)."
14. From October 8, 2024 through November 8, 2025, the Complainant and Special Education Teacher 1 exchanged emails regarding the scheduling of the evaluation consent meeting.
 - a. October 8, 2024:
 - i. Special Education Teacher 1 emailed to confirm the evaluation planning meeting on October 29, 2024.
 - b. October 10, 2024
 - i. The Complainant requested November 8, 2024 for the meeting date.
 - c. October 11, 2024
 - i. Special Education Teacher 1 wrote, "Unfortunately we have already scheduled this meeting to meet our 60[-]day timeline for evaluations. We also only schedule IEP meetings on Tuesday's [*sic*] as these are the days that we are allotted substitutes so all IEP team members can be in attendance." Special Education Teacher 1 provided three different time slots for October 29, 2024.
 - ii. The Complainant replied that October was a busy month due to upcoming evaluations and vision tests. The Complainant indicated that they could meet on

October 22, 2024, at 8:00 a.m. or on October 15, 2024, at 1:00 p.m. The Complainant requested, "Moving forward, can you please give me a few dates and times before you commit to a meeting time. I realize you are coordinating multiple schedules, but I would like my schedule to be considered and ensure I can attend."

- d. October 14, 2024
 - i. Special Education Teacher 1 responded, "The other day I have available is November 12th at 3:00-4:00 pm. Let me know if this works for you, if not 10/29 at 10:00-11:30."
 - e. November 8, 2025
 - i. Special Education Teacher 1 emailed to "confirm our Consent Meeting on 11/12 at 3:00-4:00pm."
15. On October 28, 2024, a Notice of Meeting was generated for a meeting scheduled on November 12, 2024 to discuss reevaluation planning and consent for the three-year reevaluation. The Complainant and the Parent confirmed the meeting on October 14, 2024 via email and ParentSquare. Parent Rights/Procedural Safeguards were enclosed.
16. Meeting Notes from the consent meeting on November 12, 2024 described that a Procedural Safeguards card was mailed to the Complainant with the Notice of Team Meeting. Additionally, the following was noted:
- a. A physical therapist was present for the meeting.
 - b. Eligibility history was discussed, and the following possible eligibilities were discussed: VI, DHH, DB, and OHI.
 - c. The IEP was reviewed.
 - d. The DHH Teacher reviewed the assessments they planned to conduct.
 - e. The Orientation and Mobility assessment was discussed and explained that it was a part of a functional vision assessment and that they would look at how the Student's vision affects their orientation and mobility.
 - f. The Complainant indicated that the Student's current, private, physical therapist could complete assessments that look "at vestibular." The Specialist indicated that the parents could get an outside assessment, but that the functional vision assessment looks at how it affects the Student's access at school.
17. A Parent/Guardian Consent for Individual Evaluation, dated November 12, 2024, indicated that the Student was due for their three-year reevaluation for special education eligibility. The document indicated that the evaluation would include observation, curriculum-based assessments, a functional listening evaluation, and a Screening Instrument For Targeting Educational Risk (S.I.F.T.E.R.). Specifically, a file review and a classroom observation were listed under "Selected Evaluation Procedures/Assessments/Tests." The Parent's signature denoted consent on December 8, 2024, and the Director's signature denoted the receipt of the signed consent on January 8, 2025.
18. A PWN dated November 12, 2024, described that the IEP team decided to conduct a reevaluation "... in order to determine whether or not [the Student] continues to be eligible for and requires special education services." Prior evaluations, teacher reports, progress towards goals, and information provided by the Parents were listed as a basis for the proposed action. The decision was proposed to be implemented on January 8, 2025.

19. From November 14, 2024 through November 22, 2024, Special Education Teacher 1 and the Complainant exchanged emails in which reading assessments and the consent to evaluate were the topics.
- a. November 14, 2024
 - i. The Complainant wrote, "Do you have current Iready [sic] math results? Reading?"
 - b. November 19, 2024:
 - i. The Complainant wrote, "Please send ... consent documents. Also, I didn't see reading assessments, just Iready math [sic]."
 - ii. Special Education Teacher 1 responded, "I put the consent and [the Student's] progress reports from the Special Education side into [the Student's] backpack. The school does not do iReady for reading, so [the Student's] progress is noted in [their] progress reports. [The 5th-grade Teacher] can also give you more information about what they do in the classroom for reading if you have additional questions."
 - iii. The Complainant wrote, "Can you send reading assessments? Historically [Special Education Teacher 1] and [Unknown Person] sent reports."
 - c. November 21, 2024:
 - i. Special Education Teacher 1 wrote, "I'd be happy to take a further look at [the Student's] reading assessments and get them to you after Thanksgiving break. It has been busy with conferences so I haven't had much time to get these together. ... I was going to ask if you are able to drop off the consent in the office so I can upload it tomorrow before we go on break. Let me know."
 - ii. The Complainant wrote, "I am looking forward to seeing [the Student's] reading assessments. ... I've been reading through [the Student's] previous assessments and was curious why a[n] orientation and mobility [assessment] was not completed. I would have assumed this was done, considering [the Student's] diagnosis. Considering placement options, and my concerns for safely accessing school, I would like [the Student's] orientation and mobility [assessment] to be done at a location similar to one of our district schools, with students, teachers etc." Regarding the consent, the Complainant wrote, "Sorry for the delay, my kids have been out sick pushing back appointments. I will get this to you and I'm sure I'll have follow[-]up questions. Please expect this no later than the first week of December. I am also taking this process slowly as I feel that previous assessments and modifications to [the Student's] IEP were not appropriate and implemented. Considering the change from Elementary to Middle school I want to make as thorough as possible [sic]."
 - d. December 2, 2024:
 - i. On December 2, 2024, the Director emailed the Complainant regarding the "consent to evaluate paperwork that the IEP team discussed on 11-12-24 and sent home for your review." The Director explained the timeline, "[The Student's] eligibilities are due by March 28, 2025, and I know we discussed having 60 days to complete evaluations with fidelity, especially as they pertain to updating levels of vision and functional aspects of accessing school environments. For reference, if you signed the consent today, that would put 60 days on March 14, 2025. We have until March 19th to complete the evaluation and hold the meeting to find [the Student] re-eligible (there is no school March 20-March 28 due to spring break). Do you have an update

for me from your conversations with other outside professionals? Do you have additional questions about the evaluations that are being proposed?” The Director listed the evaluations from the consent document and their purpose:

- (1) Functional Listening Evaluation (FLE): “... Is a test that measures a child’s ability to understand speech in a classroom setting. It’s used to assess how noise, distance, and visual input affect a child’s speech recognition.”
- (2) S.I.F.T.E.R.: “... Is used by the teacher to rate a deaf/hard of hearing child in comparison to other children in the classroom on 15 items. The responses are plotted on a chart which indicates pass, marginal or fail for each of the five areas of academics, attention, communication, classroom participation, and school behavior.”
- (3) Functional vision evaluation (including orientation and mobility).
- (4) Curriculum-Based: “Informal and classroom-based academic assessments will be obtained to determine the student’s daily functioning with academic skills across the areas of reading, math, written language, and social/behavioral development. Informal or curriculum-based tools may include the easyCBM, Oregon Statewide Assessment System (OSAS), SWIS [School-Wide Information System], DIBELS [Dynamic Indicators of Basic Early Literacy Skills], or other district-level and classroom-based materials.”
- (5) Observation: “Direct observation of the student’s interactions in the classroom or school environment.” The Director wrote, “We also sent home a Release of Information so our school psychologist could obtain updated vision information for continued eligibility that we have not yet received back. Please let me know what questions you have. I’m here to support you and the team through this re-evaluation process.”

e. Early December 2024:

- i. The Complainant responded and indicated that they reviewed the Student’s 2022 assessments and “the IEP safeguards and procedures in Oregon.” The Complainant wrote they were concerned whether “the individuals administering the assessments possess expertise in Deaf/Blindness” and indicated that “The previous assessments lacked the necessary scope and expertise, undermining my confidence in the district’s evaluation processes.” The Complainant suggested, “To ensure that [the Student’s] eligibility does not expire, I propose requesting the school district conduct an individual assessment by an expert in CHARGE [syndrome], or provide training for the current ESD staff. I would prefer an educational psychologist to complete them, and at the very least consult with the ESD team.” The Complainant cited oversights regarding the Student’s functional access to education and IEP records that “incorrectly diagnose [the Student’s] hearing loss.” The Complainant wrote, “I support proceeding with all assessments but would like my concerns to be addressed.”

f. December 11, 2024:

- i. The Director replied with a list of the evaluations and their purpose, as well as a list of the staff who would be conducting the evaluations. The Director wrote, “If you object to the re-evaluation once it is completed, you have the right to request an Independent Educational Evaluation (IEE).”

20. The Contact Log indicated that the Director called the Complainant to discuss the consent to evaluate on November 22, 2024. The Director's notes in the log indicated the following:
 - a. The Complainant wanted "to take things slow" to make sure the evaluations were appropriate for the Student.
 - b. The Complainant thought the eligibilities were appropriate. The Director asked the Complainant which evaluations they wanted to consent for, and the Complainant was unsure.
 - c. The Complainant "doesn't believe the staff has the ability to assess and complete the evaluations [the Student] will need."
 - d. The Complainant was aware of the 60-day timeline and that the reevaluation was not due until March 28, 2025.
 - e. The Complainant retrieved the consent to evaluate form from the School the previous day.
21. On November 26, 2024, the Complainant informed Special Education Teacher 1 and the Nurse that the Student was diagnosed with parainfluenza this past week and wrote, "With flu and cold season here and the holidays I wanted to gently remind you both I would like to be up to date on any outbreak in [the Student's] classroom, or direct exposure. If there are multiple kids out with ILI [Influenza-like Illness] and exposure please call or text me."
22. In a December 3, 2024 email exchange between the Complainant and Special Education Teacher 1, the Complainant wrote, "[The Student] mentioned [the Student] was outside freezing yesterday. Just a kind reminder anything below 45, snow/ice and poor air quality should all be considered before recess. [The Student] said there was nobody to stay indoors with." Special Education Teacher 1 replied, "I touched base with [the 5th-grade Teacher] and it sounds like [they] reached out to you about this. It sounds like because there was a substitute that it was forgotten about for the 10[-]minute recess in the afternoon. Going forward we will make sure that this does not happen. I also wanted to check in again regarding [the Director's] email yesterday and see if you had brought in the signed consent and ROI form yet?"
23. In a December 4, 2024 email exchange, the Director emailed the Complainant, "Thank you for your email. You bring up some questions and concerns that should be discussed in an IEP meeting with the team. Please let me know your availability for a meeting and we will gather the IEP team together to discuss your concerns. It would be great if we could schedule something prior to Winter Break so there are next steps." The Complainant responded that they would be available that day between 1 and 4 and the following Monday morning.
24. Regarding the reading assessments and the reading program, the following emails were exchanged between the Complainant and Special Education Teacher 1 from December 5, 2024 through December 17, 2024.
 - a. December 5, 2024:
 - i. The Complainant emailed Special Education Teacher 1, "Just a friendly [*sic*] to send [the Student's] reading assessments. I'm curious to see where's [*sic*] [the Student] improved and if it correlates with tutoring goals. I'm [g]uessing you administered

these tests? Are we using person [sic] gillingham? Is speech[-]to[-]text better this year?"

b. On December 11, 2024:

- i. Special Education Teacher 1 responded, apologizing for the delayed response due to an emergency, "In regards to your previous question about the Ponto, [the Student] is wearing it everyday still except for during lunch and recess as of last week. This week [the Student] will be back to wearing it all day, at all times. [The 5th-grade Teacher] and I want to make sure that we ease [the Student] into wearing it full time again especially after a week off of school. This will be the plan for after winter break too. I talked to all of the staff who work with [the Student] and they said [the Student] has not been complaining of headaches or any problems. [The 5th-grade Teacher] did mention that [the Student] has wanted to wear it less, but we have been encouraging [the Student] to wear it and build the stamina again. I will reach out if anything comes up." Special Education Teacher 1 addressed the Complainant's request for reading assessments, "... It sounds like you were able to talk to [the 5th-grade Teacher] yesterday and [the 5th Grade] teacher was able to clarify what reading assessments we do here at school. I can resend [the Student's] progress reports to give you the data for [the Student's] IEP goals. We do not do Orton[-]Gillingham assessments with [the Student] as this is not the curriculum used in the classroom or small groups currently. The curriculum used in the classroom and small groups are (CKLA), Phonics for Reading, and Beyond the Code. We are moving [the Student] to an Orton[-]Gillingham group that [the Student] will start participating in tomorrow."
- ii. The Complainant responded, "As of last Jan/Feb we adopted Orton[-]Gillingham as [the Student's] curriculum as an IEP intervention. Once it was implemented [the Student] had made some reading gains. Further, we spoke at length during our first meeting and then [the Student's] IEP regarding this intervention. I realize the district has a new curriculum for general education, but [the Student] has not responded to learning phonics with traditional methods. We're four months into the school year, and now I am finding out what was modified last is not being implemented. I am disappointed that [the Student] is not getting the interventions requested. This is the only modified curriculum I've requested in all [the Student's] education, as I know kids with sensory deficits need multisensory reading methods. I am paying privately for tutoring in hopes that both [the Student's] tutor and school staff are working on similar goals, which I thought was clearly expressed during our last IEP."

c. December 16, 2024:

- i. The Special Education Teacher 1 replied, "Regarding your concerns about adopting the Orton-Gillingham curriculum in [the Student's] IEP, we have since moved [the Student] to another reading group that is teaching the method of Orton-Gilli[n]gham. I hope this helps with any concerns or questions you had with [the Student's] reading goals and instruction."
- ii. The Complainant wrote, "Last year it was clearly stated to change [the Student] to a multi[-]sensory reading curriculum; ideally [O]rton[-][G]illingham. I would like to know why [the Student] was not placed in OG to begin with and why was I not consulted making this decision."

25. On December 17, 2024, the District held a staffing meeting with District personnel, the ESD personnel, and consultants from the Oregon DeafBlind Project to discuss the Student's three-year reevaluation. The notes indicated that the District had not yet received consent from the Complainant. The team discussed the Complainant's concerns about the larger building and crowds that come with a middle school environment and, accordingly, the need for an Orientation & Mobility assessment.
26. Between December 18, 2024 and December 26, 2024, Special Education Teacher 1 and the Complainant exchanged emails to schedule the Student's annual IEP.
- a. December 18, 2024:
- i. Special Education Teacher 1 wrote, "... I wanted to reach out and schedule [the Student's] annual IEP meeting, it is due by 02/26/2025. Right now I have [the Student] slated for February 11th from 10:00-11:30. Please let me know if this date works for the both of you. Since this is [the Student's] annual IEP, we will use current data and information we have to develop an IEP. Once we receive signed consent to evaluate for [the Student's] 3[-]year re-evaluation, we can start that process. These functional evaluations will help us determine current functioning to support decision making for services for [the Student] in the new year."
 - ii. The Complainant responded, "Is there any way we can schedule it either the week before or the week after? The week of Feb. 11 is my work week."
 - iii. Special Education Teacher 1 replied, "Per my last email and due to scheduling conflicts, I am now looking at 02/04/25 @ 10:00-11:30 am, please let me know if this works for you both!"
 - iv. The Complainant responded, "I can do these dates, please keep in mind I'll be asking for a few additional folks to attend. If I can give them a few time slots that would be nice." The Complainant shared the following dates and information:
 - (1) February 10, 2025 & February 11, 2025; and
 - (2) February 24, 2025 & February 25, 2025.
 - (3) "I am [n]ot available 17-19th."
 - (4) "I could make Jan 30th (end of the day would be ideal)."
 - (5) "[The Student] has 3 appointments at OHSU (different days, 2 locally in Jan and one Feb 7th at Shriners."
 - (6) "Ideally, early morning or late part of the day would work best so I can work a part day."
 - v. Special Education Teacher 1 replied, "Based on the dates you provided and when you're out of town, we got approval to hold additional meetings on the 20th and 21st. We could start at 10 am or do a late afternoon meeting. Which day and time works best for you?"
 - vi. The Complainant responded and indicated, "I don't have a lot of options other than what I suggested. I could do lunch hour Feb 13-14, it would be virtual."
- b. December 19, 2025:
- i. The Special Education Teacher 1 emailed, "I have scheduled and confirmed [the Student's] annual IEP meeting for 01/30/25 at 2:30-4:00 pm. I will send out a meeting notice to both of you."
 - ii. The Complainant replied, "If we can tentatively keep Feb 11th open let me know. I am trying to coordinate my [child's] 504 the same day."

- c. December 20, 2024:
 - i. Special Education Teacher 1 emailed, "We have already scheduled it on January 30th per your previous email. I hope you can still make it to this meeting!"
 - d. December 26, 2024:
 - i. The Complainant wrote, "Can we try to move the IEP to Feb 11th instead?"
27. On December 19, 2025, a Notice of Team Meeting was generated for the annual IEP meeting scheduled for January 30, 2025. Procedural Safeguards were enclosed.
 28. From January 6, 2025 through January 9, 2025, the Complainant, the 5th-grade Teacher, and Special Education Teacher 1 exchanged emails to schedule a meeting about the Student's new hearing aid and to share audiology information. Potential dates and times were exchanged, and they eventually agreed to meet on January 22, 2025. The Complainant indicated that the Student had fluid in their ear and would begin wearing the new hearing aid the following week. The DHH Teacher wrote, "Go ahead and send [the Student] with the new hearing aid on Tuesday the 14th as planned. If there's anything you would like [the Student's] educational team to know for when [the Student] begins to wear it to school, please explain in an email so I can make sure it gets forwarded to the right people."
 29. On January 7, 2025, the Director and the Complainant exchanged emails regarding the evaluation consent and ROI paperwork.
 - a. The Director emailed a clarification to the Complainant regarding the evaluation consent and ROI paperwork, describing that the paperwork the Complainant signed and sent on December 9, 2024 was the ROI for the DeafBlind project, not the consent to conduct an evaluation on the Student. The Director shared that they had not yet received a signed consent to evaluate for the Student's three-year evaluation that was discussed in the November 12, 2024 meeting. The Director described that the Student's eligibility was not in question, but the team would like to use the current evaluation process to appropriately adjust the IEP by considering the Student's present needs.
 - b. The Complainant responded on the same day, indicating they signed and returned the paperwork on December 9th, including the ROI, which they also emailed twice. They believed everything was done and recalled agreeing to an individual assessment after the IEP meeting if necessary.
 - c. The Director replied, requesting more information about how the consent was returned to the School, indicating the School team could try to track down the consent, or that the Complainant could sign the consent that the Special Education Teacher 1 sent home and return it directly to the School Psychologist.
 - d. The Complainant wrote that they sent the forms in an unlabeled envelope in the Student's backpack, and they were returned to the Complainant to provide the tutor's information, which the Complainant thought they'd already completed. The Complainant said they had the forms, would scan them that evening, and would take them to the School next week.
 - e. The Director replied that "no one on the team knew to look for signed ROI or consent in [the Student's] backpack. The earlier we receive them the better, so we can get started on the evaluations. I'm even happy to stop by your house to pick them up if you cannot

get them to the school until next week. Let me know what works best for you and I'll figure out how to support this process."

