

## BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of Portland School District 1	)	FINDINGS OF FACT,
	)	CONCLUSIONS,
	)	AND FINAL ORDER
	)	Case No. 25-054-030

### I. BACKGROUND

On May 13, 2025, the Oregon Department of Education (Department) received a written request for a special education complaint investigation from the parents (Parents) of a student (Student) residing in the Portland School District 1 (District). The Parents requested that the Department conduct a special education investigation under OAR 581-015-2030. The Department confirmed receipt of this Complaint and forwarded the request to the District.

Under state and federal law, the Department must investigate written complaints that allege violations of the Individuals with Disabilities Education Act (IDEA) and issue an order within sixty days of receipt of the complaint.<sup>1</sup> This timeline may be extended if the Parents and the District agree to the extension in order to engage in mediation or local resolution or for exceptional circumstances related to the complaint.<sup>2</sup>

On May 19, 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 June 3, 2025.

The District submitted a *Response* on June 3, 2025, denying the allegations, providing an explanation, and submitting documents supporting the District's position. The District submitted the following relevant items:

1. Statement of Eligibility for Special Education, 05/24/24
2. Pediatric Report, 09/25/24
3. Parent/Guardian Consent for Individual Evaluation, 09/19/24
4. Multi-Disciplinary Autism Spectrum Assessment Report, 01/10/25
5. Statement of Eligibility for Special Education (Autism Spectrum Disorder), 01/10/25
6. Statement of Eligibility for Special Education (Specific Learning Disability), 01/10/25
7. Eligibility Summary Statement, 01/10/25
8. Eligibility Meeting Notes, 01/20/24 [sic]
9. Prior Written Notice, 04/28/25
10. Individualized Education Program (IEP), 05/06/24

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<sup>1</sup> OAR 581-015-2030(12) and 34 CFR § 300.152(a)

<sup>2</sup> OAR 581-015-2030(12) and 34 CFR § 300.152(b)

11. Meeting Minutes, 05/06/24
12. Meeting Agenda and Notes, 11/06/24
13. Prior Written Notice, 01/27/25
14. Parent Input and Concerns for [the Student], 02/04/25
15. Meeting Agenda and Notes, 02/12/25
16. Prior Written Notice, 03/11/25
17. Meeting Agenda and Notes, 04/01/25
18. Individual Education Program, 04/17/25
19. [The Student] IEP, 04/17/25
20. IEP Progress Report, 04/04/25
21. Prior Written Notice, 01/09/25
22. Notice of Team Meeting, 03/06/25
23. Notice of Team Meeting, 04/09/25
24. Prior Written Notice, 04/17/25
25. Prior Written Notice, 04/28/25
26. Daily Attendance Profile, 08/27/24
27. Elementary Report Card - Grade 5, 2023-2024
28. Emails between the Parties, 06/10/24-04/29/25

The Parents submitted a *Reply* on June 9, 2025, providing an explanation and rebuttal and documents in support of the Parents' position, as well as additional documents submitted on June 23, 2025. The Parents submitted the following relevant items:

1. Email, re: IEP Review Meeting for [the Student], 11/06/2024-11/26/2024
2. Email, re: SEL Group, 03/13/2025
3. Email, re: SEL Group, 03/13/2025
4. OSAS Grade 6 English Language Arts Reporting, 05/13/2025

The Complaint Investigator interviewed the Parent on June 23, 2025. On June 11 and June 13, 2025, the Complaint Investigator interviewed District personnel. The Complaint Investigator reviewed and considered all of these documents, interviews, and exhibits in reaching the findings of fact and conclusions of law contained in this order. This order is timely.

## **II. ALLEGATIONS AND CONCLUSIONS**

The Department has jurisdiction to resolve this Complaint under 34 CFR §§ 300.151-153 and OAR 581-015-2030. The Parents' allegations and the Department's conclusions are set out in the chart below. The conclusions are based on the Findings of Fact in Section III and the Discussion in Section IV. This Complaint covers the one-year period from May 14, 2024, to the filing of this Complaint on May 13, 2025.

<b>Allegations</b>	<b>Conclusions</b>
<p><b>When IEPs Must be in Effect</b></p> <p>The Complaint alleged that the District violated the IDEA by not providing special education services for reading and writing in accordance with the Student’s IEP.</p> <p>(OAR 581-015-2220; 34 CFR § 300.323)</p>	<p><b>Not Substantiated</b></p> <p>The District provided special education services for reading and writing in accordance with the Student’s IEP.</p>
<p><b>Access to Education Records</b></p> <p>The Complaint alleged that the District violated IDEA by not providing special education data when requested by the Parents on March 4, 2025.</p> <p>(OAR 581-015-2300; 34 CFR § 300.613)</p>	<p><b>Not Substantiated</b></p> <p>The District provided special education data when requested by the Parents on March 4, 2025.</p>
<p><b>Content of the IEP</b></p> <p>The Complaint alleged that the District violated the IDEA by not developing an IEP that enabled the Student to make progress with reading and writing, and the reading scores included in the IEP were misleading as they did not indicate that the test was read to the Student.</p> <p>(OAR 581-015-2200; 34 CFR § 300.320)</p>	<p><b>Not Substantiated</b></p> <p>The District developed an IEP that enabled the Student to make progress with reading and writing.</p>

<b>REQUESTED CORRECTIVE ACTION</b>
<ul style="list-style-type: none"> <li>• “The [D]istrict to provide reimbursement for private dyslexia tutoring so we can recover services missed since September 2024”,</li> <li>• “We also propose the [S]chool send us weekly updates on reading and writing instruction, and that any future services missed due to teacher absence or shortened school schedules be made up”, and</li> <li>• “Increase instruction time for reading and writing and provide it daily.”</li> </ul>

### **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 May 14, 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 in 6th grade and attends a K-8 school that focuses on Constructivism – a learning theory based on the idea that learners build new learning on the foundations of previous learning. The Student is described as creative, innovative, and curious with a great memory. The Student enjoys video games, screen time, boba tea, money, parkour, and sleepovers.
2. The Student's May 6, 2024 IEP included:
  - a. Parent Concerns- "[The] Parents note an on-going aversion of literacy. This constant struggle seems to fuel a lot of negative behavior. [One Parent] thinks if [the Student] could meet grade-level expectations [they] might be less anxious overall. [One Parent] feels like [the Student] could benefit from tutoring in literacy and spelling." The Parents also noted that they hope the team will consider sensory breaks and the impacts of Autism Spectrum Disorder (ASD) on the classroom environment and learning, and that they would like the Student to feel more confident about reading.
  - b. Levels of Academic Performance-
    - i. Reading MAP- Winter of 2024, a score of 208, in the 50th percentile. "[The Student] is currently reading a 5th grade passage at 110 CWPM with 96% accuracy, read a mid-year 4th grade passage with 94% accuracy and 70% on comprehension questions, and produced a [higher than] 5th grade-level one paragraph reading response." It was also noted that the Student displays some avoidance behaviors around completing reading and writing tasks.
    - ii. Math MAP- Winter of 2024, a score of 205, in the 30th percentile.
    - iii. Reading Comments- "[The Student] is able to read grade-level texts fluently, once [they] get past initial resistance."
    - iv. Writing Comments- "[The Student] is able to write a short essay at grade-level, with adult support on organization and development ... Generally, [their] writing is comfortably at grade-level, particularly when [they] can type out a piece on [their] Chromebook and use the digital tools for revising and editing."
    - v. Classroom Skills Comments- "[The Student] requires a separate setting if possible, with adult support to complete ELA (English Language Arts) assignments."
  - c. Description of how the Student's disability affects involvement and progress in the general education curriculum- "To meet [the Student's] needs in the areas of Written Language, Reading, classroom skills and social-emotional skills, [the Student] requires instruction in a small group setting with minimal distractions and frequent feedback to make progress towards [their] IEP goals."
  - d. Two goals for reading, one goal for writing, two goals for social and emotional skills, and one goal for classroom skills. Goals relevant to this matter included:
    - i. Reading- "By the end of the IEP cycle, when given an independent level text and (4) questions about the text, [the Student] will refer to the text to show where the answer is found and answer 80% of the comprehension questions correctly in 3 out of 4 progress monitoring probes."

- ii. Reading- “By the end of the IEP cycle, when presented with unfamiliar instructional level text, [the Student] will read at a rate of 120 Correct Words Per Minute as measured in 3 out of 4 progress monitoring probes.”
    - iii. Writing- “By the end of the IEP cycle, after completing the first draft of a grade-level assignment, [the Student] will either use a rubric to independently edit content of draft or incorporate two pieces of teacher feedback to include 90% of content in 3 out of 4 writing assignments.”
  - e. Specially Designed Instruction (SDI) for:
    - i. Writing, provided by a Special or General Education Teacher, for 30 minutes per week;
    - ii. Reading, provided by a Special or General Education Teacher, for 30 minutes per week;
    - iii. Classroom/School Skills, provided by a Special or General Education Teacher, for 20 minutes per week; and
    - iv. Social and Emotional Skills, provided by a Special or General Education Teacher, for 60 minutes per week.
  - f. Relevant Accommodations -
    - i. “Writing supports: access to text to speech and speech to text/dictation during writing assignments; opportunity for separate setting with adult support for writing assignments, opportunities to choose writing topics when possible.”
    - ii. Testing Accommodations
    - iii. Extra verbal prompts
    - iv. Visual schedule
    - v. “Access to quiet space and/or flexible seating with coaching around responsible choices.”
    - vi. “Prewarning for transitions between activities/tasks.”
  - g. The extent of removal was 120 minutes per week.
3. May 6, 2024 meeting minutes noted the team “talked about discontinuation of math goal to focus on ELA.” It was also noted that the Student’s 5th grade IEP case manager (Case Manager 2) put the Parents and the Student in touch with the Student’s 6th grade IEP case manager (Case Manager 1).
  4. In a June 9, 2024 email to Case Manager 1, Case Manager 2, the Assistant Principal, and other staff, the Parents requested that “[the Student] be re-assessed for IEP eligibility in autism” and that they “would also like to make changes to [the Student’s] current IEP for 6th grade.” It goes on to describe the Student wanting “more one-on-one support than was provided.” The Parents also stated, “With school ending soon, I would appreciate a response with your decision by the end of this week. [The Student’s] initial assessment took over a year from the time I requested it. I would really like to get started right away this time so that [the Student] can start receiving support.”

The Assistant Principal replied and included the School Psychologist who stated, “We can schedule a meeting at the beginning of the school year next year and talk more about next steps.” The Parents replied, asking the School Psychologist to send consent forms. The School Psychologist replied, “Before sending out any consent forms, we will need to hold an

evaluation planning meeting where the team discusses current concerns and any evaluation components.”

The Parents replied, “It sounds like you’re approving our evaluation request. Is that correct?” The email then goes on to ask for “tentative dates for an early September meeting.” The School Psychologist replied, “The decision to evaluate will be determined at the evaluation planning meeting, which we will hold at the beginning of the next school year. As [the Student] is up for re-evaluation next year, this timeline works well as an evaluation planning meeting would need to be held regardless ... The evaluation planning meeting is when we will determine whether we are moving forward with the evaluation request or not.” The Parents replied reiterating they would appreciate an early September meeting and stated, “Again, I am requesting IEP evaluation for autism, reading disability, and communication.”