- f. The Complainant replied with their address and indicated, "I'll leave [the Student's] signed papers under my mat." The Complainant wrote, "... I wanted to ensure [Special Education Teacher 1] read my previous email regarding [the Student's] IEP. [The Student] has a developmental assessment with [their] neurologist dec 31st *[sic]*. I would imagine the results from this will have [a] significant impact on modifications and interventions next year. [Special Education Teacher 1] offered feb 11th meet *[sic]*. I think it would be wise to wait until this is done."
- g. On January 8, 2025, the Director replied that they had retrieved the consent paperwork from the Complainant's home and that "... since we are holding the annual IEP prior to the 3[-]year eligibility (because of due dates and wanting to ensure that we hold separate meetings), we will have the ability to amend any part of the IEP that pertains to new evaluation information, as appropriate, when we meet for the re-eligibility." On the following day, the Director emailed again, confirming receipt of the paperwork and shared that "The team will make sure the paperwork is processed so they can start the functional evals *[sic]* soon."

30. On January 8, 2025, the Complainant emailed Special Education Teacher 1 and the DHH Teacher to share that the Student had not yet begun wearing their new hearing aid, "[The Student] will next week, and due to the complexity of when and why [the Student] will use each aid, it will be best for [the DHH Teacher] to teach you. We will come up with a protocol. ... I am sure it will be a learning process for all of us."

31. Between January 8, 2025 and January 13, 2025, the following email exchange occurred between the Complainant and the Director regarding the scheduling of the annual IEP:

- a. The Complainant wrote that they had a work conflict on January 30, 2025 "that I likely cannot change. I communicated with [Special Education Teacher 1] for two weeks, as soon as I was made aware. I have not heard back. Is there any way we can move [the Student's] IEP to Feb 11th *[sic]*. I also need to confirm with the educational psychologist to attend."
- b. The Director replied that February 11 was now full and not available, "As you know, with a team as robust as [the Student] has, it is very challenging to get all appropriate team members together for an IEP meeting. Multiple schedules were shifted and changed to make Jan 30th happen."
- c. The Complainant responded, "Feb 11th was one of a few days presented to me as an option. If it's full is anytime between Feb 10-14 *[sic]*."
- d. The Director responded that as District Representative, they had very little time the week of February 10-14 and stated, "I know that January 30 is a date that all specialists and the team can meet, so if there's any way you can continue to make that date work to attend I would appreciate it. January 30 was scheduled because it was a date you confirmed you could attend, as long as it was the later afternoon. I realize things change, and with 10+ providers and team members we have to ensure that all members can be present. I'll check with regional and district staff to see if there's flexibility with the dates you provided and get back to you."

- e. The Complainant indicated that it had been a few weeks “since I requested a different time” and indicated that they would be happy to meet later with a smaller team. The Director responded, “I want to be sure you can attend as well.”
 - f. On January 13, 2025, the Director offered February 10, 2025 mid-morning as an option for the Student’s annual IEP. The Complainant responded, “That would be great. What time? Earlier the better for me.”
32. On January 12, 2025 and January 13, 2025, the Complainant and the Director exchanged emails with reading assessments as one of the topics.
- a. January 12, 2025:
 - i. The Complainant wrote, “In preparation for [the Student’s] IEP can you please send me [the] current reading evaluation?”
 - b. January 13, 2025:
 - i. The Complainant wrote, “Also, I’m still waiting to get any reading assessment. Last 2 years I’ve been able to see the breakdown of decoding skills.”
 - ii. The Director replied, “I believe that the team has addressed your questions about the reading data - the data that was shown to you in the past was benchmark data, and we’re currently in the middle of our winter benchmark. [The Student] also has reading data on progress notes which were sent home during parent/teacher conference time in November. From what I understand, there is confusion about what it is exactly you’re asking for. Do you have an example of what [Unknown Person] sent you? I believe you’ve referred to that multiple times to staff and they’ve done their best to answer your questions, but it’s clear that you’re not getting what it is you’re looking for.”
 - iii. The Complainant sent attachments, and the Director indicated they would try to figure out where the information the Complainant shared came from. The Complainant indicated that Unknown Person provided the information “[a]nd gave me written notes on progress.”
 - iv. The Director responded, “The data screenshots you shared is specially from the online platform for OG. This wasn’t started until Winter (January) of last year with [Special Education Teacher 2] when [the Student] was in 4th grade. Since [the Student] was just moved into an OG strategy intervention recently this year (I believe [the Student’s] partnered with younger students and this move was made per your request to try to keep [the Student] using this strategy), this data is not available at this time. Data is being collected via CORE assessments based on [the Student’s] IEP reading goal specifically. This tracking is not a feature that the teacher uses with this group.”
 - v. The Complainant wrote, “If I can get something soon that would be good. ... It’s really unfortunate that even per [the Student’s] IEP [the Student] wasn’t placed in the correct reading group. I am looking forward to see [the Student’s] reports and compare.”
 - vi. The Director replied, “... progress toward [the Student’s] IEP goals will be shared at [the Student’s] annual IEP meeting and with [the Student’s] report card.”
 - vii. The Complainant replied, “I totally understand. ... It’s nice to have intermittent assessments so I can coordinate with [the Student’s] therapists and tutor. Also, I like to review everything prior to IEP [*sic*] to have time to process and consider options.”

33. On January 13, 2025, in an email to the Complainant and the Parent, the Director included a link to the Procedural Safeguards.
34. Between January 16, 2025 and January 21, 2025, email exchanges between the Parent and the Complainant centered around a field trip.
- The Complainant asked, "Who will [the Student] have next week for [their] field trip. I'll chaperone if [the Student] doesn't have an aid or [the Parent] attending."
 - The Director replied, "As for the field trip next week, [the Step Parent] is chaperoning the field trip. [The 5th-grade Teacher] had been in contact with [the Parent] since it's [the Parent's] week with [the Student]."
 - The Complainant replied that the Student did not have their glasses today because they were impacting the comfort of the hearing aid and said, "I'll attend next week. Even if it's not my parenting time I would have liked to have been asked, as discussed in [the Student's] IEP meeting. Is there a reason why [the Student] doesn't have an aid to attend?"
 - The Director indicated that additional school staff will be on the field trip to support the Student.
35. On January 17, 2025, the Complainant emailed the Director, "At your earliest convenience can I please see current reading and math progress reports?" Additionally, the Complainant wrote, "I am tentatively holding open between 12-4 for [the Student's] IEP meeting. I hope to get this confirmed as soon as possible" The Director replied, "The time we have Monday, February 10 would have to be from 1030-1145 due to schedules and specialist availability. Otherwise we have or [sic] original date on January 30 from 230-4 pm." On January 21, 2025, the Director wrote, "I've confirmed an annual IEP meeting for Monday, February 10 from 10:30- 11:45. The team will send out an updated calendar invite as well as a notice of team meeting."
36. On January 21, 2025 and February 5, 2025, a Notice of Team Meeting was generated for an Annual IEP meeting scheduled for February 10, 2025. The Notice indicated the meeting was confirmed on January 21, 2025 via email and that a Procedural Safeguards Link was attached via email to the Notice.
37. In a series of emails on January 21, 2025, the Director and the Complainant communicated the following:
- In response to the Complainant's questions, "Do you know when I will have evaluations/assessments so I can coordinate with others?" The Director shared, "We will not have our 3[-]year re-evaluation testing finished prior to this annual IEP meeting. We will likely require the maximum amount of time to get those completed as they are focused on functional vision and mobility and will include time at the middle school to ensure we have a clear picture of [the Student's] level of functioning with vision and mobility in that environment as well."
 - The Complainant wrote, "I am looking for academic progress reports that support [the Student's] IEP goals. Again, the reports I have seen do not address [the Student's] education plan. The Director responded, "The team is working on updating Winter

Benchmarks for all students and calculating progress for progress reports – with the date of the IEP now in February, you will get that information at progress report time - at least 5 days prior to the meeting.”

38. On January 23, 2025, the Complainant requested the date of the mobility assessment, indicating that they wanted to be present. The Director responded that the functional assessments had already begun and, for validity, parents do not participate in the evaluation process.
39. On January 26, 2025, the Complainant emailed the Director to check in regarding the Student’s use of the hearing aid, noting that the Student didn’t wear it on the field trip for Robotics. The Director responded the following day, “The Ponto was used during school last week due to the hearing aid not being charged. I just sent an email to both you and [the Parent] about this.”
40. On January 27, 2025, the Director reminded the Complainant and the Parent to make sure the Student’s hearing aid comes to school fully charged and that the Student has their glasses every day, “When I spoke with [the Complainant] [they] shared that [the Student] may be given the choice to wear them [the glasses] ... so [the Student] shouldn’t be forced to wear the glasses when [the Student] has the hearing aid on.”
41. On January 28, 2025, the Complainant wrote to the Nurse, “I was thinking 6 kids is a lot for one day with [the Student’s] class. If you hear of a large number being out can you let me know in the future?” On January 29, 2025, the Nurse emailed the Director to indicate they had talked with the Complainant the previous day about the Student’s cold and indicated the Complainant was inquiring about why other students were out of class. The Nurse indicated they maintained confidentiality. The Director responded to the Nurse on January 31, 2025, “I do not think we have an obligation to share when students are out and for what reason unless it’s a huge outbreak of something that requires reporting to the health department.”
42. On January 30, 2025, the Student was absent due to illness. In an email on the following day, the Complainant indicated that the Student had RSV and wrote, “I doubt [the Student] will be there much next week, but we will see. It will be vital we keep [the Student] away from sick kids for a few weeks.”
43. On February 4, 2025, the Vision Impairment team sent the Complainant and the Parent a parent interview form that was used in the evaluation process.
44. On February 5, 2025, the following email exchanges occurred between the Complainant and the Director:
 - a. The Director forwarded a message regarding the Functional Listening Evaluation from the DHH Teacher requesting guidance from the family as to which device the Student should use during this evaluation. The Complainant responded, “I suggest using the Ponto, not with the direct FM system, as this is not what a general setting would look like. ... I suggest using the traditional aid for a portion as well, especially if [the Student] is repeating words or answering comprehension questions.”

45. In an email introducing the Advocate to the IEP team on February 5, 2025, the Complainant wrote, "I still don't have [the Student's] progress report dated 11/15/2025 [sic] and still don't see a formal report in parent vue [sic] for comparison." In a separate email strand, the Director attached three documents and wrote, "Progress reports were sent home at the end of January in [the Student's] backpack, but I've included a pdf in my response here as well. I'm also including a copy of the CORE assessment that the reading instructional coach completed at [the School]. As discussed earlier this year, the teacher does not use the same format or online platform as the previous case manager. I've also included updated winter benchmarks for iReady (including the one from Fall and the most current Winter diagnostic) - while these are not connected directly to [the Student's] IEP goals it indicates overall growth in specific areas. This data will be shared and discussed during [the Student's] upcoming meeting on Monday." The Director also wrote, "The progress notes I resent today include all dates of progress reported for [the Student's] current IEP, including last June, November, and the recent January date."
46. On February 6, 2025, the Complainant confirmed receipt of the progress reports and iReady data.
47. On February 7, 2025, the following email exchange took place:
- The Director emailed that draft IEP to the Complainant and the Parent.
 - The Advocate emailed the Director to share that the Procedural Safeguards were not included. The Director responded, "I can confirm that it is the most up[-]to[-]date procedural safeguards. We attach a card to the notice of team meeting when mailing out the hard copy, then, as noted, I always include the link to remind parents of where to access it."
48. The Adapted PE Report from February 7, 2025, described the Student's gross motor skills, behavior, and participation and indicated that the Student participated in general PE with their 5th-grade class. The Adapted PE Teacher's recommendation was "... to keep the consult services as we transition into middle school PE. If next year is going great then we can look at removing the services."
49. The Occupational Therapy (OT) Services/Support document dated February 7, 2025, described "[The Student] is doing well in PE and recess without observable signs of fatigue. [The Student] loves tetherball and plays with peers. [The Student] doesn't do all activities in PE but at least tries it all." The document included a "Supportive, Rifton type chair" as Equipment/Strategies/Comments used with the Student.
50. The Draft IEP for the February 10, 2025 annual IEP meeting included Student strengths, parent concerns, and present levels of academic, developmental, and functional performance. Results of the most recent District Assessments in reading and math were included. Information was provided in the following categories: Occupational Therapy, Physical Education, DHH, and Vision Specialist. A summary of the latest evaluation information was included. Special factors, required testing and assessments, and dates of progress reports were listed. Goals were drafted in the categories of writing, reading, math,

and social communication. SDI was described, related nursing services were listed, accommodations and supplementary aids and services were listed, including “additional adult support as needed throughout [the Student’s] day for safety (fall risk, choking risk)” and “adaptive seating options for proper positioning and movement.” Additionally, a health protocol and “ensuring proper positioning when seated for group class activities and instruction time, assemblies” were included. Access to a “mobile device with access to applications that support grade level curriculum and headphones for device” and “access to listening amplification devices throughout the school day” were noted. Consultation for adapted PE and nursing were included as supports for school personnel.

51. Meetings Notes from the February 10, 2025 IEP indicated that a “Procedural Safeguards card was mailed to parents with the Notice of Team Meeting.” The notes indicated that the team reviewed and discussed the Student’s iReady reading data, and the team proposed a reading goal. There was discussion about when the Student should use headphones, the Ponto, and the hearing aid. Additional topics were placed on the agenda for the March 14, 2025 meeting.
52. After the IEP meeting on February 10, 2025, the Complainant followed up with an email to the Director with the following comments or questions:
 - a. “If there is a need for [the Student] to use headphones, we can get a pair that connects to any of [their] O[ticon] devices. If anything needs to be amplified it needs to go through [the Student’s] hearing device. ... PLEASE note this was addressed last year and as recently in September, and discussed in [the Student’s] audiology notes.”
 - b. The Complainant described how the Student’s hearing loss had changed and indicated that “Prior to 2023/2024 school year [the Student] wore [their] BAHA consistently at school/home, which provided some benefit and will continue to when [the Student] is sick, or flu on [their] middle ear [sic].”
 - c. “Can we just have [the Student] change [their] General Ed[ucation] math time until [the Student] is done with [their] personal instruction? If that is not feasible, can we hold off on Gen Ed[ucation] math and allow [the Student] additional time.”
 - d. “We didn’t get to talk about sitting arrangements, and I was curious how [the Student] is utilizing [their] chair and slant board.”
 - e. “... Who is [the Student’s] primary one[-]on[-]one this year?”
53. After the February 10, 2025 IEP meeting, the Complainant forwarded a document to the Director from an outside physical therapy agency dated February 10, 2025, which summarized the Student’s mobility and orientation challenges due to CHARGE syndrome, a rare genetic disorder causing multi-system effects. Key deficits included impaired vision, heart defects, breathing passage issues, developmental and intellectual delays, and ear abnormalities leading to hearing loss and vestibular damage impacting the Student’s balance. The Student’s impaired balance systems (vision, inner ear, proprioception) were significantly affected by their hearing, inner ear, and vision deficits, making navigation and processing balance cues difficult. Overcrowded, visually busy, or uneven environments, along with inner ear issues, increase the Student’s fall risk and disorientation. Due to the extra effort required for spatial awareness and low muscle tone, the Student fatigued easily and may need frequent breaks, potentially without expressing their needs due to language delays and processing time. The Student’s developmental delays necessitated modifications

for advanced coordination and balance activities. Despite these challenges, the Student navigated their environments remarkably well. Continued success required awareness of situations needing support or modifications and recognizing when the Student may be tired or overwhelmed. The Director noted in the Contact Log that they forwarded this information to the ESD on February 11, 2025.

54. Regarding the annual IEP review, the following occurred:
- a. On February 10, 2025:
 - i. The Director created a shared folder with the Complainant and the Parent, including the draft documents that were discussed at the annual IEP meeting. The Director requested that they review the documents so that they could be finalized.
 - b. February 12, 2025 & February 14, 2025:
 - i. The Director followed up via email on February 12, 2025 and February 14, 2025 with both parties to request confirmation that the documents had been reviewed so that they could be finalized and distributed.
 - c. February 14, 2025:
 - i. The Complainant responded to the email from the Director and indicated that they had reviewed the IEP. The Complainant wanted a more specific literacy goal, questioned using iReady benchmarks, and asked if the OG curriculum tracked comprehension data. The Complainant was unclear of the purpose for the adult check-in and wrote, "... I am not comfortable rushing details that matter."
 - ii. The Director replied, "I cannot change the wording of anything now that we're outside of the meeting. When considering the reading goal, we discussed that one first and I updated it believing that we all agreed prior to moving to the math goal. I can create a different prior written notice indicating that we will use all the old IEP information until we meet on March 14th [sic] if you prefer - instead of updating any of it. We would then go back to working on the old math, speech, and reading goal from last years [sic] IEP and remove the additional accommodation that our SLP recommended. I will be sure to make a note of your concerns as you've noted in your reply to ensure that we discuss it on March 14th [sic]."
 - iii. The Director emailed the IEP team, "We will not be formally making the changes to the IEP that the team discussed on Monday. [The Complainant] has expressed concern that we rushed through the new goals and would prefer that we don't make those changes at this time. What this means: the IEP team will continue to work on previous IEP goals, services, and not provide the additional accommodation that the SLP recommended at this time. I will submit a Prior Written Notice to parents to note this change with today's date on it— indicating that we will continue to use the IEP dated 2-27-24 with the acknowledgement that even though it will expire on 2-26-25, that we will continue to provide [the Student] the services as outlined in that IEP until the team can meet on March 14, 2025."
 - d. February 18, 2025:
 - i. The Director reminded the Complainant and the Parent that there would be a PWN that indicated the team would be using the most current IEP and would meet again on March 14, 2025 to update eligibility and complete the annual IEP. The Director indicated they uploaded the appropriate documentation to the folder and removed the drafts and unfinalized documents.

55. The original PWN from the February 10, 2025 IEP meeting indicated that the District proposed the following IEP updates:
- "Present levels to reflect most recent district benchmark assessments in reading and math and progress toward previous IEP goals."
 - "Present levels to reflect parent priorities and concerns."
 - "Goals were updated in social communication, focusing on nuanced social interactions and communication with peers; an accommodation was added for this goal (having a familiar adult to go to/support during social interactions)."
 - "Reading goal updated to focus on digraphs/trigraphs with 75% accuracy over 5 consecutive trials."
 - "Math goal updated to addition/subtraction double digit with 60% accuracy (currently at 0%)."
 - "Writing goal will remain the same (until the team meets again on March 14)."
 - "Special factors remain the same."
 - "Testing accommodations remain the same. Science for 5th grade was added; ELA and Math were also added for 6th grade as this IEP will follow to 6th grade."
 - "Service summary remains the same - including SDI minutes in reading, writing, math, social communication; accommodations and modifications and related services remain the same (due to the team not having time to discuss in detail; these areas will need to be reconsidered after evaluations are presented in March); consult to school personnel remains the same."
 - "Non[-]participation justification remains the same-extent of removal from Gen[eral] ed[ucation] based on required SDI."
 - "Placement also remains 40-79% in gen[eral] education - team did not have an opportunity to discuss in detail any changes required in placement during this meeting but will discuss this area again in March."

Progress toward goals, present levels, team discussion and decisions, and District benchmark testing were used as a basis for the proposed action. The "... Team determined that the changes discussed would be changed and other aspects from the IEP from last year would remain. We will be meeting again on March 14th for updated eligibility, which will include functional vision and hearing evaluations - these tests will inform of any other specific changes to the accommodations/services." Relevant factors included that the Student was "... in the process of a re-evaluation to determine [their] current functioning in the areas of Deaf Hard of Hearing and Vision Impairment. The team will use this information to redetermine eligibility and document any required changes based on those evaluations and present levels of functioning in an amendment, as necessary. This annual IEP was developed with the most current data available to the team at the time."

56. A text message from the 5th-grade Teacher to the Complainant on February 10, 2025 included a photo of email messages from the DHH Teacher to the 5th-grade Teacher and the following text, "I just wanted to send you this communication as clarification that I got from [the DHH Teacher] on wearing the headphones and that that was okay"

57. On February 11, 2025, the Director and the Complainant exchanged emails regarding the Student's hearing device.
- The Complainant shared, "[The Student] was adamant about not wearing any hearing device. [The Student] wanted [their] hat on, which creates a lot of feedback. [The Student] got [their] haircut really short so I think [the Student] feels more comfortable with [the] hat."
 - The Director shared, "I received an email from the team this morning. Someone from [the Afterschool Program] approached [the 5th-grade Teacher] and said you told them that [the Student] shouldn't wear any hearing devices today because of a cold/illness. The feedback is that [the Student] is worried because [the Student] typically wears something - the ponto [*sic*] or the hearing aid. This is the kind of confusion that causes stress to [the Student] and the school team because it's not consistent."
 - The Director responded, "It appears as if [the Student] is upset about it at school now. Can [the Student] wear them if [the Student] chooses to?"
 - The Complainant shared, "No, it's to do with [their] hat and hair. [The Student] was really upset with [their] hair so you can get [the Student] to wear [the] device and not [their] hat, that's great. There is a fine line of pushing [the Student] to wear it and maintaining [their] emotional well[-]being. [The Student] definitely has fluid on ear [*sic*]. [The Student] was missing words last night. I highly recommend [their] ponto [*sic*] if [the Student's] going to wear anything."
 - The Director responded, acknowledging that they would alert the team that if the Student decided to wear a device, it should be the Ponto with their hat on.
58. The Director emailed the Complainant and the Parent regarding the Student's use of devices and choice:
- February 12, 2025:
 - The Director proposed, "If [the Student] comes to school and is advocating to wear a specific device (the Hearing Aid or the Ponto), the team would like to honor [the Student's] advocacy and choices. Please advise as we want to ensure we're on the same page. I also think [the Student's] wanting to do the right thing but is needing or wanting adult approval because [the Student] is worried [they're] not doing the right thing sometimes."
 - The Parent weighed in and supported the Student's choice.
 - The Complainant shared, "This is a delicate balance and I don't believe [the Student] fully understands why [the Student] has two devices, and what [the] purpose is of each. Unfortunately, the function of each device benefits [the Student] in different ways, and is completely dependent upon [the Student's] middle ear function. As much as giving [the Student] some empowerment and autonomy is great, [the Student] is not capable of making this decision at this point. I would advocate that if [the Student] is absolutely adamant [about] not wanting to wear it or one particular device, I would be curious why. Is [the Student] fatigued? Over sensory input and needs to be in a quieter environment? What are the external factors that [the Student] can have decision[-]making in Recently, [the Student] [put their] device on by [themselves], which is a big step. ... I want to add, yesterday [the Student] came home with [their] traditional hearing aid, even after I clearly stated [the Student]

- should have [their] ponto [*sic*] on until [their] ears are evaluated [by] the PCP [Primary Care Physician].”
- iv. The Director wrote, “Per your email reply yesterday about this you noted [the Student] is welcome to wear a device, but you shared that you “highly recommended the ponto [*sic*]” after saying [the Student] could wear a device if [the Student] wasn’t wearing [their] hat. [The Student] wanted to wear [their] aid, so I read that as [the Student] had a choice. Please know that the school team is doing everything they can to try to keep up with the daily changes. Moving forward, we may want to discuss this more in detail during the IEP meeting, so it’s more clear and there is better understanding with daily communication.” The Complainant shared, “Just an FYI, [the Student’s] wearing [their] Aid today because [they] wanted to wear it and switched them out. Please let me know if we need to take it from [the Student] and have [the Student] put [their] Ponto in.”
 - v. The Complainant replied, “To make sure there are no gaps in communication. 1. When [the Student] is currently sick and recovering from an influenza[-]like illness, [the Student] will wear [their] Ponto. [The Student] will have [their] ponto [*sic*] for 10 business days once [their] symptoms begin to improve, unless otherwise communicated in writing by [the Complainant]. [The Complainant] will give a beginning date and an end date ... from illness start date to recovery period.”
 - vi. The Director thanked the Complainant and asked, “At this time, what is the date [the Student] can start wearing [their] hearing aid?” The Director followed up with the same question the next day.
- b. February 13, 2025:
- i. The Complainant shared that the Student could wear their traditional hearing aid on February 18, 2025. According to the Complainant, “... this morning [the Student] mentioned [the 5th-grade Teacher] gave [the Student] a choice of which hearing aid [the Student] can wear yesterday [*sic*]. ... Upon getting ready this morning, [the Student] was again adamant [they] wouldn’t wear [their] Ponto and said ‘[The 5th-grade Teacher]’ gave me a choice. I can’t maintain [the Student’s] buy-in if I am getting push back because [the Student] was told differently. ... The Student’s] educational aid should be the one addressing these concerns to [their] case manager, and involve me for any needed clarification.”
 - ii. The Director responded that “yesterday” was before the Complainant’s 10-day timeline clarification.” The Director requested, “Moving forward, if [the Student] needs to wear [their] ponto [*sic*], I’d ask that [their] hearing aid stay at home and not be an option. I realize that this has caused some frustration with [the Student], but ultimately, you make the call. We will follow your guidance and reiterate the necessity of the ponto [*sic*] over the hearing aid.”
 - iii. The Complainant asked, “Also, can you explain to me the decision[-]making process in [their] classroom? I don’t hear much about any aid, and I am curious why.”
- c. February 14, 2025:
- i. The Director informed the Complainant that the Student came to school with both devices and wanted to wear the hearing aid, but was told they had to wear their Ponto.

- ii. The Complainant replied, "While we are messaging, can you please respond to me regarding [the Student's] EA? I would love the opportunity to teach this person about [the Student's] devices."
- iii. The Director explained, "Based on services required for support, there are times where additional adult support is needed for access and safety. [The Student] does not have a specific aid [sic] with [them] all day and various staff have been trained in [the Student's] protocols and provide support as outlined in the service summary page." The Director explained that classroom decision-making was based on the IEP with guidance from the Case Manager.
- iv. The Complainant responded, unclear about the level of support the Student received from the EA in the classroom. According to the Complainant, "Last year, to support [the Student] with continued independence, we agreed [their] aid [sic] could be accessible to the rest of the classroom while [the Student] was working independently. The EA was also the one to help [the Student] learn when and how to use devices and modifications. How often does [the Student] have [their] EA? Does the EA pair the device to [the Student's] FM/microphone?" Additionally, the Complainant shared, "For example, [the Student] wearing headphones, rather than [their] device. Who made this decision? I would assume [their] EA is up to date on all of [the Student's] protocols, IEP and safety needs, just as much as [the Student's] case manager."
- d. March 13, 2025
 - i. The ODE IEP Facilitator asked the Director to "reply all" to the question posed by the Complainant regarding who the EA was for the Student.
- e. March 14, 2025
 - i. The Director responded, "In regards to an instructional assistant, [the Complainant] has asked and I've provided information that it's not a single staff member, but currently in [the Student's] schedule, I see [IA 1] and [IA 2] who are supporting during the day for health/safety. Clarification about them specifically would be outside the IEP discussion as we should remain focused on the support staff provide in the provision of services."

59. On February 12, 2025, the Complainant requested "... that you provide me with all of [the Student's] previous special education reports at your earliest convenience." The Director indicated they would have the Records Clerk begin gathering the Student's historical records. On February 14, 2025, the Director indicated that the records were ready. The Complainant requested that they be placed in the Student's backpack, and the Director confirmed that action. On February 27, 2025, the Complainant confirmed that they were in receipt of the records.

60. On February 14, 2025 a revised PWN was generated for the annual IEP meeting on February 10, 2025 indicating that "The district will continue to serve [the Student] under the IEP dated 2-27-24 due to [the Complainant's] disagreement to changes the team proposed and discussed during an annual IEP on 2-10-25. [The Complainant] indicated concern that the meeting felt rushed and was not comfortable with the changes made to the reading, math, and speech language goals. [The Complainant] also did not agree with the proposed added accommodation to support the new proposed speech language goal. The team

acknowledges and informed [the Complainant] that the IEP will expire after 2-26-25. A 3[-] year re-eligibility meeting and amendment IEP meeting is scheduled on March 14, 2025. This meeting will be facilitated by an [ODE] appointed facilitator. The team will continue to serve under the expired IEP, with goals [the Student] has already met, until the team can meet again on March 14, 2025.”

61. On February 17, 2025, the Complainant indicated that the Student had fluid in their ear, would need to wear the Ponto all week, and indicated, “... We want to do as much infection prevention as possible. Another cold will definitely prolong symptoms.”
62. Regarding Outdoor School, the following communication occurred:
 - a. February 18, 2025
 - i. The Director emailed the Complainant and indicated that information about Outdoor School was sent out this past week and that there was a family night on April 1, 2025. The Director indicated that the Parent confirmed they would attend Outdoor School because it was their parenting week, and that “... there will also be an aide and a full[-]time nurse on site during the trip. Any support and protocols that [the Student] requires will be supported and implemented.”
 - ii. The Complainant responded, “I am not sure if you are aware, but I have decision[-] making when it comes to [the Student’s] education, including ALL activities associated with [their] education. This would include all field trips, and outdoor school, regardless of parenting time. I am happy to hear [the Parent] has made arrangements to attend, however, until [the Parent] discusses this with me, [the Student] will only be attending if [their] DSP [Designated Support Professional] or myself [*sic*]. I look forward to coordinating a plan and will attend the April 1st meeting. Before decisions are made for school activities, I would like to be included. This was discussed at [the Student’s] first IEP meeting, at length.
 - iii. The Director replied, “We must respectfully maintain appropriate boundaries regarding custody and parenting plan matters, as these fall outside the school’s purview. While your decision-making rights encompass school selection and final determinations regarding your [Student’s] IEP/educational planning in regards to parent input, the administration of field trip participation falls outside the scope of special education programming. Such matters cannot be incorporated into an IEP, as they reflect custody/family dynamics rather than educational access requirements.”
 - iv. The Complainant responded, noting a lack of IEP protocols for the Student’s safety in outdoor environments. The Complainant expressed concern regarding the training of the staff that would be providing support in this setting. The Complainant suggested that the School needed updated medical information and specific health protocols to support the Student in the Outdoor School environment.
 - b. February 19, 2025
 - i. The Director emailed the Complainant, “As the custodial parent, you have the authority regarding [the Student’s] participation in Outdoor School. While we are in the initial planning stages, no permission forms have been issued or signed at this time. To proceed with planning, I agree that having additional/updated medical documentation to develop appropriate support protocols is necessary. If you could

provide the names of [the Student's] medical professionals, I will prepare the necessary Release of Information forms for your signature. Once received, our school nurse will work with you to establish and implement required medical protocols including staff training. ... Moving forward, communication about field trips or special events will be sent to both of you, no matter what week of parenting it is."

- c. February 21, 2025
 - i. The Nurse communicated with the Director that they met with the Outdoor School team the previous day and had details to share with the Complainant regarding meeting the Student's specific medical needs.
- d. February 24, 2025
 - i. The Complainant shared concerns about the Student's health and safety during the Outdoor School trip and wrote, "I would like to propose a meeting to discuss these concerns prior to [the Student's] IEP meeting on March 14th. This will ensure we have enough time to focus on the pertinent IEP details."
 - ii. The Director responded and listed possible attendees for this meeting, including parents, the Nurse, and the coordinator of Outdoor School, so that they could begin scheduling the meeting.
- e. February 25, 2025
 - i. The Director emailed the School team and the Director of the Outdoor School to gather dates to schedule a meeting to design support for the Student for the Outdoor School experience.
 - ii. The Director emailed the Complainant confirming that there was no updated medical information for the current protocols (seizure, feeding, health).
- f. February 26, 2025
 - i. The Complainant responded, "I haven't heard back from [the Parent], but I am leaning on [the Student] going for 2 day[-]trips. It will be much easier to coordinate with [the Student's] team and give me peace of mind. It is so far away, and honestly not worth the risks. We will still need to meet and discuss [the Student's] 'agenda,' like water safety, hiking, etc. I still think a meeting with the school nurse, and [the Student's] EA would suffice. I imagine myself or [the Parent] will be driving [the Student] to and from the camp."
- g. February 27, 2025
 - i. The Director replied, proposing a meeting after the April 1, 2025 informational meeting. The Complainant replied, "Sounds good."
- h. March 10, 2025
 - i. The Director emailed members of the School team and the parents to schedule a meeting to discuss accommodations and protocols necessary for the Student to access the Outdoor School field trip scheduled for May 27-29, 2025. The Director offered April 2-4, April 7, and April 9-11, before or after school as possible dates for this meeting. The Parent, the Nurse, and the 5th-grade Teacher responded on the same day and acknowledged that Wednesday, April 2, 2025 at 2:45 would work for a meeting. The Nurse sent out a calendar invite for this date and time.
- i. March 13, 2025
 - i. The Director responded to the Nurse's invite reminding the parties that the Complainant was the custodial parent and would determine if the Student attended Outdoor School, "[The Complainant] requested this meeting to discuss any further or

additional support that may be necessary to accommodate the capacity in which [the Student] attends, so I want to be sure that [the Complainant] has the ability to participate.” The Director requested attendance confirmation from the Complainant.

63. On February 24, 2025, the Director and the Complainant exchanged emails regarding a tour of the middle school. In one of those exchanges, the Complainant wrote, “...I would like to see [the Student’s] O & M [Orientation & Mobility] prior to the walk through.”
64. Regarding the March 14, 2025 three-year reevaluation meeting, the following emails were exchanged:
 - a. February 24, 2025:
 - i. The Complainant wrote, “Additionally, I believe an O and M evaluation should be provided, given the discussions about [the Student’s] placement and access. According to the Oregon Parent IEP Safeguards and Part B of the IDEA act, I should have reasonable access to review evaluations prior to the IEP meeting as part of [the Student’s] written notice. I understand we will be reviewing [the Student’s] IEP from 10-12, followed by a discussion about placement from 2-4. If we need to readdress the placement meeting scheduled for March 14th, please let me know at your earliest convenience. I want to ensure I’m fully informed and not going into the meeting with just information presented at the last minute.”
 - ii. The Director wrote, “We will do whatever we need to do if we determine an additional meeting is required on March 14, 2025.”
 - iii. The Complainant wrote, “I don’t think there should be a subsequent placement meeting [M]arch 14th if you cannot provide supporting documents ahead of time. You cannot expect a parent to have the mental bandwidth to review, process and advocate without any prior time to review documentation.”
 - iv. The Complainant wrote, “I am writing to clarify a few details regarding our upcoming IEP meeting on March 14th. It is my understanding that we will have two separate meetings: the first to complete the IEP and review evaluations, and the second to discuss eligibility and placement. I’ve become aware that I may not receive any documentation prior to this meeting, including the evaluations, draft IEP, and placement options. According to the Oregon Parent IEP safeguards and Part B of the IDEA, I should receive a written prior notice that includes the district’s proposals and evaluations supporting those proposals. I cannot attend a placement meeting immediately after reviewing [the Student’s] evaluations and eligibility. In the past, I have always received a written notice with proposed placements, the draft IEP including goals, and evaluations ahead of [the Student’s] yearly IEP.”
 - b. February 25, 2025:
 - i. The Director emailed the Complainant and described the agenda for the March 14, 2025 meeting and explained that a PWN is sent after there is a team decision to propose or refuse a change, not before. The Director explained, “Providing a PWN in advance of a meeting could suggest that the district’s proposal was improperly arrived at before the meeting and without parent input. Although we are not required to do so, we intend to provide you and [the Parent] with a draft IEP prior to the March 14th meeting. Please understand, however, that goals and services proposed in a draft IEP are only recommendations for review and discussion with parents.”