5. In a June 18, 2024 email reply to the Parents and the School Psychologist, Case Manager 2, the Assistant Principal, and other staff, Case Manager 1 stated, “Intervention providers can’t really build out our schedules until we return from summer break ... I’ll be in touch again in August to discuss how we can best support [the Student] as [they] transition to middle school. As [the School Psychologist] mentioned, we can schedule an evaluation planning meeting in the fall.”
6. In a September 4, 2024 email to Case Manager 1, the School Psychologist, Teacher 1, and Teacher 2, the Parents stated, “[The Student] has an IEP for [a] learning disability related to reading and also struggles with writing. Is it possible to get those supports going soon? ... I also wanted you to be aware that [the Student] is on the autism spectrum and has trouble communicating ... Autism is not included in [their] IEP, but significantly impacts [their] learning and interactions. On June 9[, 2024] I requested to reassess [the Student] for autism services and would like to schedule an evaluation planning meeting to discuss this soon.”

Case Manager 1 replied the following day and stated, “As we discussed when we met on Friday, my [Special Education] service schedule went into effect this week. I’ve been checking in with [the Student] during lunch every day and will be working with [them] on reading and writing on Mondays and Thursdays. All of [the Student’s] teachers have access to [their] IEP and are aware of [their] accommodations ... We’ll get [the evaluation planning] meeting on the calendar soon.”

Case Manager 1 replied to this email on September 6, 2024 and stated, “Are you available on Thursday, September 19th” for an evaluation planning meeting “to identify which [Special Education] eligibility categories we’re evaluating for and which assessments we will use to determine eligibility. [sic]” The Parents replied that they were available.

7. On September 10, 2024, the Parents emailed Case Manager 1 asking for the Pediatric Licensed Clinical Social Worker (LCSW) to join the evaluation planning meeting and included them in the email. When the School Psychologist confirmed the purpose of the meeting and questioned the role of the Pediatric LCSW, they responded “I wanted to participate to ensure assessments for ASD are included as that is our recommendation and we believe should be the primary diagnosis in the educational setting. While we recognize medical doesn’t always

mean an educational designation, I wanted to support [the Parents] in ensuring the assessments are offered.” The School Psychologist then replied that they added the Pediatric LCSW to the meeting invitation. (D170, D175)

8. In a September 17, 2024 email to Teacher 2, the Parents indicated the Student is having “trouble keeping up [and] really struggles with handwriting and reading, and falls behind on note-taking in pretty much every subject.” Teacher 2 replied, “I am happy to make copies of notes after we do them together for [the Student] to paste into [their] notebook, if [they] fall behind.” Teacher 2 then goes on to express their desire for the Student to continue their attempts at taking notes.
9. In a September 19, 2024 email to the Parents, Case Manager 1 stated, “[The Student] has asked me for a break a few times immediately after I give someone else a break and my response is generally to ask how urgent it is because I don’t want breaks to serve as an avoidance strategy, but also don’t want [the Student] to stretch [themselves] to the point of not being able to self-regulate.”
10. In a September 19, 2024 email to the Parents, Teacher 2 shared the supports they have in place for the Student and mentioned the Student refusing to use headphones when offered. The Parents replied, “I can see that you’re doing a lot to offer supports to [the Student], and we know how frustrating that can be when [they] reject those.”
11. September 24, 2024 Progress Notes from an office visit to a private psychologist listed the reason for the visit as “[The Student] is an 11-year 8-month old with previously diagnosed autism spectrum disorder (ASD).” The date listed for this diagnosis was “October 19[, 2019] at 6.5 years old.” The Interim History about the Student’s IEP stated, “There are some accommodations [the Student] would likely benefit from that [they are] not receiving.”
12. On September 25, 2024, a private assessment of the Student was completed and documented by a psychologist. The Student “completed subtests of the Wechsler Individualized Achievement Test, Fourth Edition (WIAT-4) to examine [the Student’s] reading and writing abilities.” The results stated, “[The Student] really struggled with reading and writing tasks; [they] earned scores in the first to second grade range. The one activity [the Student] did well on was Oral Discourage [sic] Comprehension, demonstrating that [they are] able to understand when the information is presented orally. The summary and plan stated, “[The Student’s] cognitive abilities were evaluated through school and were well within the average to above average range; on the other hand, [the Student’s] reading and writing [in the WIAT-4 test] are at the first to second grade range. The significant discrepancy is consistent with a diagnosis of Specific Learning Disorder [sic] with Impairment in Reading and Written Expression ... [The Student] does meet the criteria for ADHD (Attention-Deficit/Hyperactivity Disorder), Inattentive Presentation as well.”
13. In an October 7, 2024 email to the Parents, Teacher 2 stated, “I am seeing more of a work avoidance behavior than [the Student] trying. [The Student] always leaves [to go to] the restroom during these times to avoid work as well.”

14. In an October 14, 2024 email to Case Manager 1, the Parents referred to the testing by the Student's "[Private] psychologist" and stated, "Since they show below average ability in reading and writing (around the 2nd grade-level), I just wanted to check and see how those IEP services are going. Have you been able to work with [the Student] on reading and writing each week for an hour?" Case Manager 1 replied on October 17, 2024 and stated, "I am working with [the Student's] ELA class twice a week, for a total of an hour and 40 minutes. Sometimes we work together in class (push-in), and sometimes we go to the learning center for pull[-]out ... I see [them] working really hard ... Unfortunately, the size of my caseload means that I'm not able to provide more 1:1 instruction."
15. On October 21, 2024, the Principal emailed the Assistant Director of Academic Interventions to discuss the Student's goals and recent performance levels, along with the information shared in the meeting with the Parents. The Assistant Director of Academic Interventions replied on October 28, 2024 and stated, "I'd suggest an IEP review and consider this new information to ensure the goals still match the needs. REWARDS is one of the reading curricula that [special education] has access to, so should consider if it would help."
16. On October 25, 2024, the Principal followed up in an email to the Parents and stated, "I'm working with [the Assistant Director of Academic Interventions] to better understand how to support [the Student]."
17. On November 4, 2024, the Parents sent an email to the Family Engagement Representative and stated, "There are things in [the Student's] IEP that are not happening, but also, the goals are not meeting [them] at [their] present levels (recently scored in the 1st-2nd grades). For example, [they are] supposed to receive 30 minutes each of reading and writing weekly. Today is November 4 and [the Student] has met in a group setting with [their Special Education] instructor twice."
18. On November 5, 2024, the Principal emailed Case Manager 1 to inform them about the conversation they had with one of the Parents about the Student's decoding skills. The Principal stated, "I'm hoping we can get [the Student] some support with direct instruction in decoding skills and I'm happy to help however I can." Case Manager 1 replied that one of the Parents had been in touch with them and their "schedule is completely full and I am just barely meeting all of my students' SDI minutes." The Principal replied, "I'm pretty passionate about literacy and was thinking I could do some 1-1 tutoring 2-3 days a week if we could find a good time."
19. On November 5, 2024, the Principal emailed the Parents reporting that REWARDS was a program that Case Manager 1 "should have access to that would likely support [the Student's] needs." The Principal requested to do "a screener" with the Student in the next few days. The Parents replied, "Please do."
20. In a November 7, 2024 email to the Assistant Principal, Teacher 2 described the Student's recent behavior as "really avoidant" due to them leaving class to "hide out in the bathroom and hang out in the hallway."

21. In a November 6, 2024 email to Case Manager 1, Teacher 1, Teacher 2, and the Pediatric LCSW, the Parents stated, "I just wanted to follow up on some test results we received for [the Student] from [their private] psychologist, which show reading and writing scores at 1st-2nd grade-level. Based on this new data, I would like to request an IEP review meeting at your earliest convenience in order to adjust [the Student's] goals to meet [them at their] present levels. I also feel like I still don't fully understand what instruction is currently being delivered, and would like to discuss that as well." Case Manager 1 replied to the email explaining the Student's evaluation results and IEP review meeting are due to be scheduled right after break and "in the meantime, we are continuing to work on [the Student's] reading and writing goals in ELA class on Mondays and Thursdays (sometimes push-in and sometimes in the Learning Center)." Case Manager 1 continued that the Student's comprehension skills are strong and "although these assessments highlight [the Student's] decoding struggles, they don't fully capture [their] strong comprehension abilities, which are well above a second-grade-level."

On November 8, 2024, Case Manager 1 replied to this email explaining they do not have availability for a full IEP review until after winter break, but they would be willing to do a check-in with the Parents during conferences. The Parents replied, "Are you saying that an IEP meeting cannot happen until January? It's my understanding that I have a right to request an IEP meeting at any time and that one must be provided in a reasonable [amount of] time." The email also mentioned that the May 6, 2024 IEP copy the Parents had said "draft" and the Parents stated, "[the Student's] IEP review from that time was never finished." About 35 minutes later, the Parents replied again and stated, "If you are refusing our request for an IEP meeting, please send us the Prior Written Notice (PWN) that says you have denied our request and the reasons for refusal."

On November 13, 2024, Case Manager 1 replied to the Parents (copies also went to Teacher 1, Teacher 2, the Pediatric LCSW, the Principal, and the Special Education Administrator) and stated, "I think we've had a misunderstanding. I am not refusing your request for an IEP meeting, but was explaining that my calendar before January is extremely full and the only availability in my schedule prior to [the Student's] re-evaluation being due is during conferences." The email goes on to explain a plan to create more time during conferences so they can meet. Case Manager 1 then stated, "As far as [the Student's] IEP, I'm attaching the current copy which is dated May 6, 2024 and was finalized last spring."

The Parents replied to the email asking if Case Manager 1 was proposing an IEP meeting, stated concern that services in the IEP were not being delivered, that they did not believe the service minutes for reading and writing were enough to meet the Student's needs, and that they want to understand the curriculum being used to deliver services in the IEP. They finished the email by stating, "We have concerns now [that] cannot wait until January, so I hope we can meet on November 26, [2024] to discuss further."

Case Manager 1 replied to the Parents and clarified the November 26, 2024 meeting during conferences would be an IEP amendment meeting to focus specifically on the concerns the Parents raised.