Additionally, the Director wrote, “We also intend to provide you and [the Parent] with completed evaluation reports in advance of the meeting, including the Orientation and Mobility evaluation report. These reports are not yet completed, so I am unable to share them with you at this time.”

c. February 27, 2025:

- i. The Complainant wrote, “I am writing to follow up on my request for documentation ahead of our meeting on March 14. Specifically, I was seeking the completed Orientation and Mobility (O&M) report from [the Middle School] to compare with my observations of [the Student] in the same environment. [The Student’s] O and M at [the Middle School] was in early February. I would have anticipated a report or general observations available to compare mine to. I understand that I may receive this information during the meeting; however, I have concerns about this approach since we will be addressing both the IEP and placement in back-to-back meetings. According to parental safeguards, I am entitled to receive all documentation within a reasonable timeframe prior to any proposed changes to [the Student’s] IEP or placement. My email to “[the Director]” after I was told I will only see the O and M the day of [the Student’s] IEP raised significant concerns, in that what other documentation will [I] not get till the day of [the Student’s] meeting. [sic] If the draft IEP and the placement considerations cannot be provided before the meeting, I believe it would be best to reschedule the placement meeting for at least 7 business days after receiving the necessary documentation. Parental safeguards indicate ‘reasonable time,’ and since I’ve hired a private consult I would like to ensure enough time for [the Advocate] to also review any proposed changes to [the Student’s] IEP and placement options, [t]he frequent communication breakdown between the educational team and parents is concerning, and I would like to ensure a smoother process moving forward. ... Please let me know if I’m misinterpreting parental safeguards and the expected timeline for receiving these documents.”

d. February 28, 2025

- i. The Director responded to the Complainant’s specific concerns, “As I clearly stated in my previous email: ‘We also intend to provide you and [the Parent] with completed evaluation reports in advance of the meeting, including the Orientation and Mobility evaluation report. These reports are not yet completed, so I am unable to share them with you at this time.’ You had requested the O&M prior to our tour of [the Middle School]. Please recall that we began requesting your consent for that evaluation in November, and you waited until January to provide it to us, only after I drove to your house to collect it so we could get started. As we know, [the Student] also misses school for outside appointments every week and has also been sick during the winter season. This made it difficult for the evaluators to proceed as they had hoped to. IDEA law states that we have 60 school days from signed consent to complete evaluations and present those to the IEP team; we are well within those 60 days and are faced with the challenge of other timelines including annual IEP review and 3[-]year re-evaluation/eligibility requirements. I understand two more sessions with [the Student] are planned before the Functional Listening Evaluation report can be finalized; it would be important for parents to ensure [the Student] makes it to school on March 4 and March 6th.” Additionally, “The district has been very clear in its

- communications. Please refer back to my last email. There is no need to reschedule the IEP meeting. Provided [the Student] is available for the two remaining evaluation sessions, the evaluation can be completed and provided to you within a reasonable time before the 3/14/25 meeting.”
- ii. The Complainant replied, “I understand there are school deadlines that need to be met, but I do not believe we should be rushed into agreeing to or signing documents that could negatively impact [the Student’s] educational future. Furthermore, the signed ROIs and consent forms were sent to the school Dec 9th and subsequently returned with a request for additional contact information. Unfortunately this request came just before the Christmas holidays. Notably, your response to my request for O&M documentation indicated that it would be presented at [the Student’s] IEP meeting. This led me to believe that all evaluations would only be provided on the day of the meeting, which is concerning considering we are tentatively planning a placement meeting hours after [the Student’s] IEP. Therefore I want to ensure we have access to review these documents beforehand.”
 - iii. The Director acknowledged that the frequency of communication and clarification had been attempted by all parties. They intended to submit drafts to the family by March 7, 2025, and asked if there were other points that needed to be addressed.
 - iv. The Complainant wrote, “I am requesting [the Student’s] reading and math be evaluated and measured again.”
- e. March 3, 2025
- i. The Director replied, “The Team will include as up[-]to[-]date progress monitoring based on [the Student’s] reading and math IEP goals in the draft IEP.”
- f. March 4, 2025
- i. The Complainant wrote, “I received [the Student’s] draft IEP on February 7th, leaving me insufficient time to review [their] goals and progress notes comprehensively. I formally request that you update the PWN to accurately reflect the scope of the reasons for the lapse in [the Student’s] IEP. Additionally, I ask that you amend the description of the factors relevant to the proposed actions. It is essential to note that [the Student] is currently undergoing re-evaluation to assess [their] functioning in the areas of deafness, hard of hearing, and vision impairment to reflect [their] eligibility in Deaf/Blindness [*sic*]. This information will be critical for re-determining eligibility and documenting any necessary changes based on [their] evaluation and present level of functioning. ... My reason for delaying consent for re-evaluation was precisely to ensure a thorough understanding of [the Student’s] unique needs and diagnoses of Deaf/blindness [*sic*] combined with the nuances of CHARGE. I would like to request [the Student’s] eligibility and placement and amended IEP to a different day. Given there are still evaluations occurring this week and into next, and doctors’ appointments it will be useful in capturing [the Student’s] full functional abilities.”
 - ii. The Complainant requested a digital version of the Student’s records and wrote, “I would prefer my follow[-]up email remain private at this time.” The Complainant also wrote, “I still feel strongly that pushing an IEP, eligibility and placement the same day will be too much to really engage in a meaningful way. I’ve just reviewed a part of [the Student’s] vision assessment, and it looks like there are some discrepancies in [the Student’s] diagnosis. ... I don’t think it is wise to rush evaluations, reports, or

additional data, and I would like a current report from CDRC. Can we discuss the pros and cons of having one meeting vs. two?”

- iii. In an email to the Complainant, the Director indicated that only two of the four eligibility categories were listed on the PWN. The Director revised and attached a new PWN. The Director wrote, “The district believes that the other content in the PWN from the February 2025 meeting accurately reflects the status from that IEP meeting. However, the district will document your concerns by including your above email in the parent concerns portion of the IEP. You also have received a copy of the Procedural Safeguards Notice for further information that may assist you in this respect. I’ve included the link again below and a PDF, for your further review.” The Director described the reasons the District intended to proceed with the March 14, 2025 meetings as scheduled, stating that the eligibility determination portion of the upcoming meeting would not take long, which would allow time to discuss aspects of the IEP. The Director also indicated that the team completed the Student’s functional listening and functional vision evaluation. The Director noted that the Complainant Advocate requested special education records that had already been provided to the Complainant and suggested that the Advocate obtain the records from the Complainant.
- g. March 5, 2025
 - i. The ODE IEP Facilitator weighed in on the March 14, 2025 scheduling, “We have two hours scheduled for the eligibility meeting (10-12), then a 1/1/2 hour lunch/break, with the IEP meeting scheduled between 1:30-3:30. If you complete the eligibility meeting early, it is still important that we have a minimum of 1.25 hour break midway through our meetings to allow everyone time to decompress, review information, and consider the issues that need to be addressed relating to [the Student’s] access to education. I did not methodically document the scheduling decisions regarding the March 14 meeting, but I do recall that it was challenging to find a day that the full teams (school, and the entirety of [the Student’s] family) could participate. I recall that I spoke with representatives and it was collectively agreed that the IEP meeting in February would need to be 90 minutes, with the knowledge and understanding that there was another, more lengthy, meeting scheduled in March that would allow the team to review and make any necessary changes.”
- h. March 6, 2025
 - i. The Complainant wrote, “I have previously requested that these meetings be separated. Following our IEP meeting in September I made a similar request to divide the eligibility, IEP and placement discussions. Although I offered to be available on March 14th, it seems there has been further communication breakdown since then. I am feeling apprehensive, as I don’t believe my rights or concerns have been adequately addressed. ... If the team could allow for an additional week or two to conduct an amendment IEP and discuss placement, that would be greatly appreciated. I am happy to provide IDEA and parental safeguard regulations to support my request. Also, I am [the Student’s] custodial parent, and feel that my presence at this meeting is vital in all regards, both for providing health history, needs, and decision[-]making.”
- i. March 7, 2025

- i. The Director replied, sharing that the Complainant's "presence at the IEP meeting is vital" as they are a "valued part of the IEP team." The Director indicated that the annual IEP deadline had "... come and gone, because we have prioritized your parental participation, concerns, and feedback." The Director reiterated that there are two, 2-hour meetings scheduled and that documentation had been provided. The Director shared, "Although I can't discern whether you are asking to reschedule, or just to schedule a second meeting now, I still think the best plan is to proceed as originally planned. Our facilitator has informed me that it will be difficult for [them] to find availability in [their] schedule until mid[-]April, and we will likely need to conduct additional meetings virtually. If we need more time at the end of the meeting on 3/14/25, we can finalize the date then."
 - j. March 10, 2025
 - i. The Director reminded the IEP team that the agenda for the March 14, 2025 IEP meeting was sent out on March 5, 2025 and March 10, 2025 and was placed in a shared folder for review. The Director indicated that additional documents, including the draft IEP, draft placement, and evaluations, were included in the folder. Later that evening, the Director emailed the team and indicated that several team members were not listed and several team members' titles were incorrect on the Notice of Team Meeting. The Director indicated they updated the invite and made corrections.
- 65. On February 25, 2025, a Notice of Team Meeting was generated for the Student's Eligibility Determination and an Annual IEP on March 14, 2025. The Complainant and the Parent confirmed the meeting on January 21, 2025, and the Parent Rights/Procedural Safeguards were enclosed. A revised Notice of Team Meeting was generated on March 10, 2025, noting "Minor changes were made (titles of Vision Specialists); and inclusion of ODE IEP Facilitator ... and both parents have guests that are joining the meeting: [the Advocate] and [the Step Parent]."
- 66. A February 28, 2025 Functional Vision Evaluation/Learning Media Assessment/Orientation and Mobility Assessment Report was created by Vision Teacher 1 and Vision Teacher 2 and included the following:
 - a. Reason for Evaluation;
 - b. Medical History;
 - c. Complainant/Parent Interviews;
 - d. Student/Teacher Interviews;
 - e. Observations;
 - f. Functional Vision Evaluation Assessment Tools;
 - g. Learning Media Assessment; and
 - h. Educational Recommendations, Implications, and Summary.
- 67. On February 28, 2025, the Director emailed the Complainant and the Parent to share that the Ponto was not working. They consulted with the DHH teacher, and the Student was unaided.
- 68. On March 2, 2025 and March 3, 2025, the Complainant and the Director exchanged emails regarding the Student's hearing aid and the Ponto. The Complainant indicated that the

Student would be sent to school with the hearing aid. The Director shared that the DHH teacher was going to use the Ponto for an assessment. The Complainant indicated that it may not be in working order.

69. From March 3, 2025 through March 10, 2025, the Director uploaded, edited, moved, shared, and renamed files in the shared folder with the Student's documents.
70. On March 4, 2025, the School Psychologist conducted a file review in preparation for the Student's three-year Reevaluation. The file review included the Student's special education history, including their eligibility, previous evaluation data, relevant medical history, current programming and performance, a review of the IEP, and additional information.
71. On March 4, 2025, the Complainant emailed the Director, "I formally request that you update the PWN to accurately reflect the scope of the reasons for the lapse in [the Student's] IEP. Additionally, I ask that you amend the description of the factors relevant to the proposed actions. It is essential to note that [the Student] is currently undergoing re-evaluation to assess [their] functioning in the areas of deafness, hard of hearing, and vision impairment to reflect [their] eligibility in Deaf/Blindness [*sic*]. This information will be critical for re-determining eligibility and documenting any necessary changes based on [the Student's] evaluation and present level of functioning." The Director responded, "In reviewing your email and the PWN, I did note that only two eligibility categories were listed and we are re-evaluating for 4 categories. This has been revised and is attached below. The district believes that the other content in the PWN from the February 2025 meeting accurately reflects the status from that IEP meeting. However, the district will document your concerns by including your above email in the parent concerns portion of the IEP. You also have received a copy of the Procedural Safeguards Notice for further information that may assist you in this respect; I've included the link again below and a PDF, for your further review." The following documents were attached to the Director's email: the Procedural Safeguards, the functional vision evaluation, the three-year eligibility report, a revised PWN, a draft IEP, and documentation from a file review.
72. On March 5, 2025, the ODE IEP Facilitator responded to the Complainant and the Advocate regarding the Procedural Safeguards, "I always include this on the agenda to confirm the parents have received the offer of procedural safeguards. Those are offered to parents at each meeting, and I noticed that they were sent out again in an email within the last day or two. I have often seen a hard copy offered in meetings, and normally the family declines as they already have a copy. If there are questions about the P[rocedural] S[afeguards], then the parents can inquire, or check in advance of the meeting and I would then facilitate that conversation." In an additional response on the same day, the ODE IEP Facilitator shared, "If you would like to ask [the Complainant] and [the Parent] if they want a verbal overview of the procedural safeguards, to be included at the meeting, I think that would be the best approach. In my experience, most families tell me they can or have read these and do not want to use their meeting time to review what they have already read so I would like to defer to them."

73. On March 6, 2025, in an email to the Complainant, the Director shared that the records clerk was out of the office until the following week and recommended that the Complainant scan the information that was already shared with the Complainant and share it with the Advocate. Regarding the Advocate's request for data tracking sheets, the Director wrote, "The data from those sheets is migrated to the progress monitoring notes, which you have been provided (along with the meeting notes you've also requested) in your previous records request. However, the teacher has saved the data sheets for this year, so I will provide those to you and [the Advocate] and the team in the [shared folder] as soon as they are scanned." The Director wrote that they served as the District representative "who made the decision not to revise the PWN from the February meeting, except to amend it to identify all four of [the Student's] current eligibility categories." The Director reiterated that there were four hours scheduled on March 14, 2025, and shared that, if additional time was needed after that, a follow-up meeting could be discussed. The Director requested a clarification, "Please clarify what you mean by requesting to keep these emails private. I notice that you have included both [the Advocate] and [the ODE IEP Facilitator] in your own email, so I am not clear what your intention is with this request."
74. On March 7, 2025, the Complainant emailed the Director, "Are you forwarding emails outside the intended recipient I've sent them to?"
75. On March 7, 2025, an IEP Progress Report was generated with information based on the goals from the February 27, 2024 IEP, and included the dates and progress codes from the previous progress reports. The following information was used to describe the Student's progress:
- a. Writing: For all four of the dates listed, the Student was either making progress toward the goal or was at or above what was required to meet the goal.
 - b. Reading:
 - i. For all four dates listed, the progress code indicated that the Student was either making progress toward the goal or was at or above what was required to meet the goal.
 - (1) June 17, 2024 comments indicated that: "[The Student] demonstrates the ability to accurately decode all short vowel CVC words except words with j. [The Student] is also consistently demonstrating the ability to decode words with singular long vowels like 'go,' 'hi,' and 'be.' [The Student's] most recent iReady reading diagnostic showed 27 points of growth moving [them] from an overall kindergarten reading level to 1st grade. Also, [the Student] was able to read an average of 15 correct words in one minute on a 4th[-]grade passage with an average accuracy of 68%. [The Student] will begin learning words with digraphs in the fall."
 - (2) November 15, 2024 comments indicated that "[The Student] has been able to read CVC words without digraphs with a range of 75-80% accuracy. [The Student] is able to read words with digraphs with a range of 40-67% accuracy. [The Student] is still working very hard in [their] classroom and small reading groups to meet [their] goal."
 - (3) January 31, 2025 comments indicated that "[The Student] can read CVC words with short vowels with 80% accuracy and CVC words with digraphs/trigraphs with 53% accuracy."

- (4) March 7, 2025 comments indicated that “[The Student] can currently decode CVC words with 80% accuracy, words with consonant blends with 47% accuracy, words with digraphs/trigraphs with 53% accuracy, and r-controlled words with 20% accuracy.”
 - c. Math:
 - i. Progress was not sufficient to meet the goal in June 2024, progress had been made in November 2024, and progress had been made sufficiently in January 2025 and March 2025 to meet the goal by the next IEP review.
 - d. Speech/Language:
 - i. A progress code indicated that the Student made progress to meet the goal by the next IEP review in June 2024, January 2025, and March 2025. There was no progress code for November 2024. However, the comment indicated that the Student was meeting the targeted figurative language goal with up to 70% accuracy.
76. On March 10, 2025, the Complainant emailed the Director, “I am formally requesting documentation, emails, letters and call history with [the Parent] beginning September 2024 till [sic] current. It is notable, Friday afternoon [the Parent] shared a quote out of an email to you, and [the ODE Facilitator], addressed to me.” On March 13, 2025, the Complainant wrote, “I have requested communication regarding [the Student] and IEP from all [the Student’s IEP team] members, including, email, texts, call and VM [voicemail] history. I have not heard back from you. Did I need my lawyer to subpoena them?”
77. On March 11, 2025, the Director forwarded an email from the Complainant to the vision team at the ESD with the Complainant’s comments, questions, and “a list of areas I hope to address before [the Student’s] IEP meeting” related to the Functional Vision Evaluation/Learning Media Assessment/Orientation and Mobility Assessment.
78. On March 11, 2025, the Director emailed the Complainant to address the following issues:
- a. Meeting Scope: The Director indicated that the District intended to cover eligibility, IEP development, and placement during the March 14, 2025 meeting, citing the four-hour time slot and prior document provision as sufficient time.
 - b. Concerns: The Director addressed the Complainant’s concerns regarding the volume of information and feeling unheard. The Director clarified the use of “disagreeable” in the PWN, stating it referred to the post-meeting changes to the IEP consensus.
 - c. District Response: The Director indicated that providing documents in advance and allocating ample meeting time addressed the data volume concern. They stated that the PWN addressed the Complainant’s disagreements by maintaining the Student’s existing IEP until the team could reconvene. The Director emphasized their right to present their FAPE offer and referred the Complainant to the Procedural Safeguards for recourse.
 - d. Meeting Schedule: The Director highlighted that separate meetings were already scheduled for the consent to evaluate, the annual IEP, and the upcoming eligibility/IEP meeting.
 - e. Email Privacy: The Director clarified that the Complainant’s emails have been shared with the Attorney for the District and the Parent. The Director shared that they will not keep emails private from the IEP team or those with a legitimate educational interest.

79. On March 12, 2025, in an email to the Director, the Occupational Therapist wrote the following regarding a considering an Orthopedic Impairment eligibility for the Student, "When it appears the IEP is lacking and not thoroughly describing the student, or the student requires more support for relative success - I would consider further evaluations and/or eligibility categories to address specific issues the team describes. After reviewing the above criteria and as an active member of the IEP team who has reviewed the most recent reports for the mentioned student, it does not cross my mind to consider an OI eligibility."
80. On March 13, 2025, the Director emailed the IEP team, including the Step Parent and reiterated the purpose of the March 14, 2025 meetings, reminded the team of the decorum expectations, and indicated that while they will strive for consensus, the District is "... ultimately responsible for ensuring the IEP includes the services that the student requires in order to receive a FAPE. That means that if the team cannot reach agreement on a part of the IEP, the district will determine the appropriate services and placement. The district would then provide the parents with prior written notice of those determinations, along with notice of the parents' procedural safeguards to seek resolution via the Oregon Department of Education." The Complainant "replied all" with a response that included the Step Parent. The Parent "replied all" with a response that included the Step Parent. The Advocate "replied all" with a response that included the Step Parent. The Complainant "replied" again later in the evening with a response that did not include the Step Parent.
81. Regarding the Student's health protocols, the following emails were exchanged:
- a. March 13, 2025
 - i. Special Education Teacher 1 emailed the Complainant and the Parent to alert them that "[The Student] showed up in shorts and Birkenstocks this morning. [The Student] does have tennis shoes and socks in [their] backpack, but no pants. We can follow the protocol to keep [the Student] inside due to the cold weather. My biggest concern is that we have a fire drill today that will occur sometime after lunch and the temperature today is not supposed to get above 41. Can either of you provide clothing to [the Student] so [the Student] can be warmer or if I don't hear from you I can provide [the Student] clothing from the FAN office. In the interest of health and safety, I just want to make sure you're aware of this situation."
 - ii. The Complainant responded, "No, [the Student] requested this morning to wear shorts. Please don't provide clothing from FAN. It is important [the Student] learns how to make appropriate clothing decisions. ... I will allow this one time for [the Student] to be outside."
 - iii. The Director responded to the Complainant, "... I do need to confirm with you that you are asking the team to violate [the Student's] health protocol and allow [the Student] to be outside, in [the Student's] current clothing during a fire drill. Does this also include allowing [the Student] to be outside during lunch and recess, because of the need for consistency, we need to ensure that our messaging to [the Student] is clear. [sic] I've included a clip of the most up[-]to[-]date protocol we have on file."
 - iv. The Complainant responded, "In terms of violation, last month, [the Student] was sent outside in snowy, below-freezing conditions for recess and lunch. When [the Student] reported to [their] teacher that [the Student] would not be going outside, I was notified afterward that [the Student's] IEP was violated. That raises questions

about where [the Student's] EA was at that time. It was clear that the teacher was not aware of [the Student's] health protocols, nor was [the Student] supervised by someone trained in those protocols, which will be addressed in our meeting tomorrow."