22. In a November 13, 2024 email to the Parents, the Principal let them know that, during a screening they completed with the Student, they observed the Student struggling with decoding due to “not slowing down to take words one sound at a time.” The Principal went on to explain, “In middle school, the supports shift from decoding to comprehension with the aid of modifications and accommodations (for example, audiobooks [and] text to speech.)” The Parents replied, thanking the Principal, and stated, “Another issue we’ve found out is that reading and writing services in [the Student’s] IEP have not been happening.”
23. In a November 13, 2024 email to Case Manager 1, the Principal mentioned the phonics screener they gave to the Student “placed [them] considerably lower than 5th grade in terms of decoding skills and phonemic awareness.” Case Manager 1 replied, “I understand that [their] phonics skills are lagging, but curriculum-based measures show that [they are] reading at a much higher level than the phonics screener indicates.”
24. In a November 15, 2024 email to the Family Engagement Representative, the Parents stated, “I do not agree with the comment in the writing section of the progress report since it does not match what we have been experiencing. [Case Manager 1] also told us by email that they don’t have time to provide 1:1 support.”
25. In a November 22, 2024 email reply to the Parents asking whether the Principal would be at the IEP meeting and if they would “bring up the tutoring plan”, the Principal stated, “It [the tutoring] won’t really count as SDI since I’m not a special educator, but I figure it can’t hurt and it might help give [the Student] some confidence when reading and writing.”
26. In a November 26, 2024 email to the Parents, the Pediatric LCSW shared that their biggest concern for the Student was needing more “one-to-one help with reading and PPS promises the reading specialist on their website, so this feels relevant to [the Student’s] IEP.” The Parents replied, “I did push for 1:1 support and [the Case Manager] pushed back, citing lack of capacity. I stressed that it is still a need for [the Student] that the district is not meeting. They suggested shifting minutes from social-emotional support to cover that ... A lot of the meeting focused on how great [the Student] is doing.”
27. November 26, 2024 meeting minutes stated the purpose of the meeting, “IEP amendment [and] review SDI and accommodations.” In attendance were the Parents, the Student, Case Manager 1, Teacher 1, the Principal, and the Pediatric LCSW. It was noted that the Student felt rushed in class when reading or writing, that decoding was a struggle, and that comprehension, language, and background knowledge were high. It was also noted that the Parents think academic SDI was not enough and the team would try tutoring with reading intervention for a few weeks.
28. In a December 2, 2024 email to the Principal and the Assistant Director of Academic Interventions, the Pediatric LCSW stated, “I know you, [the Principal], have been generous in offering to help with this [the Student’s reading], but [the Parents] and I are worried that this is not a sustainable option for [the Student] to learn decoding and catch up- being a principal is plenty of work, this feels like a job for the Special Education teacher.”

29. In a December 2, 2024 email to the Assistant Director of Academic Interventions and the Special Education Administrator, the Principal stated, “The Parents would really like to see the case manager using Reading Rewards with [the Student] and [Case Manager 1] is hesitant or perhaps resistant.”
30. In a December 18, 2024 email to Teacher 1, the Parents stated, “[The Student] finds using speech to text in front of others embarrassing and would like a quiet place to work on [an essay Teacher 1 messaged about].”
31. In a December 16, 2024 email to the Parents, the Principal stated, “I do think at this point, [the Student] is instructionally more than capable of grade-level reading with supports, reminders, and accommodations, and that the little bit of tutoring I’m doing will mostly help alleviate some of the strain and frustration. I do think that help with foundational skills will continue to build [their] confidence and speed, but can see [Case Manager 1’s] perspective about focusing on the skills and accommodations that support grade-level standards.” On December 18, 2024, the Parents replied, “I think if someone can keep working with [the Student] every day to build foundational skills [they’ll] eventually feel more confident.”
32. On January 10, 2025 Multi-Disciplinary Autism Spectrum Assessment Report listed dates ranging from November 8, 2024 to January 10, 2025 as times various assessments took place. The report indicated a Math MAP (Measure of Academic Progress) test result for the Fall of 2024-25 as “low” and a Reading MAP test result for the same time period as “average.”

A commentary under developmental history stated, “[The Student’s] development shows strong language skills” and the summary reported that “while [The Student] demonstrates self-awareness and emotional understanding, reactive comments (e.g., ‘no!’ or ‘none of your business’) and avoidance of adult eye contact were observed.”

In the student questionnaire, the Student stated, “The most difficult parts of school are reading and spelling,” and the Student indicated they would like continued support in these areas. (D27)

The teacher input in this report was obtained on January 7, 2025 and indicated the Student has strengths in understanding directions, providing clear information, and participating actively in discussions and assignments when interested in the topic. The Student has high comprehension skills “when information is presented auditorily.”

On January 6, 2025, the Childhood Autism Rating Scale, Second Edition (CARS2) assessment was completed and the results were that “[the Student’s] behaviors are found to be not indicative of [ASD]. [The Student’s] ratings fell in the minimal to no symptoms of ASD.”

33. A January 9, 2025 PWN stated, “The IEP team has decided to conduct a reevaluation to determine whether or not [the] Student continues to be eligible for and requires special education services.”

34. On January 10, 2025, a Disability Statement (Statement of Eligibility for Special Education for ASD) indicated the team determined that the Student was a child with ASD under the state's eligibility criteria, but did not require special education due to their ASD.
35. On January 10, 2025, a Disability Statement (Statement of Eligibility for Special Education for "Specific Learning Disability"(SLD)) indicated the team determined that the Student "meets the eligibility criteria for special education services with an eligibility of 90 - SLD" and would, therefore, continue to be eligible for special education.
36. On January 10, 2025, an Eligibility Summary Statement indicated the Parents, Case Manager 1, Teacher 1, the School Psychologist, and the Speech Language Pathologist (SLP) attended the eligibility determination meeting where the team determined the Student met eligibility criteria as both a child with SLD and ASD. The team determined that the Student required SDI for SLD but not for ASD. January 10, 2025 meeting notes indicated the Student was still eligible for SLD, and met the criteria for being a Student with ASD, but "DOES NOT REQUIRE SDI [for ASD]."
37. In a January 17, 2025 email to Case Manager 1, the Parents stated, "We were really disappointed when you left [the Student's] reevaluation meeting early last week. You said you had to leave right at 4:15 p.m. However, we did not understand that there wouldn't be enough time for the meeting to be fully completed by then ... you missed ideas that came up during the eligibility discussion. Because you are [the Student's] case manager, we expected that you would participate in that." The Parents then confirm availability for a January 23, 2025 meeting and list the following people they would like to attend the next meeting: "[Teacher 1]; [the Assistant Principal]; [The Principal]- has been working to deliver reading services in [the Student's] IEP; A dyslexia support specialist - to recommend reading supports for dyslexia; An occupational therapist - to recommend writing supports for dysgraphia."