- v. The Director replied, clarifying that detailed discussions and development of [the Student's] health, seizure, and feeding protocols will not be a focus of the IEP meeting tomorrow. The Director indicated that the meeting should prioritize determining eligibility, reviewing functional evaluations for the annual IEP, and discussing placement. The Director emphasized that these health protocols will remain in the IEP as accommodations, acknowledging their continued necessity regardless of medical changes and that updating the specific details of these protocols will be handled separately between the Complainant and the Nurse, consistent with their usual practice. The Nurse would then train staff on any finalized updates.
- vi. The Complainant replied, "I am sorry, but going through health protocols, especially since you've been out of compliance will need to be addressed prior to any placement conversations."

82. An undated Health Alert from the Nurse regarding the Student described the Student's medical fragility and listed information and protocols designed for the Student. Additionally, Program Accommodations dated August 30, 2023 listed the following specific accommodations due to CHARGE syndrome:

- a. "Assistance/supervision to help prevent falls and watch for obstacles in the environment."
- b. "Glasses."
- c. "Bone conduction aid, teacher voice amplification device."
- d. "Assistance to manage secretions and rest times."
- e. "Assistance with feeding. [The Complainant] supplies all food. School snacks are fine."
- f. "[The Student] needs to stay inside if it is colder than 45 degrees or hotter than 85 degrees."
- g. "Notify [the Complainant] if [the Student] is exposed to students who are sick. Maintain distance per standards."
- h. "Review attached [s]eizure, feeding, breathing and fall-risk protocols."

Additionally, there was a Labored Breathing Emergency Action Plan dated September 6, 2022 and August 30, 2023, a Feeding Supervision Choking/Aspiration Protocol dated September 6, 2022 and August 30, 2023, and a Seizure Protocol that was dated September 6, 2022.

83. On March 13, 2025, the Complainant emailed the IEP Team and wrote, "It is essential that I understand the parental safeguards, as well as the team adhering to them and the IDEA law. I have interpreted these with insights from colleagues ... and [the Advocate] ... who is credentialed to work within Oregon and is well[-]versed in IDEA law. ... Additionally, I received an email on Friday containing private information from another IEP [team] member, even though that individual was not part of the email thread. I asked if [the Director] was sending private information, and there was no response, outside of stating [the Director] [shared] with [the ODE IEP Facilitator] and [the Advocate]. ... The following Monday afternoon, I was forwarded another email informing me that changes had been made to the

PWN without notification from [the Director].” Most importantly, this note was intended to be used in a current and private litigation regarding child custody modification. According to [the Director’s] communication protocol, ALL MEMBERS SHOULD HAVE BEEN informed. I was not. I find this deeply concerning that the district feels the need to intentionally [sic] and IEP amendments without notifying me. Many of you saw my previous email regarding my request for an amendment to [the Student’s] PWN; however, I don’t feel this was adequately addressed. [The Director] did not include an opportunity for a hearing, or advised by rights, as outlined in the IEP parental safeguards.” The Complainant confirmed in an interview that this email was written to “whatever team members were on that email, I just responded to.”

84. The following email exchanges occurred regarding a name on the IEP agenda for a meeting scheduled on March 14, 2025:
- a. March 13, 2025
 - i. The Complainant wrote, “I see there is an added name [the Step Parent,] to the IEP team list. I need to ensure my email or any private contact is not shared. I have tried to keep all my personal contact unavailable/blocked. Furthermore, I did not release any records for [their] viewing, I did not sign an ROI for [them] to have access to any records pertaining to [the Student]. If [the Parent] wishes to share [the Student’s] health history or education history, [the Parent] is free to do so privately. Just because there is a member of an IEP team this person does not automatically have release of information. Please remove all emails with private information regarding [the Step Parent] with this recipient immediately. If you cannot do this by 7 am tomorrow. I hope to goodness you didn’t allow access to [their shared] drive.”
 - ii. The ODE IEP Facilitator responded, “[The Step Parent’s] name is on the agenda as a meeting participant and has been since the draft I sent on February 27 and the final version. [The Step Parent] is [the Parent’s] spouse and the step-parent of the student. I have not seen [the Step Parent’s] name on any emails between the district and family, although I have not made a search for that information. Procedural Safeguards are shared to notify participants of their rights. Not as evidence of predetermination.”
 - iii. The Complainant responded that the District breached confidentiality by improperly sharing private health and educational records via email without signed ROI’s, demanding these emails be deleted. They believed the sharing of the Complainant’s personal information required the Complainant’s consent. The Complainant indicated that the Director shared emails against the Complainant’s requests.
85. The Disability Statement dated March 14, 2025, documented that a file review, a Functional Vision Evaluation/Learning Media Assessment/Orientation and Mobility Assessment, and a DHH three-year eligibility report had been conducted. The required data sources and specific assessments were listed with the date they were conducted. The following criteria were “checked” to indicate the Student “met” the criteria for Other Health Impairment:
- a. “The student exhibits limited strength, vitality or alertness, including a heightened alertness to environmental stimuli that results in limited alertness with respect to the educational environment.”
 - b. “The student’s limited strength, vitality or alertness is due to a chronic or acute health problem.”

- c. "The student's condition is permanent or expected to last for more than 60 calendar days."
- d. "The determination is not due to limited English proficiency."
- e. "The determination is not due to a lack of appropriate instruction in reading, including the essential components of reading instruction (phonemic awareness, phonics, vocabulary development; reading fluency/oral reading skills; and reading comprehension strategies)."
- f. "The determination is not due to a lack of appropriate instruction in math."

The Team determined that "The student meets the eligibility criteria for special education services with an eligibility of 80 - Other Health Impairment."

- 86. The March 14, 2025 eligibility PWN described that the evaluation team found the Student eligible under the categories of DB, DHH, VI, and OHI, indicating that the Student met the eligibility categories and required specially designed instruction in these areas. The evaluation procedures were described. In the Team Discussion section, other options were considered, "[The Complainant] and an outside school psychologist, hired by [the Complainant], wanted to discuss an additional eligibility category, Orthopedic Impairment. This was addressed, but rejected during this meeting. It was stated that "if parents wanted the team to consider this eligibility category, an evaluation planning meeting would need to be scheduled outside of the meeting on 3-14-25. It was also cited that "needs/services can be discussed and considered based on present level and current needs, and that the consideration of an additional eligibility does not limit a team's ability to do so. The district is in the process of scheduling a follow[-]up evaluation planning meeting with parent [sic]."

A description of the relevant factors included the following, "On March 5, the outside school psychologist that [the Complainant] hired emailed asking about using the categories Multiple Disabilities (not an eligibility category in Oregon) and Orthopedic Impairment for [the Student]. Based on a review of the file and noting a medical diagnosis from 2016, it was noted that OI had never been a category considered/initiated by an IEP team, including parents. During the consent meeting in November of 2025, the Physical Therapist was in attendance and indicated that moving forward with an evaluation to consider Gross Motor evaluations was not needed. The team cited previous evaluations and current present levels."

Additionally, "During the meeting on March 14, 2025, OI as an eligibility was not a consideration, nor was it an area that the IEP team proposed testing for during the consent to evaluate meeting in November. The district inquired about testing multiple times with [the Complainant] after the consent to evaluate meeting on 11-12-24 and presenting [sic] the consent to evaluate paperwork for signature; the district asked if [the Complainant] wanted additional testing not listed, or for consideration of other eligibility categories that [the Complainant] was concerned about that may be resulting in a delay of signing the consent to evaluate. [The Complainant] shared that [they] wanted to consult with outside evaluators prior to signing consent and did not describe any other areas of desired evaluation. Signed consent to evaluate was obtained in January 2025; the paperwork was dated December 9, 2024. Therefore, discussion about the OI eligibility category will need to occur during a separate meeting to ensure that appropriate staff are in attendance. It was also clarified that services and goals were not dependent on disability category, but based on student present

levels, so there would be no reason for the team to limit consideration of gross motor accommodations or services for [the Student] simply because [the Student] does not carry that as a disability category.” Procedural Safeguards were provided to the family and “sources of assistance in understanding the Procedural Safeguards were listed.”

87. The March 18, 2025 PWN described decisions made during the IEP meeting on March 14, 2025. The District proposed new IEP goals in the areas of reading, writing, math, social communication, and self-advocacy. The District proposed updating the location of academic SDI to the special education setting. The team discussed updating accommodations. The PWN indicated that “It should be noted that the team did not complete the entire IEP during the meeting on March 14, 2025, and an additional meeting must be held to discuss the IEP and placement in full prior to finalizing the IEP and for the team to provide the services proposed to meet [the Student’s] needs.”

The District provided an explanation of their proposal, a description of the evaluation procedures used as a basis for the decisions, and a description of the other options that were considered and rejected. Orthopedic Impairment was discussed, noting, “This was not an eligibility category the team initially considered nor did parents mention this during the evaluation planning meeting on 11-12-24. This eligibility was not discussed and the district determined it was not appropriate to do so during this eligibility meeting 3-14-25 because the team does not yet have sufficient information to determine whether [the Student] qualifies under Orthopedic Impairment.” This decision was proposed to be implemented on March 20, 2025. Procedural Safeguards were provided to the parties.

88. The Special Education Contact Log indicated that on March 19, 2025 the Special Education Teacher 1 mailed the Student’s progress report to the Complainant.
89. The Occupational Therapist provided the following notes regarding seating:
- a. September 4, 2024: The Student’s chair and footstool were replaced with better-fitting ones, which the Student liked. Being with peers at the table was important to the Student. The teacher noted the Student’s effort and quality work.
 - b. September 10, 2024: The Student and teacher were satisfied with the chair/foot box setup. Concerns about the Student not wearing glasses/hearing aid and classroom seating due to deafness were noted.
 - c. October 1, 2024: Notes indicated that “... [the Student] used a yoga ball last year and had a timed assessment. [The Complainant] does want to see [the Student] with a variety of seating options, such as laying on tummy, using slant board, sit on floor, bean bag chair, etc. [The Complainant] wants to bring PT in to address these concerns.”
 - d. October 1, 2024: Seating check - Student was satisfied with the setup.
 - e. October 8, 2024: “Team meeting at school w specialists to discuss prep for 3[-]year planning, etc. Team supports OT not needing additional assessments d/t student doing so well in class at this time [sic].”
 - f. January 14, 2025: Interviewed staff, “Doing well in PE and recess w/o observable signs of fatigue [sic].”
 - g. February 18, 2025: Observation, “Calm, relaxed, asking questions and participating well. Good fitting chair and desk, feet flat on floor.”

- h. March 6, 2025: “Discussed student findings ... Discussed IEP with focus on needs for middle school and how seating supports can best work in a different setting with multiple classes ... [Discussed] most supportive chair ... where [the Student] will receive the most support and use typical class chairs in [the Student’s] shorter classes ... [The Student] currently sits in regular chairs for short pull[-]out sessions and that is working well.”
90. On March 16, 2025, the Complainant emailed the Director a list of dates and times available for an evaluation consent meeting and an additional IEP meeting.
91. On March 18, 2025, the Complainant emailed the ODE IEP Facilitator and the Director to request a time to discuss the Student’s IEP meeting this week and listed the agenda items they would like to discuss.
92. On March 18, 2025, the Complainant emailed the Director to request a facilitated IEP and placement meeting and a new facilitator. The Director responded on the same day and indicated that they would forward the request to ODE. Additionally, the Director wrote, “I still have not heard back from you about a meeting to discuss outdoor school, so I want to put that on your radar again.” On March 19 2025, the Complainant responded indicating they were prioritizing IEP meetings over the Outdoor School meeting, that overnight camp was unlikely, and asked questions about volunteers and staff.
93. On March 19, 2025, the Director emailed the Complainant regarding scheduling an additional meeting time for the annual IEP, “The district first needs to prioritize scheduling to finish the IEP; [c]onsidering the items below that still need to be determined, it was not possible to schedule this meeting for this coming Thursday or Friday. Based on dates and times you’ve identified, I am able to get a majority of the team members to attend a virtual meeting on Tuesday, April 29 ... As I noted, you’ll find a PWN indicating the district’s offer of FAPE based on the discussions and decisions made on Friday, the 14th. ... We will schedule a separate meeting for evaluation planning. Please also see the attached PWN for eligibility determination for eligibility categories re-established on March 14, 2025: DB, OHI, VI, and DHH. ... I’d like to confirm April 29 as soon as possible for our continuation IEP meeting” On March 19, 2025, the Complainant responded with suggestions for evaluation and indicated they had blocked out April 29, 2025 for a meeting.

INTERVIEW SUMMARIES

The Complainant

94. In an interview with the Complaint Investigator, the Complainant described that the Student used two different types of hearing devices this school year due to different kinds of hearing loss. The Student had a bone conduction device (either a Baja or a new Ponto) and a traditional Oticon hearing aid. The Ponto was used when the Student had ear infections or fluid, as it transmits sound from the deaf left ear to the right ear for environmental awareness. The traditional hearing aid was newer and was implemented around December

or January to address a worsening middle ear function in the Student's right ear, likely due to previous ear tubes. There was a specific protocol for its use, developed with the Student's medical and educational team. The Student had used a Baja device since kindergarten, primarily for access to an FM system, and its consistent use had always been part of the Student's IEP. The Complainant personally trained IEP team members on the device's operation, including battery care, charging, and proper positioning, and protocols for bringing it home to prevent loss. The introduction of the new traditional hearing aid involved a trial-and-error period to understand how the Student would use and process sound with it. Discussions also covered its features like the EDUmic, FM system, and Bluetooth connectivity.

95. The Complainant described the Student's health and safety protocols within their IEP:
 - a. The eating protocol detailed food size and consistency, seating, drink availability, extra eating time, and scheduled snack and fluid breaks due to slower consumption.
 - b. A seizure protocol was in place but was being removed from the next IEP based on recent neurologist clearance (March 2025).
 - c. The infection prevention protocol involved the school nurse informing the Complainant of significant exposure to illnesses like the flu or COVID, which influences how the Complainant responds to the Student's potential symptoms. The Complainant believed that this protocol was not followed because "I have yet to have been called about any exposures."
 - d. The safety protocol addressed falling risks, and cardiac/breathing concerns, instructing staff to "calm, redirect, provide breaks, and call 911 and the Complainant if the Student develops stridor (a high[-]pitched wheezing sound) or turns blue."
96. The Complainant indicated that the Student experienced more illnesses this school year, including parainfluenza and RSV. In November 2024, the Complainant reminded the School to communicate about potential exposure to sick students. However, in January, after the Student became ill, the Complainant called the School and learned that five of the Student's classmates were out. Later, the Student was diagnosed with RSV. The Complainant indicated that they left a message with the Nurse, and the Nurse called back but said nothing specific about RSV or any other illness. The Complainant said, "They never called me." The Complainant indicated they did not need HIPAA (Health Insurance Portability and Accountability Act) protected information, but with five kids out in a classroom, "That's a pretty good indicator that I should have been, just a head's-up."
97. According to the Complainant, they requested reading data for the Student during the second week of November 2024. The Complainant specified that they were looking for data similar to what they had received in the Student's IEP from February 2024, seeking alignment with historical data. The Complainant noted the absence of specific reading data in progress notes and the District's parent portal, which prompted their inquiry.

The Complainant believed that the Student was not receiving the Orton-Gillingham curriculum specified in the 2024 IEP. The Complainant recalled that during an October 2024 IEP meeting, the team was aware that an Orton-Gillingham specialist had been hired by the Complainant and that there were plans for collaboration on similar goals between the

School's teaching methods and the specialist's approach, which is why the Complainant anticipated receiving reading reports. The Complainant confirmed that they did not receive the requested Orton-Gillingham data, nor did they receive any specific data for the Student before conferences, aside from the standard district-wide iReady reading and math assessments.

98. According to the Complainant, the November 2024 progress report was supposedly sent home, but the Complainant did not receive it until it was resent later. When asked about receiving communication from the School about the progress report being sent in the Student's backpack, the Complainant said, "There's an email that states that yes, I do share parenting time between myself and [the Parent]. So there's a possibility that that went home and that I did not receive that. I still don't know. I've asked, I don't even know. ... I don't know if I asked for a hard copy. I dunno. But I just mentioned I didn't have it to reference on those dates, so they could have honestly sent it home and it went to [the Parent's] house. I haven't even asked about that."
99. According to the Complainant, during the February IEP meeting, the Complainant specifically discussed concerns about the Student's math instruction, noting that the pull-out math intervention directly followed general education math, potentially hindering progress. The Complainant suggested switching the order of these math sessions. They also discussed health protocols. The Complainant questioned the reading goals, which seemed inconsistent with previous data showing an improbable leap in reading levels. The Complainant also disagreed with the proposed speech accommodation, finding the goal acceptable but wanting a more comprehensive accommodation plan to be developed later.
100. Regarding the signing of the consent to evaluate paperwork, the Complainant shared that, in November, after a consent meeting, the Complainant informed the team of their intention to seek outside input from organizations and consultants specializing in the Student's condition. Following the November 2024 consent meeting, the Complainant had extensive discussions with the Advocate around December 5, 2024 regarding the consent to evaluate, expressing their concerns to the Director, and their desire to seek outside consultation. The Complainant recalled informing the Director on a Monday that they had signed an ROI and would also sign the consent, having learned that they could still request an independent evaluation afterward if the school's evaluations were not indicative of the Student's needs. The Complainant signed the consent forms, which were subsequently returned to the Complainant with a sticky note requesting additional information about a tutor they had hired. The Complainant resubmitted the forms, but the School continued to inquire about their whereabouts, even after the Complainant showed them an email confirming that the Complainant had sent them. After the winter break, the School asked again about the consent forms. The Complainant resigned the forms and left them under the mat for the Director to retrieve.
101. The Complainant indicated they had requested an orientation and mobility assessment prior to the March 2025 IEP meeting, "... the week or two before, maybe even the end of February, because I was doing one, I wanted to see [the Student] in the placement that they were considering and take those notes with my observations to make sure that they aligned and I

could prepare for the meeting. And [the Director] reported to me ... that [they] didn't have to and that they wouldn't be ready. And then that's when I said, 'Well, can we please separate these meetings because we're going to be doing a placement meeting the same day?' And then I quoted the procedural safeguards and IDEA that I should have a considerable amount of time to review these records before [a] placement meeting."