On the same day, Case Manager 1 replied, copying the Principal and the Assistant Principal, and stated, "When I asked about inviting anyone else, I was specifically referring to someone who might come in place of [the Pediatric LCSW] as [they] mentioned that it would be [their] last day during our last meeting. I wanted to clarify that the school/district portion of [the Student's] IEP team does not include a dyslexia support specialist, an occupational therapist, or an autism specialist. If you would like to invite any professionals from outside the district, please feel free to do so!"

After a discussion with Case Manager 1, the Principal replied to this email on the same day and stated, "[The Assistant Principal] needs to be available for other duties at that time. I'll reiterate that the district team will not include the specialists that you have requested. The school team is prepared and more than adequate to address the goals and accommodations in [the Student's] IEP ... the SDI accommodations and support provided by Case Manager 1, Teacher 1, Teacher 2, and the school team is wholly appropriate for [the Student's] needs, and [they are] showing average achievement and good growth in reading as compared to [their] peers."

38. In a January 17, 2025 email to the Principal, Case Manager 1 stated, “Just following up on our conversation ... I allocated 45 minutes for the eligibility discussion. Eligibility discussions typically last 20-30 minutes, so this was an intentionally generous allocation of time ... We don’t have a dyslexia specialist ... [The Student] does not have Occupational Therapy (OT) as a related service ... [The Student] meets criteria for ASD but does not need SDI for ASD, so [their] eligibility remains SLD.”
39. On January 21, 2025, the Principal responded to a request from Case Manager 1 who asked for progress monitoring data from the work they had done with the Student. The Principal stated, “I’ve met with [the Student] for 11 15-minute sessions. Our primary focus has been on decoding and encoding r-controlled vowels and vowel teams with word work and highly controlled decodable passages using the [Out of State] Literacy Curriculum. [Results:] r-controlled ir/er/ur - decoding 100%, encoding 80%; long a - ai/ay/ - decoding 100%, encoding 80%; au/aw - decoding 95%, encoding 75%.”
40. January 21, 2025, the Parents refused to electronically sign the Eligibility Summary Agreement and stated, “Will not sign this document: We, the Parents of [the Student], do not fully agree that [the Student] is not in need of services related to [their] autism diagnosis. We cannot agree to the special education eligibility summary statement of [January 10, 2025] if it will result in the termination of social and emotional skills instruction. Now that [they are] finally receiving these services, we feel [they are] benefiting from them and would like for these services to continue. In addition, [the Student] continues to need accommodation to mitigate the impacts of sensory issues and slow processing on [their] learning. For more details please see our emailed statement.”
41. On January 21, 2025, the School Psychologist replied to the Parents, copied Case Manager 1, the Special Education Administrator, and the Principal, and stated, “There was no data to indicate that [the Student] requires a goal relating to social communication for autism or areas requiring [SDI]. We, as a team, agreed that [the Student] remained qualified for [SLD], with accommodations to support [their] autism diagnosis ... If [the Student] did not already have an IEP for [SLD], we would have recommended a 504 for accommodations for autism. As we explained at the meeting, the accommodations and social-emotional regulation goals would not be taken from [the Student’s IEP]. Eligibility is determined by data, and the data collected by the team indicates that [the Student] does not qualify for special education under the category of [ASD].”
42. In a January 21, 2025 email to the Special Education Administrator, the School Psychologist stated, “We agreed that [the Student] remains qualified for SLD, and found that while [they] did meet criteria (very narrowly) from ASD, the team was unable to demonstrate [the] need for [SDI] (all requests were for accommodations). [The Student] has had a social-emotional goal relating to [their] academic frustrations that would continue. [The] Parents [were] on board with all decisions at the meeting, however, decided not to sign and shared [a] dissent[ing] statement.”
43. In a January 26, 2025 email to Case Manager 1, the Special Education Administrator stated, “As you mentioned, OT, dyslexia specialist, and autism specialist are not required team

members. Additionally, these are not related service providers listed on [the Student's] IEP. A PWN stating [the District's response to] parents' request would be needed."

44. A January 27, 2025 PWN document stated, "On 1/17/25, [the Student's] Parents have requested via email the attendance of the Principal, the Assistant Principal, general education teachers, dyslexia support specialist, an occupational therapist, and an autism specialist at the IEP review. The district denies this request because a dyslexia support specialist, an occupational therapist, and an autism specialist are not related service providers or supports listed on [the Student's] IEP, nor [are they] required team members."
45. In a February 3, 2025 email to Case Manager 1, the Parents requested Case Manager 1 "share any proposed goals, objectives, ideas, etc. for [the Student's] IEP" before the meeting. Case Manager 1 replied, "I am attaching a draft of [the Student's] IEP. You will notice that [their] present levels are current and up to date and that [their] goal areas are defined, but the goals themselves will be developed collaboratively by the team. Similarly, I did not make changes to [their] accommodations or SDI, because those are also collaborative (team) decisions."
46. On a February 4, 2025 document titled "Parent Input and Concerns for [the Student]," concerns listed by the Parents were:
- "[The Student] still struggles to decode and write everyday words."
  - "The school does not have staff to support dyslexia, and the Principal has stepped in to fill the gap."
  - "[Special Education] services that [the Student] has been identified to receive for writing are not sufficient to meet [the Student] at [their] present levels."
  - "[The Student] was evaluated in September 2024 by a clinical psychologist, and tested below average for fine motor coordination and processing speed, and earned scores in the first and second grades for reading and writing."
  - "We also learned [the Student] met the criteria for ADHD."

The "remedies" listed by the Parents were to provide the following to the Student: the district-approved dyslexia curriculum (REWARDS), reading services delivered daily, notetaking accommodations, "writing and spelling interventions and strategies for dysgraphia that support the physical needs of writing and increase writing fluency," access to quieter workspaces and continue accommodations that help to eliminate distractions, and continued support for building "social/emotional and classroom skills." In addition, the Parents requested the inclusion of the findings from the tests with the clinical psychologist in the Student's IEP, along with "us[ing] the recommendations to develop new IEP goals."

47. In a February 5, 2025 email to Case Manager 1, copied to Teacher 1, the School Psychologist, and the Principal, the Parents requested that Case Manager 1 include "the findings from [the Student's] tests with [their] clinical psychologist" in the present levels section of the IEP.
48. February 12, 2025 meeting minutes stated the purpose of the meeting as, "IEP." In attendance were the Parents, the Student, Case Manager 1, Teacher 1, the Principal, and the School Psychologist. The document titled "Parent Input and Concerns for [the Student]" was referenced and it was noted this should be copied and pasted from the email. The parent

concerns portion of the minutes summarized that services last year felt insufficient, the Student struggles with decoding, needs more typing practice, and handwriting is hard for them. It was noted that the Parents “want [a] handwriting goal” but, “this is not middle school appropriate [and] not aligned with grade-level standards.” Under accommodations, it was noted to take off “CICO (Check-In Check-Out),” that social skills groups were not a priority, and to add scaffolded writing supports, including “less pressure to write” notes.

49. In a February 18, 2025 email to the Special Education Administrator and the School Psychologist, with a copy to the Teacher on Special Assignment (TOSA), Case Manager 1 reported they held an IEP meeting with this family [the Student and the Parents] and it was “extremely contentious and ended in an impasse for the nth time in a row.” Case Manager 1 stated, “[the School Psychologist] was also in attendance and can attest to how hostile these people are.” They go on to say another meeting has been scheduled and they are requesting the need for administrative support “to make any kind of progress with this family ... I don’t see how we can get this IEP finalized when they keep getting stuck demanding services that aren’t supported by the data.”

The School Psychologist replied to this email and stated, “It seemed like anything that was said was responded to with “I disagree” but when asked for clarity [one of the Parents] would just double down and say “I just disagree ... [one of the Parents] wanted [the Student] to have handwriting SDI ... We explained that goals need to be related to grade-level standards and that [the Student] is currently at grade-level for writing and that handwriting is not something students are working on in middle school. The [Parent] just repeated “I disagree” until we just had to end the meeting because we weren’t sure what to do.”

Case Manager 1 replied to this email and stated, “The Student is one year below grade-level in reading, has very strong comprehension skills (both via audio and when decoding on [their] own), and has been making progress in all [their] IEP goal areas. Instead of celebrating these achievements, [one of the Parents] is demanding SDI and related services that aren’t supported by the data, and rejecting all data that doesn’t support [their] opinions.”

50. In a February 19, 2025 email to the Parents, the School Psychologist connected them to an OT based on a request made at the IEP meeting the prior week. They stated, “As mentioned in the meeting, [the Student] is able to complete assignments close to/ at grade-level when typing (which is an option for all students in the class).” The OT replied to that email, copying the Special Education Administrator, the Principal, and Case Manager 1, and stated, “by third grade, we really start to change focus [from handwriting goals] towards assistive technology to assist the student in showing their knowledge on a subject, so their handwriting isn’t a hindrance ... during middle school there typically is [sic] no longer writing goals.”
51. On February 20, 2025, Teacher 2 messaged the Parents and stated, “I also told [the Student] not to stress about writing a lot for the answers, but to just try [their] best to write a little ... I’m more concerned with effort on assignments like this than nailing science concepts.”
52. In a February 26, 2025 email to the Family Engagement Representative, the Parents stated, “We have received a lot of resistance at the last IEP meeting on 2/12 [2025] and were not

able to come to [an] agreement. I'm interested in what kinds of goals and instruction would be appropriate as pretty much everything we propose – including using the district-approved reading intervention curriculum (Rewards) – keeps getting rejected.”

53. In a February 27, 2025 email, the Parents notified school staff that the Student's Chromebook was “crashy.” School staff responded the same day and instructed the Student to come by the gym the next day so the staff member could help fix it.
54. In a February 28, 2025 email, the Parents responded to the Principal's apology for the difficulty scheduling a meeting and stated, “We were hoping you could be at the next meeting because so far you're the only person that has actually provided any specialized instruction to [the Student] this year. According to [the Student's] IEP [they are] supposed to be getting 30 minutes of reading and writing instruction each, every week. When I earlier this year asked how this was going, [Case Manager 1] said they go to the ELA classroom an hour and 40 minutes a week. However, [the Student] claims they never work with [them]. We would really like to see [the Student] getting the Rewards curriculum or some other structured reading program.”

The Principal replied that the Student could “benefit from consistent and explicit reading instruction, either through a curriculum like Rewards or through [an] adaptive online tool.” They added, “I also agree with the team that the move towards adaptive strategies for comprehension is the logical and supportive choice for a middle school student.”

55. In a March 4, 2025 email to Case Manager 1, the Parents requested “the data that shows the time spent instructing [the Student] this year.” Case Manager 1 forwarded the email to the Principal asking how to respond. “Learning Center Teachers don't log SDI minutes the way [SLPs] do, and I have told [the Parents] the times and days that I work with [the Student] multiple times already. Moreover, [the Student] has been refusing to work with me in both push-in and pullouts for the last several weeks. I am requiring that [the Student] be in the room for pullout because that's what [their] IEP calls for, but [they] spend the whole time either complaining and trying to sneak out, or hiding.”