102. The Complainant shared that they believed the March 14, 2025 meetings were not scheduled at a mutually agreed-upon time. The Complainant indicated that the District proceeded with a combined meeting despite the Complainant's repeated objections. The Complainant felt that the March 14, 2025 meeting was rushed, and the team was unable to cover all of the items on the proposed agenda. The Complainant believed that the meeting contained too many critical components and believed that there should have been a longer eligibility/IEP meeting followed by a separate placement discussion.
103. In the March 14, 2025 meeting, the Complainant questioned the evidence supporting the Student's eligibility categories, particularly for OHI, and noted the absence of data from adaptive behavior assessments, PT, OT, and sensory profiles. The Complainant shared that, while they believe the Student qualified for OHI, the Complainant questioned whether the team truly understood how it affected the Student's access to education.
104. The Complainant indicated they asked the Director for help understanding the Procedural Safeguards in the "majority of my emails." The Complainant recalled saying, "'Are we going to be able to stop and discuss these if I don't understand?' I specifically asked the [ODE IEP Facilitator] ... for clarification specifically on the ... prior written notice that came out and I had asked for an amendment, and that was probably one of my first times where I really started to go through and read them to make sure that I was understanding them as best as I could."
105. The Complainant indicated that the Student had always had an educational assistant (EA) for safety and classroom access. Last year, the Complainant agreed that the EA could help other students if the Student was independent, but the EA was meant to be available. This year, the Student did not mention an EA and, when the Complainant inquired, there seemed to be no dedicated EA. The Complainant discovered that EA support decreased from 300 minutes to 70 minutes, which they did not recall agreeing to. A vague past conversation about EA usage for other students was recalled, but the Complainant indicated that it was not about reducing the Student's service time. The Complainant found conflicting amendments in the IEP with different EA minutes and insisted they never would have agreed to such a significant reduction in direct support.
106. The Complainant recalled that field trips were discussed in October, with the general education teacher asking about involvement. The Complainant specifically requested to be part of field trip planning in October and wanted assurances that the District would provide necessary accommodations for the Student to attend. In January, the Complainant emailed the Teacher about a school ninja course and inquired about field trip planning, as an overnight field trip, two and a half hours away in a remote area, was upcoming. The response from the Director regarded consent for who could attend the camp with the Student. This

response concerned the Complainant because it referenced shared parenting time, despite the Complainant being the custodial parent. The Complainant asserted their right to consent for school-sanctioned activities and questioned the Complainant's exclusion from the planning process.

The Complainant discovered communication between the general education teacher and the Parent regarding the camp, including who would stay with the Student and activity details, without the Complainant's involvement. The Complainant believed that field trip information and planning should include both parents. While the Complainant requested a meeting to discuss it, they also began to question whether they wanted the Student to attend the overnight trip. Ultimately, the Complainant felt that coordinating the Student's participation for the field trip was a matter for the parents to address, and the Complainant would provide consent if the Student were to go, noting that no consent had been signed, but planning seemed to have occurred without them.

107. Regarding the email that the Complainant sent to the Director asking the Director if they were "forwarding emails outside the intended recipient" the Complainant said, "... I had noticed that [the Parent] had cut and pasted part of an email in a sequence or a thread that [the Parent] had not been part of where I had a conversation about whether or not [the Director] would like me to send IDEA and parental safeguard stuff that I was referencing in my concerns that week. And [the Parent] had messaged me back, well, at the team, [the Parent] responded to everybody, including myself, with a message that was never intended for [the Parent]. So I was just curious why that week, it seemed like certain emails were shared and certain emails possibly weren't shared. I'm not entirely sure, especially for [their] communication protocol that was supposed to be in place. So it just led to a lot of confusion through many, many emails. And so I was just wondering why [the Parent] had that specific email that was not addressed to [the Parent]. ... We were talking about that week, about some scheduling concerns, and that week there was a lot of contention between [the Parent] and myself and the team. ... There was basically a breakdown of communication. So, preferring not to go towards [the Parent] [sic]. It was just between [the ODE IEP Facilitator], [the Advocate], and [the Director] to talk about scheduling and IEP and just the concerns around IDEA, primarily because I don't want to get into an argument back and forth with [the Parent]"
108. According to the Complainant, the night before the Student's March IEP meeting, the Complainant noticed a confusing volume of emails, making it difficult to track senders and recipients. The Complainant identified an additional email recipient, included as an IEP team member, who had received an email containing [the Student's] history. The Complainant inquired about who was receiving these emails and who had an ROI, as their understanding was that only specific ESD personnel and [the Advocate] had signed ROIs. The Complainant indicated that they were unclear about who had access to a shared drive created with the Student's documents and information. Receiving no clear response, the Complainant sought clarification during the IEP meeting, expressing concern about unsecured emails and the uncontrolled dissemination of information. Specifically, the Complainant was worried that the Step Parent might be receiving confidential information without the Complainant's consent or knowledge of what was being shared.

109. When asked about the PWN referenced in the Complaint, the Complainant said, “One was [the Student’s] eligibilities were written incorrectly. And so I had followed up with why is it just deaf and vision and where is deaf, blind and other health impairments because it wasn’t on the original document. And then the documentation, when I read it, it came across to me that it didn’t really represent the full scope of the meeting, what was said, what was discussed, the purpose of the meeting, the intention of the meeting. I felt like it was very punitive It comes across [that] I was disagreeable, but nothing specific in what ... parts of the IEP that I had disagreed with. It wasn’t the whole IEP there. We had 90 minutes to go through this IEP, which from my understanding ... they wanted to be in agreement with the idea that it was just going to be amended in March. I have a hard time doing that. ... So I was just very like, ‘Wait a minute, let’s go through each part and really discuss the details’. And there were some things that I had suggested that they didn’t include and why the district didn’t agree. ... There’s very specific suggestions that I had provided for accommodations and goals that were just kind of not included. So I just was hoping that [the Director] and I could have worked through that and said, ‘Hey, yeah, you’re right. Let’s go back and add those things.’ So that email was regarding that part of the PWN.”

The Director

110. In an interview with the Complaint Investigator, the Director shared that, following a tense meeting in October with the Complainant, Special Education Teacher 2 advised the Director to contact the Complainant. The Complainant expressed concerns about the three-year re-evaluation, the middle school transition, and the need for careful, unhurried meeting scheduling. The Director relayed this to the team and tried to assist. According to the Director, scheduling was challenging. After confirmations were made, the Complainant would request a schedule change resulting in conflicts. The Director intervened to help manage the schedules and communication.
111. According to the Director, they picked up the consent paperwork on January 8, 2025 because the Complainant had not returned it after the November 12, 2025 meeting. The Director knew that the Complainant was seeking outside consultation and appeared to be hesitant despite reminders of the March deadline. The Director indicated that the Complainant had no additional questions about testing. By January, deadlines became a concern. The Complainant eventually signed the document, but could not send it with the Student because it wasn’t the Complainant’s parenting time. To speed things up, the Director offered to collect it from the Complainant’s nearby home, which they did, allowing the evaluation process to begin.
112. When asked by the Complaint Investigator about the Complainant’s email indicating that the Director was “forwarding emails outside of the [Complainant’s] intended recipient” the Director surmised that “I’d sent an email to everyone who was planning on attending or was on our invite list for March 14th. And that included [the Step Parent] because [the Parent] had included [the Step Parent] as a guest. And I had sent an email because tensions had been really high. There’d been a lot of emails going back and forth, mainly between me and [the Complainant] to include [their] advocate and include [the Parent] ... and I just said, our focus

needs to be on the IEP. We understand that there's some other things happening outside of the IEP and we need to stay focused on that [the IEP]. ... And then [the Complainant] had ended up replying all and sending an email to everyone that was on that email list, and I believe realized at a later time that ... it included [the Step Parent] because [the Step Parent] had been on that email." The Director said, "That's my guess, because then at that point, when we sat down at the meeting on March 14th, [the Complainant] made a very big point of talking about releases of information. [The Complainant] asked for everyone to raise their hand in the room that had a release of information signed and/or had a right to educational information, which really singled out [the Step Parent] because [the Step Parent] does not have ed[ucational] rights, and made a big show about how it was not appropriate for [the Step Parent] to have any of the educational information. I believe ... that's what that's about."

113. According to the Director, during an October 1st meeting (which the Director did not attend), the Parent invited the Step Parent. Afterward, the Complainant emailed the Case Manager stating they wouldn't attend meetings or share IEP information if the Step Parent was present. The Director called the Parent, acknowledging their right to include the Step Parent (who spends 50% of the time with the Student and has relevant information), but pointed out it would create a difficult situation with the Complainant. The Parent agreed to proceed without the Step Parent to minimize stress during the IEP process. Consequently, the Step Parent did not attend the November consent meeting. However, when an ODE IEP facilitator assisted with scheduling, the Parent reiterated their desire for the Step Parent to attend, which the Parent legally could do. As a result, the Step Parent was present at the March 14, 2025 meeting. The Director shared with the Complaint Investigator that they believed the Step Parent to be in a parental relationship with the Student, based on their interactions in the home, had background information, and could share the Student's strengths and concerns.

Special Education Teacher 1

114. In an interview with the Complaint Investigator, Special Education Teacher 1 described that they served as the Student's case manager for the 2024-25 school year.
115. Special Education Teacher 1 shared that the Complainant requested reading data in the fall, and the 5th-grade Teacher and Special Education Teacher 1 sent the reading data and the progress reports related to the Student's IEP goals home in the Student's backpack. Special Education Teacher 1 recalled that the 5th-grade Teacher messaged the Complainant to inform them that the documents were sent home before the parent-teacher conferences. Special Education Teacher 1 explained that the data provided in the progress reports included data from the Student's groups, "And then I provided it to [the Complainant] based on [the Student's] specific IEP goal. I'm trying to remember exactly what it was. It had to do with digraphs, so I just provided that data specific to that goal. I didn't provide ... extra data. I know that later on [the Complainant] did request different reading assessments, which we as a team worked together to provide [the Complainant] into this new year. So I was able to provide [the Complainant] my data tracking sheets that we have for groups upon [the Complainant's] request."

116. Regarding the Orton-Gillingham reading group, Special Education Teacher 1 explained, “Yeah, [the Student] was put into a fifth grade reading group at the beginning of the year with all of [their] peers, and it was a multisensory program And then we had to do some switching around with students. And after our meeting and hearing [the Complainant’s] requests that [the Complainant] would like [the Student] to be in the Orton-Gillingham group, we kind of created a group for [the Student] and a couple other students so that they could have that reading curriculum in a group. ... [The Student] was doing really well in [their] reading group at first, but then we had a lot of other students added, and so we needed to kind of split off groups. And so it worked out perfectly after [the Complainant’s] request to put [the Student] in an [Orton-Gillingham] group.”
117. Special Education Teacher 1 met with the Complainant in September 2024 with the Special Education Coach to address concerns and gather background information about the Student. A meeting was scheduled for October 1, 2025 without scheduling challenges. However, Special Education Teacher 1 recalled that scheduling the November meeting became problematic, characterized by numerous emails. Special Education Teacher 1 explained that the Complainant would initially agree to a date but later retract their availability after the Parent had also confirmed. This resulted in a significant amount of back-and-forth communication, which Special Education Teacher 1 felt was becoming unmanageable for one person. Therefore, Special Education Teacher 1 reached out to their coach and to the Director to inquire about strategies for streamlining the scheduling process, as a pattern of proposed dates being agreed upon and then rejected by the Complainant was recurring. Special Education Teacher 1 mentioned that a communication protocol was implemented around January to reduce the volume of communication due to the extensive list of email recipients. Special Education Teacher 1 shared that they had not been in direct communication regarding scheduling matters since that protocol was put in place.
118. Special Education Teacher 1 described that meetings were impacted by “interruptions” and “side trails.” Special Education Teacher 1 described that the Complainant was a strong advocate for the Student, which sometimes led to the repetition of information, including concerns addressed in previous meetings or events from the prior year.
119. The Special Education Teacher 1 described sending the Procedural Safeguards in the first meeting notice and indicated that the Complainant never requested assistance in understanding the notice.
120. During Special Education Teacher 1’s interview, the Director responded to a question about a PWN that the Complainant disagreed with, “So we held a meeting on February 10th, which we did not get all the way through. ... [The Complainant] had invited an outside school psychologist who has worked with children who have CHARGE syndrome and are also experiencing deafblindness. And during that meeting, at the very beginning, that advocate school psychologist ... asked a lot of questions and wanted ... have [an] understanding about who the ... ESD was, what their role was, why they were included in the team, were they employees of the ... School District? And even though we had scheduled over an hour for this meeting, a lot of the very beginning of the meeting was spent on trying to kind of catch this

person up to the process. And we were attempting to afford [them] that right as a member of the IEP team. And so we ran out of time to get through the IEP.”

Additionally, “We had talked about and made what we believed were agreements to the IEP, some of the IEP goals and services on the IEP. And what we decided to do was document those in the IEP and that we would finish it at a later time because I didn’t want the decisions to be rushed. I didn’t want anyone to feel like we weren’t hearing them out and addressing that. And so I developed a Prior Written Notice after that meeting on February 10th to indicate the goals that had been discussed and determined during that actual meeting on the 10th. I provided a copy of that to both parents ... with the caveat of, I recognize that we didn’t get all the way through the meeting. If you are in agreement to us making these changes, we would like to implement these new goals that we’ve discussed. And then we will finish up the rest of the IEP at a later mutually agreeable time.”

“... I hadn’t heard back from [the Complainant] in a few days. I’d heard from [the Parent] right away and [they] said, ‘These look great. It reflects what happened in the meeting.’ I had to follow up and reach out to [the Complainant]. ... ‘I haven’t heard from you. Does it reflect what happened in the meeting?’ And [the ‘Complainant’s] email response to me included information like, ‘Well, can we add this to the reading goal? Because I’m not quite sure about that, and I still don’t understand why [the Student’s] not remembering [their] math. And so I have questions about the math goal and I’m not sure about that. The speech and language goal really reflects what my concerns were.’

“And so it was a big email that really indicated to me that there was not complete understanding of those goals or that [the Complainant] still had questions. [The Complainant] reiterated in that email that [they] had disagreed with an accommodation that the SLP had recommended kind of right near the end of the meeting. And so to err on the side of understanding that we didn’t finish the meeting, we did not hold a complete full annual IEP meeting. And even though [the Student] had made some progress on goals and we were ready to kind of bump those goals up, I offered to [the Complainant] that we could just keep implementing the old goals. I would rewrite the Prior Written Notice to indicate here’s what we had proposed, here’s what [the Complainant’s] concerns were, and that we would continue implementing the old IEP. And [the Complainant] said, ‘Thank you,’ which indicated to me that that’s how [the Complainant] wanted us to proceed.”

“So I wrote another Prior Written Notice to indicate the change based on those emails. And I think it was a few weeks later, after we acknowledged that this is the date that the IEP formally would expire. But I wanted to indicate to [the Complainant] that we were still going to implement services. ... That Prior Written Notice was resent to [the Complainant]. And at that time, [the Complainant] indicated that [they] felt like I used the word disagreeable and I was calling [the Complainant] disagreeable in this Prior Written Notice. [The Complainant] also highlighted down at the very bottom where it indicates on the Prior Written Notice, any other factors that are maybe impacting the decision.”

“On the Prior Written Notice, we had originally put that [the Student] was in the process of a three-year reevaluation for a Vision Impairment and Deaf/Hard of Hearing. And it was

actually an error because [the Student] has four eligibilities. So we are still looking at the eligibility for Deafblindness as well as Other Health Impairment. And so I did update that based on [the Complainant's] request. I updated that to make that more clear because that information wasn't in there. But I felt that everything else on that Prior Written Notice was true based on [their] email ... [the Complainant] indicated in [their] email that [they] still had questions about the reading goal that we had proposed. [The Complainant] still had questions about the speech and language goal, and also wanted more information about math, which indicated to me that [the Complainant] was not in agreement to what the team had made those decisions. And so that's kind of the process, and that's why there are three different Prior Written Notices right around that time because I was really trying to honor the situation, and I really wanted to not have [the Complainant] feel like we were pressuring [them] into agreeing to goals when [the Complainant] still had many questions about it."

- 121. Special Education Teacher 1 described that during the 2024-25 school year, the Student did not use a yoga ball in lieu of a Rifton chair for seating. Special Education Teacher 1 also indicated that physical therapy consultation for seating was not on the Student's IEP.
- 122. According to Special Education Teacher 1, "Adult support included an assistant checking in with [the Student] in the morning, and [the Student] was provided somebody to attend specials with [them] each day. [The Student] has support during lunch and recess."
- 123. When asked whether they were aware of the Student using headphones this year despite the Complainant's request to discontinue their use, Special Education Teacher 1 replied, "I think the [Complainant's] request came later ... I want to say our January meeting, but prior to that, [the Student] has used [their] headphones". Special Education Teacher 1 was not aware of a change in the quality of the Student's instruction or learning when using the headphones versus the other devices.

Special Education Teacher 2

- 124. Special Education Teacher 2 shared in an interview with the Complaint Investigator that they served as the Student's case manager for the 2023-24 school year.
- 125. Special Education Teacher 2 described the need to amend the Student's IEP in April of 2024 regarding nursing services. Special Education Teacher 2 shared that they received permission from the Complainant on the phone to make the adjustments. During Special Education Teacher 2's interview, the Director indicated that Special Education Teacher 2 "was trying to kind of clean up after we received some additional information from the State on how it needs to be documented on the IEP for Medicaid billing." The Director indicated that the changes did not affect the provision of FAPE to the Student. Special Education Teacher 2 did not recall asking the Complainant to sign a Written Agreement to make the changes.
- 126. When asked about the Student using a yoga ball instead of a Rifton chair, Special Education Teacher 2 shared, "So that was not an accommodation, that was just something that all of the students were doing in [the Student's] particular classroom. The teacher was trying to give students dynamic seating, even those students who weren't on IEPs or 504s." According

to Special Education Teacher 2, “The expectation was that [the Student] was using [their] specially fitted chair. However, once we found out [the Student] was using the yoga ball, which was maybe three, four days in class ...” they said to the Student, “... you’ve got to use this chair because that’s what’s safest for you.” According to Special Education Teacher 2, the Student was disappointed because the Student wanted to look like their peers, but they complied and used the proper chair after that.

127. When asked about the physical therapy consultation for seating, Special Education Teacher 2 said, “Yeah, we used occupational therapy for that” Special Education Teacher 2 indicated that they thought the physical therapist and the occupational therapist discussed the matter and determined that the occupational therapist was going to “trial different seating things, look at medical records”
128. The Complaint Investigator asked when the level of support from the instructional assistant transitioned from being side-by-side to “in the room and available.” Special Education Teacher 2 assumed it was February 2024.
129. Special Education Teacher 2 indicated that the Student used headphones without issues, but their effectiveness was sometimes limited due to the Student’s hearing. The Student’s Baja device was discontinued with the Complainant’s approval because it broke – it had become stuck at a high volume, causing the Student headaches. Consequently, when the Student needed to listen to the computer, headphones were used. While the Student didn’t particularly like them, they enabled the Student to hear well enough to complete their tasks.
130. Special Education Teacher 2 described scheduling meetings with the Complainant, indicating they tried to schedule them at a mutually convenient time, “... We had to move a couple of meetings because [the Complainant] wasn’t able to make it right at the last minute. So we would try to move the meeting. I think there was one time where we couldn’t and [the Complainant] said, ‘Okay, that’s fine, just get back to me with what happened.’ We ended up getting back to [the Complainant] and [they] had a whole bunch of questions, so we ended up scheduling ... another meeting.”
131. According to Special Education Teacher 2, Procedural Safeguards were provided to parents annually via a card containing a link to their rights. This card was either attached to meeting notices or handed directly to parents at in-person meetings, with an offer to contact the Case Manager for assistance with the document. According to Special Education Teacher 2, the Complainant never requested help understanding the Procedural Safeguards when Special Education 2 was the Student’s Case Manager.
132. Special Education Teacher 2 provided reading instruction to the Student using the Orton-Gillingham method. This multisensory approach, in which Special Education Teacher 2 was trained, involved hands-on exercises like tracing letters on screens, forming them in sand or Play-Doh, and using choral response and body movements to help students with reading disabilities connect letters, sounds, and words. The Student was part of a small group receiving this specific instruction.

Teacher of the DHH

133. In an interview with the Complaint Investigator, the Teacher of the DHH described that the Student was on their caseload as a deaf or hard of hearing student and that they served the Student in the past by providing consultation services and ensuring that assistive technology was provided to the Student.
134. The Teacher of the DHH described the Student's devices and the assistive technology:
- A behind-the-ear hearing aid from Oticon.
 - A Ponto, a bone conduction hearing aid from Oticon, fitted by an audiologist and worn on the outside of the head instead of behind the ear.
 - EDUmic, an FM system where the teacher wears a microphone and sound is transmitted to the Student's hearing device.
 - A Baja with a mini mic.
 - A Red Cat soundfield speaker, where the teacher wears a microphone and sound is amplified for the entire classroom, "Given that [the Student] has ... unilateral hearing loss, the speaker is set to be on that right side where [the Student] receives audiological information most effectively. ... On days where [the Student] doesn't have a listening device, [the Student] might still be able to have access to the teacher's voice"
135. When asked how teachers know when the Student should use each device, the Teacher of the DHH said, "There's been communication about the use of [the Student's] devices. The prior IEPs, we had some difficulty with consistency and [the Student] was just fitted with [their] hearing aid for the behind[-]the[-]ear hearing aid ... this year. So prior to that, [the Student] had only been using a bone conduction hearing aid. And the information that I always pass along is coming from the audiologist. ... And it has been noted that the audiologists have always recommended that [the Student] wear them during all waking hours and throughout [their] school day."
136. Regarding the scheduling of a consultative meeting in January, the Teacher of the DHH shared that scheduling conflicts prevented it from occurring despite offering different options.
137. The Teacher of the DHH shared with the Complaint Investigator that the EDUmic was a best practice device provided to ensure the Student had access to the teacher's instruction. The Complainant had requested to discontinue its use, believing it would be too loud, and preferred the Red Cat. The Teacher of the DHH clarified in an email that, while they would continue encouraging the use of the EDUmic in specific settings like specials or small groups, they would honor the Complainant's request for the Student to use only the Red Cat in the general classroom.
138. Regarding headphone use, the Teacher of the DHH had shown the Classroom Teacher how to use an auxiliary cord to connect the teacher's EDUmic to the Chromebook for direct streaming to the Student's devices. When it was noted in a meeting that the Student was still using headphones instead, the Teacher of the DHH re-explained the EDUmic setup to the teacher. Following this, the Teacher of the DHH believed the EDUmic was implemented for

streaming, although the Teacher of the DHH was not in the classroom constantly to confirm. Before stepping in, the Teacher of the DHH had no knowledge of how frequently the EDUmic was not being used. The Teacher of the DHH noted past confusion with the Complainant's wishes regarding headphones and the inconsistent use of the Student's Baja device, which would have been necessary for other streaming methods to work. The Teacher of the DHH understood that headphones might have been used more consistently because the Student did not always wear their listening devices to school.

139. The Teacher of the DHH shared that for a period, the Student was not consistently bringing their listening device to school and reportedly was not wearing it at home either. The Student's Baja was also not used. While there had been reported improvement recently, consistent device use at home was still a concern, leading to inconsistent use at school. Additionally, there had been issues with devices not always working, such as a hearing aid not being charged. Efforts were ongoing with the family to encourage consistent use. Ultimately, when the Student arrived at school with working devices, the team ensured the Student had access to and wore them.

The Nurse

140. In an interview with the Complaint Investigator, the Nurse indicated they had known the Student since their arrival at the School and, at the start of each school year, the Nurse reviewed and updated the Student's health protocols in collaboration with the Complainant. Following this, the Nurse provided training to relevant school staff on these protocols. The Nurse noted that their direct involvement with the Student has decreased over the years as the Student has become stronger. The Nurse shared that their current role primarily involves communicating with the family regarding any new health needs or medications, revising the health protocols accordingly, and training staff on these updates. The Nurse indicated they served as a consultant for staff members, fielding questions about the existing health protocols. In the past, the Nurse had been involved in monitoring the Student's cardiac monitor, but that need diminished over time.
141. According to the Nurse, the Student's health plan had an accommodation list from August 30, 2023, and the plans are typically updated yearly. For the 2024-25 school year, the Nurse indicated that they contacted the Complainant but received no updates, so the previous year's plan was used for staff training.
142. The Nurse described the accommodations listed on the Health Program Accommodations document for the Student:
- a. The accommodation for assistant supervision to prevent falls and watch for obstacles was the responsibility of all staff members working with the Student, including the Student's teacher and trained special education staff.
 - b. The accommodation regarding glasses simply acknowledged the Student's use of them.
 - c. The Nurse was not involved with the bone conduction aid or the teacher's voice amplification device.
 - d. Assistance with managing secretions and rest times was primarily the Nurse's responsibility in previous years, though the Nurse had not needed to assist the Student

with this during the current year. In the Nurse's absence, the Student's Case Manager or teacher would notify the Nurse if they dealt with any health-related issues or had to help with secretions, but the Nurse did not receive any notifications of this sort.

- e. An aide who accompanied the Student during lunchtime provided assistance with feeding.
- f. When asked about the Student staying inside when the temperature was below 45 degrees and above 85 degrees, the Nurse recalled one occasion in which there was a substitute in the class, and this accommodation was not followed. The Nurse shared that there were no known impacts of this one occasion on the Student.
- g. The Nurse reported that the accommodation to notify the Complainant if the Student was exposed to sick students was discussed with the Complainant on several occasions. On January 28, 2025, when the Student was absent due to illness, the Complainant inquired if other students in their class were also sick. On that day, three other students were out sick, although the specific illnesses were unknown. The Nurse explained in an interview with the Complaint Investigator that county guidelines dictate when notifications about illness outbreaks are made, based on a certain number of cases within a group. However, it was often difficult to know the reasons for student absences. The Nurse shared that there had not been any instances this year that the Nurse was aware of regarding multiple students in the Student's class presenting with high fevers, strep throat, vomiting, or other communicable diseases that would have triggered a notification to the Complainant. The Nurse shared that, while they monitor the school environment for sick students to the best of their ability, the Nurse lacked specific details about why students are absent (e.g., illness vs. vacation or other issues). This made it very difficult to accurately quantify and communicate potential exposure to illness to families, despite their efforts to stay informed about the Student's classrooms since second grade. Tracking and reporting on general student absences as a measure of potential exposure is challenging due to the lack of specific reasons for those absences.

143. Regarding the planning of the 5th grade Outdoor School trip, the Nurse shared that the Nurse scheduled a meeting, invited all relevant parties, and "... then the last that I heard was that I should cancel it because [the Complainant] had requested for us to do it after the final IEP meeting on [April] 29th."

The 5th-grade Teacher

144. In an interview with the Complaint Investigator, the 5th-grade Teacher shared that they had been the Student's Lego Robotics coach for the past two years, and they were currently the Student's fifth-grade general education teacher. The 5th-grade Teacher described the Student's schedule in the 5th grade classroom which included 25 minutes of morning work, breakfast, and putting things away, core math from 9:50 to 10:30, enrichment (science or social studies) from 11:00 to 11:15, and a portion of the Student's reading group (which differs from the main group) from 11:45 to 12:35. After lunch and a brief 10 minutes together during recess, the Student rejoined for core reading from 1:15 to 2:15, afternoon recess from 2:45 to 3:00, and end-of-day pack-up from 3:00 to 3:25.

145. When asked about adult support, the 5th-grade Teacher said, “[The Student] is with an adult during lunch and recess time for a while. [The Student] had an adult with [them] in the morning from 8:45 until 9:10. That was from the beginning of the year until, I don’t know, like a month ago maybe. But other than that, [the Student] doesn’t have an adult in the classroom with me, no.” Additionally, “[The Student] had a one-on-one during ELA time from 1:15 until I believe it was ... 1:45. It was a half an hour during our ELA chunk from the beginning of the year until probably January But [the Student] didn’t utilize that aid. [The Student] actually regressed in what [the Student] was doing, and so the aide no longer came after that, I believe.”
146. According to the 5th-grade Teacher, the Nurse trained the assistants and teachers at the beginning of the school year on the health protocols. The 5th-grade Teacher recalled being trained on the Student’s choking and seizure protocols.
147. The 5th-grade Teacher described how the Student’s relevant accommodations were implemented:
- Mobile device with access to applications that support grade-level curriculum and headphones for device: “[The Student] has an iPad and a Chromebook.”
 - Ensure proper positioning when seated for group class activities, instruction time, and assemblies: “... [The Student] has a chair that’s designed especially for [the Student], and so throughout the day I have to remind [the Student] to sit up while [they’re] working instead of slouching.”
 - Access to listening amplification devices throughout the school day: “I believe it’s called a Red Cat microphone that I wear around my neck and the speaker is positioned next to [the Student] and then when [the Student] leaves the classroom, [the Student] has an EDUmic that [the Student] takes with [them] and then give[s] to ... the librarian or the PE teacher or our STEAM lab teacher that they wear when [the Student’s] in other classrooms.”
 - Additional adult support as needed throughout the day for safety: “I think the only time that [the Student’s] not with an adult, truly, is when [the Student’s] walking from one class to another.”
 - Allow additional time to eat during meal times: “[The Student] has an IA that stays on during lunchtime and then stays with [them] at recess, which is immediately following lunch. And so [the Student] can take as much time as [the Student] needs to finish [their] food.”
148. When asked about scheduling meetings with the Complainant, the 5th-grade Teacher stated, “So in November we had conferences and so I reached out multiple times to try to schedule a conference, and then it got to the point where [the Complainant] told me that [the Complainant] did not do fall conferences. So I said that I would just send everything home with [the Student]. ... We still haven’t met about accommodations for [the Student] for Outdoor School.”
149. When asked about parental consent for Outdoor School, the 5th-grade Teacher said, “... consent was just sent out on April 7th to all parents, and I still haven’t gotten that permission slip signed. So Outdoor School isn’t until the end of May, so we haven’t had that meeting yet

with [the Complainant] to figure out what accommodations or if [the Student's] going or how long [they're] going for or any of that sort of thing yet."

150. The 5th-grade Teacher indicated that the Student had participated in all other field trips this school year, "At the beginning of the year, we had a meeting, I believe it was the end of September, and we brought up field trips then, and [the Complainant] wanted to make sure that we made sure to follow all of [the Student's] accommodations and made sure that it was accessible for [the Student] because we did things like we went to the dump on a field trip. It was a great field trip, and we went to the movie theater and watched Wild Robot because we read that novel. So we made sure that [the Student] was able to access both field trips. [The Complainant] had said that [they] wanted to go on the field trip to the movie theater, but then last minute [the Complainant] ended up not being able to go."
151. Regarding communications around infectious illnesses, the 5th-grade Teacher recalled the Complainant contacting them in late November or early December, inquiring if the 5th-grade Teacher was going to send a letter to all the parents in their class, asking them to keep their children home if they were sick. The 5th-grade Teacher told the Complainant that they did not feel that it was their job and that they were not comfortable doing that. However, they indicated they would be happy to talk with the Nurse to see if it was appropriate. According to the 5th-grade Teacher, the Nurse shared that sending letters home regarding illness was something that they had done during COVID-19, but not something they had done in recent years, and that the letter was sent to all parents, not just parents with children in a specific classroom.

The Special Education Coach

152. In an interview with the Complaint Investigator, the Special Education Coach indicated that they currently supported two of the Student's case managers.
153. The Special Education Coach said that during the October 1, 2024 IEP meeting, there was uncertainty about whether the Student was receiving physical therapy as part of their IEP. While reviewing records, the Special Education Coach found information from a former physical therapist indicating that the Student had received and had been dismissed from physical therapy previously. The Special Education Coach communicated with the Physical Therapist about a potential evaluation for the Student and planned to invite the Physical Therapist to the next meeting to discuss the situation and determine if an evaluation was necessary. The Physical Therapist forwarded a document on November 12, 2024 to the Special Education Coach from the Student's previous school, dated April 23, 2020, that indicated the recommendation was to discontinue school-based physical therapy.
154. The Special Education Coach shared that during the October 2024 IEP meeting, the Complainant inquired about Orton-Gillingham. It was explained that the Student's tutor was using Slingerland, which aligned with the Orton-Gillingham approach. The Special Education Coach described how the Orton-Gillingham model was implemented in the District. The discussion clarified the difference between the tutoring model and the school-based model, emphasizing that Orton-Gillingham was a method, not a curriculum. The Special Education

Coach detailed how the Student's needs were being addressed through methods aligning with Orton-Gillingham and how the various curricula addressed those concerns and their alignment, including the scope and sequence of these programs. The Special Education Coach indicated that they have had the Orton-Gillingham conversation with the Complainant "multiple times through the year," explaining how they are serving the Student through different methodologies and curricula

Vision Teacher 1

155. In an interview with the Complaint Investigator, Vision Teacher 1 described conducting an evaluation for Student 1, with Vision Teacher 2 on four dates. The evaluation focused on concerns about navigating stairs, curbs, and balance within both known and unknown school environments, including hallways, stairs, doors, and the outside environment. The IEP team reviewed these results during the March 14, 2025 IEP meeting. While the IEP wasn't finalized, Vision Teacher 1 recommended consultation services, especially for new environments like field trips, to ensure staff understood [the Student's] needs. The assessment results were shared with the parties in a full report on March 3, 2025.

The Adapted PE Teacher

156. In an interview with the Complaint Investigator, the Adapted PE Teacher shared that they served the Student on a consult basis, which amounted to 60 minutes annually. The Adapted PE Teacher recalled that the Student had previously received 120 minutes of direct services per month for approximately three or four years. However, the Student reportedly did not want these services, disliked the additional attention, and was progressing well in PE. As a result, the team transitioned to a consult model. The Adapted PE Teacher indicated that the Student had been on consultation for the preceding two years and had been doing well. The Adapted PE Teacher mentioned that they did not attend the IEP meeting where these changes were implemented but had provided input to the special education teacher, who then shared it during the meeting.

The ODE IEP Facilitator

157. In an interview with the Complaint Investigator, the ODE IEP Facilitator described that they were the facilitator assigned to facilitate IEP meetings between the District and the Complainant and began their facilitation work on or about January 29, 2025. Their assignment ended in mid-April 2025 when another facilitator was assigned to assist the District and the Complainant with a final meeting in late-April.
158. The ODE IEP Facilitator indicated that they assisted the team with two meetings, one virtually, and one "... in person, which was, it felt like a full day. ... We started in the morning and took a break and then resumed in the afternoon. It was something like a six-hour meeting"

159. The ODE IEP Facilitator was not aware of any barriers that occurred during the meetings that may have prevented the Complainant from fully participating. The ODE IEP Facilitator did not recall the Complainant sharing concerns about the Procedural Safeguards in a meeting.
160. The ODE IEP Facilitator recalled the Complainant sharing concerns about the large volume of materials that they needed to review prior to the meetings, “I recall [the Complainant] saying that [the Complainant] was very concerned about getting the documents in advance and having time to digest them and feeling overwhelmed.” The District let the Complainant know that they would provide the materials by a certain date.
161. Regarding the scheduling of meetings at mutually agreeable times, the ODE IEP Facilitator recalled that scheduling the first, virtual meeting was easy, and scheduling the second meeting (March 14, 2025) was initially easy to schedule with the Complainant agreeing to a split session: eligibility in the morning, IEP in the afternoon. According to the ODE IEP Facilitator, “... the second meeting, both [the Advocate] and [the Complainant] wanted to postpone the meeting, and so they continued to raise concerns, ‘We don’t have the documents we need. This is too many things. We need this.’ There were just continual, one thing the District would respond to and say, ‘Okay, we’ll get you the reports. You’ll have [th]em 10 days ahead of time.’ And then they would raise another issue, and then they would raise another issue. ... It became very clear that the meeting was not desirable on that schedule And at one point I thought, ‘Well, is the District going to agree to reschedule? Should I check in with them on this?’ And the District then sent, I didn’t need to check, and I would’ve been surprised if they had, because they were up against a deadline. They needed to get this done, and everybody had agreed to this date. I mean, we were talking four to six weeks in advance. It was way, way out. So there was no kind of mediating available to me to get the District to move it because they were very clear with me that they needed to have this meeting They were legally obligated to do it. And so there wasn’t a lot I could do. And I explained to [the Complainant] and [the Advocate] that ‘This is the date you’ve all picked and they’re not moving on it.’ ... [The Director] sent them an email and said, ‘I am not agreeing to move it. We have to have this meeting.’ So I think there was a real disconnect on their part about their ability to negotiate because the District had decided”
162. On March 13, 2025, the Complainant filed this Complaint. An amended version was filed by the Complainant on March 19, 2025.

IV. DISCUSSION

Access to Student Education Records

The Complainant alleged that the District violated the IDEA by not providing records requested by the Complainant before special education meetings and within 45 calendar days, and that the District refused to amend the Student’s IEP when the Complainant requested that the input of the Parent be removed from the parent input section. Further, the Complainant alleged that the District violated the IDEA when it provided, without parent

consent, confidential information via text message to someone who did not have a legitimate educational interest in the information.

For purposes of ensuring the safeguards required for education records of children with disabilities, including early intervention and early childhood special education records, the Department adopts by reference the provisions of FERPA, 34 CFR § 99.1 to 34 CFR § 99.38, the IDEA, 34 CFR § 300.610 to 34 CFR § 300.627, and 34 CFR § 303.401 through 34 CFR § 303.411. This provision includes all education records with respect to: the identification, evaluation, and educational placement of the child, and the provision of a free appropriate public education to the child. The program, district, agency, or contractor must comply with a parent's request to inspect and review records without unnecessary delay and within the following timelines: for children over the age of three, before any meeting regarding an IEP/IFSP, or any due process hearing, or resolution session related to a due process hearing, and in no case more than 10 business days after the request has been made.³

If a parent or eligible student believes the education records relating to the student contain information that is inaccurate, misleading, or in violation of the student's rights of privacy, they may ask the educational agency or institution to amend the record. The educational agency or institution shall decide whether to amend the record as requested within a reasonable time after the agency or institution receives the request. If the educational agency or institution decides not to amend the record as requested, it shall inform the parent or eligible student of its decision and of their right to a hearing under 34 CFR § 99.21.⁴

The Complainant requested a variety of records related to the Student's education, specifically related to reading and math assessments and data, progress reports, previous special education reports, and general communication records. The District consistently responded to requests for progress reports and benchmark data, indicating they provided the most current data available. However, they noted that the specific data represented in the screenshots shared by the Complainant were unavailable because the Student was not using the method or program from which those records were generated. The District shared progress reports with the Complainant on several occasions. Regarding the request for the Student's previous special education reports, the District indicated they were provided, and the Complainant confirmed receipt. For the final records requests, on March 10, 2025 and March 13, 2025, the District has a 10-business day timeline to provide educational records, which is beyond the time period for this Complaint.

The District provided the functional vision evaluation, the three-year eligibility report, a draft IEP, a file review, and additional documents in a shared prior to the March 14, 2025 IEP meeting. There was no testimony or documentary evidence to indicate that the Complainant requested input from the Parent to be removed from the Student's IEP.

On March 13, 2025, the Director emailed members of the IEP team, which included the Advocate and the Step Parent, to remind them of the agenda, expectations, and that if

³ OAR 581-015-2300

⁴ 34 CFR §§ 99.20

consensus could not be met, the District would determine their offer of a FAPE. That email did not reveal confidential information. However, the subsequent “reply all” emails by the Complainant, the Advocate, and the Parent may have included information that was not intended to be viewed by all members of the team. Emails are also not considered to be “education records” unless they are included in a student’s permanent file or otherwise maintained by the school district.

The Department does not substantiate this allegation.

Parent Participation

The Complainant alleged that the District violated the IDEA by refusing to schedule special education meetings with the Complainant at a mutually agreed-upon time, and that the District did not allow the Complainant enough time to consider the large volume of information about the Student to make informed decisions.

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, and the provision of a free appropriate public education to the child. School districts must also provide parents with a written notice of the meeting sufficiently in advance to ensure that one or both parents will have an opportunity to attend. The written notice must state the purpose, time and place of the meeting and who will attend; inform the parent that they may invite other individuals whom they believe have knowledge or special expertise regarding the child; inform the parent that the team may proceed with the meeting even if the parent is not in attendance; and inform the parent of whom to contact before the meeting to provide information if they are unable to attend. The school district must take whatever action is necessary to ensure that the parent understands the proceedings at a meeting, including arranging for an interpreter for parents who are deaf or whose native language is other than English.⁵

School districts must take steps to ensure that one or both of the parents of a child with a disability are present at each IEP or placement meeting or are afforded the opportunity to participate, including scheduling the meeting at a mutually agreed upon time and place.⁶

The District faced challenges in scheduling meetings at a time that was perceived to be mutually agreeable by the Complainant, particularly for the March 14, 2025 meetings. Per the Complainant’s request in October, meetings were separated to allow for focus on particular topics. On March 14, 2025, there were two meetings scheduled on the same day, one for eligibility and another after a scheduled break to discuss placement and the IEP. The Complainant did not feel that there was enough time to review the information from the first meeting to adequately prepare for the second meeting, a concern that the ODE IEP Facilitator recalled the Complainant sharing with the team. To complicate matters, the large volume of materials provided to the Complainant and the updating, editing, and moving of those

⁵ OAR 581-015-2190(1)(2)(3)

⁶ OAR 581-015-2195(1)(b); 34 CFR § 300.322(a)(2)

materials, sometimes at the Complainant's or the Advocate's request, added to the perception that there was not enough time to review the materials prior to the March 14, 2025 meetings.

The IDEA mandates meaningful parent participation throughout the special education process. Regardless of the need to complete an IEP or the scheduling challenges faced, the District's response to conduct two meetings in one day did not ease the Complainant's concerns regarding the need to review and process the voluminous materials to meaningfully participate in the meetings. The Complainant felt they were not given enough time to consider information involving eligibility, the IEP, and placement. The Complainant explicitly voiced concerns about the timing of the document provision, which impacted their ability to review the materials to make informed decisions. The District's refusal to adjust the schedule to accommodate the Complainant's concerns resulted in the meeting not being scheduled at a mutually agreeable time. This decision impacted the Complainant's ability to participate meaningfully, resulting in a procedural violation.

Additionally, in October 2024, Special Education Teacher 1 indicated that IEP meetings could only be scheduled on Tuesdays, which severely limits availability for all other team members, disregards individual circumstances, and hinders essential parent participation.

The Department substantiates this allegation.

Notice of Procedural Safeguards

The Complainant alleged that the District violated the IDEA by not assisting the Complainant in understanding the Notice of Procedural Safeguards when the Complainant requested assistance.

School districts must give parents a copy of the Notice of Procedural Safeguards at a minimum only one time per year, except that a copy must be given to the parents: upon initial referral or parent request for evaluation; upon request by a parent; and also to the child, at least a year before the child's 18th birthday. The Procedural Safeguards Notice must include all of the content provided in the Notice of Procedural Safeguards published by the Department in the following areas: independent educational evaluations; prior written notice; parental consent; access to educational records; mediation, complaints and due process hearings; the child's placement during pendency of due process proceedings; procedures for students who are subject to placement in an interim alternative educational setting; requirements for unilateral placement by parents of children in private school at public expense; civil actions, including the time period for filing such actions; attorney's fees; and transfer of rights at age of majority. The Notice of Procedural Safeguards must be written in language understandable to the general public. The Notice of Procedural Safeguards must be provided in the parent's native language or other mode of communication unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the school district shall take steps to ensure the notice is translated orally or by other means to the parent in their

native language or other mode of communication; that the parent understands the content of the notice; and that there is written evidence that the district has met these requirements.⁷

The Complainant reported frequently seeking clarification on the Procedural Safeguards from the Director via email. Throughout the 2024-25 school year, the District provided the Complainant with copies of or links to these safeguards on multiple occasions and addressed specific questions the Complainant raised. While the IDEA mandates providing the Notice of Procedural Safeguards to parents of students with disabilities at least annually, it does not specify a particular method for doing so. On March 13, 2025, the Complainant referenced their understanding of Procedural Safeguards in an email to the IEP team.

The Department does not substantiate this allegation.

Reevaluation

The Complainant alleged that the District violated the IDEA when the Complainant requested an evaluation for orientation and mobility, and it was not conducted. Further, it is alleged that physical therapy evaluations have not been completed, and the Adapted PE Teacher did not provide input into the evaluations.

The public agency must ensure that a reevaluation of each child with a disability is conducted if the public agency determines that the educational or related services needs, including improved academic achievement and functional performance, of the child warrant a reevaluation, or if the child's parents or teacher requests a reevaluation. A reevaluation for each child with a disability may occur not more than once a year, unless the parent and public agency agree otherwise; and must occur at least every three years, unless the parent and public agency agree that a reevaluation is unnecessary.⁸

The District explained to the Complainant in the November 12, 2024 consent meeting that an orientation and mobility assessment would be a part of the functional vision assessment and was listed on the "consent to evaluate" paperwork. Vision Teacher 1 indicated that the assessment results and full report were shared with the Complainant on March 3, 2025.

The District was aware that the Student had previously received and had been dismissed from PT, and was now receiving Adapted PE. In October, the Special Education Coach referenced working with a Physical Therapist from the ESD to discuss whether updated assessments were needed. The Physical Therapist forwarded a document from the Student's previous school indicating that the recommendation was to discontinue PT. There was no agreement to assess PT needs.

The Adapted PE teacher compiled a report dated February 7, 2025 and recommended that the consultation services for Adapted PE be kept. The Adapted PE teacher indicated they shared this information with the special education teacher, who then shared it at an IEP meeting. The

⁷ OAR 581-015-2315(4); 34 CFR § 300.504

⁸ OAR 581-015-2105(4); 34 CFR § 300.303

draft IEP dated February 10, 2025 listed a section in which physical education information was provided.

The Department does not substantiate this allegation.

Prior Written Notice (PWN)

The Complainant alleged that the District violated the IDEA when it provided the Complainant with a PWN that did not reflect the specific content of a meeting and may not have included the required elements.

The PWN must be given to the parent of a child, and to the adult student after rights have transferred, within a reasonable period of time before a school district proposes to initiate or change the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to the child; or refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child. The content of the PWN must include: a description of the action proposed or refused by the school district; an explanation of why the district proposes or refuses to take the action; a description of each evaluation procedure, assessment, test, record, or report the school district used as a basis for the proposed or refused action; a statement that the parents of a child with a disability have protection under the procedural safeguards and, if this notice is not an initial referral for evaluation, the means by which a copy of the Notice of Procedural Safeguards may be obtained; sources for parents to contact to obtain assistance in understanding their procedural safeguards; a description of other options that the IEP Team considered and the reasons why those options were rejected; and a description of other factors that are relevant to the agency's proposal or refusal. The PWN must be written in language understandable to the general public and provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the school district must take steps to ensure that the notice is translated orally or by other means to the parent in the parent's native language or other mode of communication; and that the parent understands the content of the notice.⁹

The PWNs for the February 10, 2025 IEP were contested. The original draft PWN included the District's proposal after the February 10, 2025 IEP meeting. The revised version, dated February 14, 2025, clarified the District's proposal in light of the Complainant's disagreement with the original version. The original February 10, 2025 PWN included a description and explanation of the actions proposed or refused by the District, a description of the information used to make the proposal, and a description and explanation of the options that were rejected, including a description of the factors relevant to the District's actions. Procedural Safeguards were provided, and sources of understanding the Safeguards were listed. All required elements were documented in the PWN. The revised PWN, dated February 14, 2025, also included all required components; however, on March 4, 2025, the Complainant identified the omission of some of the Student's eligibilities on the document. The District promptly

⁹ OAR 581-015-2310; 34 CFR § 300.503

acknowledged the error and revised the February 14, 2025 PWN to include the additional eligibilities.

The Complainant expressed concern that the February 10, 2025 PWNs did not fully represent the content of the IEP meeting suggesting "... the documentation, when I read it, it came across to me that it didn't really represent the full scope of the meeting, what was said, what was discussed, the purpose of the meeting, the intention of the meeting." However, no evidence suggests the PWNs inaccurately reflected the decisions and agreements made during the meeting. While the Complainant later disagreed with these decisions, the PWNs accurately documented the outcomes of the February 10, 2025 IEP meeting.

The Department does not substantiate this allegation.

When IEPs Must Be in Effect

The Complainant alleged that the District violated the IDEA when it did not provide the Student with "OG [Ortho-Gillingham] reading curriculum from September 2024 to December 6, [2024]" and the District did not give the Complainant reading progress data during November 2024 conferences. Further, the District was not implementing IEP supplementary aids and services, including:

- a. Using "a yoga ball instead of [the Student's] designated Rifton chair."
- b. Physical therapy consultation for seating.
- c. "A one-on-one aide."
- d. "Continued use of headphones despite requests to discontinue."
- e. "Little to no communication ... regarding exposure to infectious illnesses"
- f. No parental consent or planning for a 5th-grade outdoor school trip.

At the beginning of each school year, a school district must have in effect an IEP for each child with a disability within the district's jurisdiction. School districts must provide special education and related services to a child with a disability in accordance with an IEP. For initial IEPs, a school district must conduct a meeting to develop an initial IEP within 30 calendar days of a determination that the child needs special education; and as soon as possible following development of the IEP, special education and related services must be made available to the child in accordance with the child's IEP. Each school district must ensure that the IEP is accessible to each regular education teacher, special education teacher, related services provider and other service provider who is responsible for its implementation; and inform each teacher and provider of their specific responsibilities for implementing the child's IEP and the specific accommodations, modifications and supports that must be provided for or on behalf of the child in accordance with the IEP.¹⁰

For the majority of the complaint period, the Student's February 27, 2024 IEP was in effect. The Complainant advocated for the implementation of the Orton-Gillingham method as an IEP intervention, referencing its adoption in the previous school year and the Student's positive response. During the 2024-25 school year, the Student was placed in a grade-level reading

¹⁰ OAR 581-015-2220; 34 CFR § 300.323

group that used a different approach. Eventually, the Student was moved to an Orton-Gillingham reading group. The specific curriculum or method of instruction used for reading was not specified in the Student's IEP. The Student's reading goal described direct instruction and "access to a multi-sensory" reading program, which was provided to the Student.

The Complainant was concerned about the Student using a yoga ball for extended periods, citing safety and increased fatigue as reasons. Testimony revealed the Student used a yoga ball for several days during the 2023-24 school year to be like their peers but had not used one during the 2024-25 school year. The IEP listed "adaptive seating options for proper positioning and movement" but did not forbid intermittent use of a yoga ball.

The February 27, 2024 IEP listed "Occupational Therapist consultation to school personnel" and "Adapted Physical Education Consultation to school personnel," but does not list "PT consultation for seating" in the IEP.

The February 27, 2024 IEP did not describe a need for the Student to have a one-on-one assistant. The accommodation described "additional adult support as needed throughout [the Student's] day . . ."

As the Student's hearing abilities evolved, the Complainant regularly communicated with the Student's teachers regarding the hearing devices the Student should use. The Student's complex hearing needs often required the use of different devices, and there was a concern regarding the Student's choice, the Complainant's requests, and the availability of working (charged and available) devices. The February 27, 2024 IEP described the Student's need for access to a "mobile device with access to applications that support grade level curriculum and headphones for device" and access to listening amplification devices throughout the school day." The Program accommodations described a "bone conduction aid, teacher voice amplification device." When there was uncertainty or contradictory information shared, team members reached out to the Complainant or the Teacher of the DHH to clarify.

The Student's health plan listed "Notify [the Complainant] if [the Student] is exposed to students who are sick." The Complainant proactively requested communication about potential exposure to sick students on multiple occasions and asked to be notified if multiple children in the classroom had an influenza-like illness. According to the Complainant, the Student was diagnosed with parainfluenza and RSV during the 2024-25 school year. In January 2025, after the Student became ill with RSV, the Complainant learned through their own inquiry that six students were absent from the Student's class. The Complainant reported leaving a message with the Nurse and receiving a call-back with no specific information about illnesses. The Nurse explained in an interview that while three students were out "ill," county guidelines dictated when illness outbreak notifications are made based on a certain number of cases. The Nurse described the difficulty in knowing the specific reasons for student absences, making it challenging to quantify and communicate potential exposure accurately. The Nurse was not aware of any instances meeting the threshold for a general notification. While the Complainant learned that students were out of school, and received a return call from the Nurse, the Nurse had no specific information about the illnesses. Without knowing that the absent students were ill and had contagious conditions, the District was not able to confirm "exposure" to

illness described in the Student's Program Accommodations to initiate communication with the Complainant.

The February 27, 2024 IEP did not describe a requirement to involve the Complainant in the planning for a 5th-grade outdoor school trip. However, the 5th-grade Teacher began communication about the various field trips in early September. The Student participated in several field trips prior to the discussion about the overnight Outdoor School field trip. While the District initially communicated with the Parent as the week scheduled for the Outdoor School trip was during the Parent's parenting week, the District began including both the Complainant and the Parent in additional planning emails on February 18, 2025. Emails informed the Complainant about the event and assured them that support would be provided. Collaborative planning was evidenced by the Nurse's preparation and communication and the Director's scheduling of a meeting to discuss specific accommodations, with multiple dates offered. While the Complainant expressed ongoing safety concerns and a preference for shorter trips, a planning meeting was scheduled for April 2, 2025, though it was later postponed at the Complainant's request. According to the 5th-grade Teacher, consent forms for Outdoor School were sent to all parents on April 7, 2025, after the Complaint was filed. Ultimately, the District demonstrated consistent efforts to communicate, plan, and address the Student's needs for the Outdoor School trip, with the finalization of specific plans scheduled to occur after the April 29, 2025 IEP meeting.

The Department does not substantiate this allegation.

Other Health Impairment

The Complainant alleges the District violated the IDEA when it considered whether the Student qualified as a student with a disability due to OHI without conducting "comprehensive evaluations."

If a child is suspected of having OHI, the following evaluation must be conducted: a medical statement or a health assessment statement, indicating a diagnosis of a health impairment or a description of the impairment, and a statement that the child's condition is permanent or is expected to last for more than 60 calendar days. Any additional assessments necessary to determine the impact of the suspected disability on the child's educational performance for a school-age child, or in the child's developmental progress for a preschool child, and any additional evaluations or assessments necessary to identify the child's educational needs. To be eligible as a child with OHI, the child must meet all of the minimum criteria: the child exhibits limited strength, vitality or alertness, including a heightened alertness to environmental stimuli that results in limited alertness with respect to the educational environment; the child's limited strength, vitality or alertness is due to a chronic or acute health problem; and the child's condition is permanent or expected to last for more than 60 calendar days. For a child to be eligible for special education services as a child with OHI, the eligibility team must also determine that the child needs special education services as a result of the disability.¹¹

¹¹ OAR 581-015-2165

In the November 12, 2024 consent to evaluate meeting, evaluations were discussed for the Student’s upcoming three-year reevaluation. The Parent/Guardian Consent for Individual Evaluation listed the evaluations and their purposes. The District received the signed consent on January 8, 2025, and began evaluating the Student. The March 14, 2025 Disability Statement for OHI described the qualified professionals, the various evaluations, and the variety of data sources used to determine the Student’s eligibility. The Disability Statement listed the medical statement and “additional assessments” as information used to determine the impact of the disability. The Disability Statement also listed the factors required to find the Student eligible for OHI and indicated that the Student exhibited those factors. The accompanying PWN described the District’s actions.

Agreed-upon evaluations were conducted. Information about the Student was gathered from various sources. The documentation required for OHI eligibility was collected. A group of professionals, including the Complainant, determined that the Student was eligible for special education services under the eligibility category of OHI. The law does not specify which assessments must be conducted, just that there must be “any additional assessments necessary to determine the impact of the suspected disability”¹² or “any additional evaluations or assessments necessary to identify the child’s educational needs.”¹³

The Department does not substantiate this allegation.

V. CORRECTIVE ACTION¹⁴
In the Matter of Redmond School District 2J
Case No. 025-054-016

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

Action Required	Submissions	As Soon As Possible But No Later Than Due Date

¹² OAR 581-015-2165(1)(b)
¹³ Ibid.
¹⁴ The Department’s order shall include any necessary corrective action as well as documentation to ensure that the corrective action has been completed (OAR 581-015-2030(13)). The Department expects and requires the timely completion of corrective action and will verify that the corrective action has been completed as specified in any final order (OAR 581-015-2030(15)). The Department may initiate remedies against a party who refuses to voluntarily comply with a plan of correction (OAR 581-015-2030(17) & (18)).

1. The District must conduct training for all Special Education providers in the District with respect to parent participation requirements, particularly the scheduling of meetings with parents.	Training agenda/materials to ODE for review/approval. Sign-in sheet for training.	September 1, 2025 October 15, 2025
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Dated: this 16th Day of May 2025



Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing Date: May 16, 2025

Appeal Rights: Parties may seek judicial review of this Order. Judicial review may be obtained by filing a petition for review within sixty days from the service of this Order with the Marion County

Circuit Court or with the Circuit Court for the County in which the party seeking judicial review resides. Judicial review is pursuant to the provisions of ORS § 183.484. (OAR 581-015-2030 (14).)