On March 6, 2025, Case Manager 1 replied to the Parents and stated, “I do a combination of push-in and pull-out with [the Student's] ELA class twice a week (96 minutes total) ... [The Student] has been refusing to participate in the [social/emotional skills] small group for the last couple of weeks and has frequently rejected my attempts to work with [them] during [Teacher 1's] class (unless there's a specific writing assignment they are working on, and even then [the Student's] somewhat resistant).” The Parents replied to this email and stated, “I would really like to know how exactly you provide 30 minutes of instruction each on reading and writing to [the Student] each week. What is the instruction? How is it helping [the Student] achieve [the IEP] goals? We are requesting that you please provide us with service logs or anything else you use to document service delivery to [the Student] since the beginning of this school year by next Wednesday 3/12 [2025]. If for some reason you are not able to provide this, then please send us a [PWN] that says why that isn't possible.”

56. In a March 5, 2025 email to the Compliance Clerk, Case Manager 1 stated, "I don't know how to say this more diplomatically, so I'm going to just be blunt. [One of the Parents] automatically and compulsively rejects everything I tell [them]. I'm hoping that if someone other than me communicates that those are the first available dates, [they] might not be as argumentative."
57. In a March 10, 2025 email response to the TOSA reaching out to support, Case Manager 1 stated the area of concern for the Student as "comprehension when [they are] doing the decoding [themselves], though assessments show it's not that big of a concern ... the work [they have] submitted this year has been at or very near grade-level."
58. In a March 11, 2025 email to the TOSA, Case Manager 1 stated, "I tried having [the Student] do a 6th grade passage yesterday but [they] had a meltdown and started screaming at me. The little reading [they] did DID show that [they] struggle with multisyllabic words, but I couldn't get any data on comprehension because [they were] too busy yelling at me."
59. A March 11, 2025 PWN stated, "Parent Request. [The District] learning center teachers are required to provide the student service schedule, the IEP, and written progress notes provided quarterly. A request for additional information, in the form of service logs, has been made by the parent. The district is denying this request." The reason for denying the request was, "Service logs are not a requirement for case managers working in [the District]. Proof of services is provided by case managers' schedules, accounting for student attendance, the current IEP, and written quarterly progress notes. These have been provided to the family." It was also noted that "Teacher schedule has been provided, the IEP is being followed, and progress notes have been completed and made available to the Parent[s]." Under relevant factors it was stated, "The team will meet on April 1st at 3:45 pm to complete the Student[s] IEP and to address any parent concerns pertinent to the Student's IEP and educational experience."
60. In a March 11, 2025 email to the Family Engagement Representative, the Parents said they received PWN that contained incorrect statements including, "At no time have we ever received a student service schedule, a case manager schedule, or a teacher schedule" and "With the exception of a few weeks of short-term reading instruction delivered by the Principal, [the Student] has not, and is not currently, receiving the reading and writing instruction in [their] IEP."
61. In a March 11, 2025 email to Case Manager 1, Teacher 1, the Principal, the Special Education Administrator, the TOSA, and the Family Engagement Representative, the Parents requested the team send them an "update of the draft IEP shared on [February 12, 2025] so we can come prepared." The Parents also included, "In addition to the other updates discussed on February 12, [2025], we are requesting the draft IEP be updated as follows: Include the goals that you are thinking about. [Case Manager 1] suggested a goal about multisyllabic words that we liked; Update student strengths. The draft contained outdated info copied and pasted from [the Student's] first IEP; Include our parent input and concerns statement as written (attached- this was requested [February 5, 2025]); Update the present levels to include these psychologist findings and WIAT-4 test results from Sept[ember] 2024." The Parents also

requested notes from previous meetings and any data that shows the time that had been spent instructing the Student on their current IEP goals.

62. In a March 12, 2025 Classroom Teachers' Report, Teacher 2 wrote, "[The Student] is also able to write simple explanations to analyze questions in science ... [The Student] struggles from time to time with putting effort in ... [they] seem to get 'stuck' on how much work it takes to write [their] thinking rather than just getting the ideas written down." They also noted the Student does not require many accommodations in math or science.
63. In a March 12, 2025 email to the TOSA, Case Manager 1 explained the ways they have shared the support schedule for SDI with the Parents including communication in person and on the phone, along with sharing it at conferences and at eligibility and IEP meetings.
64. In a March 13, 2025 email to the Parents, Case Manager 1 wrote to check in about the Student's recent behavior during SEL group. "Yesterday was the second time that [the Student] refused to come, and on two other occasions, [they were] in the room but refused to participate, attempted to sneak out, and interrupted the lesson multiple times. Each time, I reiterated that the group is required by [the Student's] IEP and is not optional. I cannot force [them] to participate in specially designed instruction, but this behavior disrupts learning for other students in the group, and [their] attitude towards me has been increasingly disrespectful over the last several weeks. The other day I was attempting to conduct a reading assessment and [the Student] started yelling/screaming at me. I understand that it can be difficult to regulate one's emotions, especially at this age, but yelling at teachers is not an acceptable behavior."

One of the Parents replied to this email the same day inquiring if Case Manager 1 had asked the Student why they were upset. "Since the beginning of this school year, [the Student] has complained to us nearly every day about not getting the reading and writing instruction in [their] IEP. So I think this is likely the main source of [their] frustration. This situation needs to be corrected. [The Student] is extremely self-conscious about [their] lagging abilities and wants so badly to improve [their] reading and spelling. [The Student] regularly expresses frustration about not getting these needs met ... Last year we had success with having [the Student] meeting with [Case Manager 2] to explain what wasn't working in [their] IEP and proposing solutions."

65. On March 19, 2025, Case Manager 1 responded to an email from the TOSA asking about the Student's progress by stating, "[The Student] has generally been refusing to work with me, so I haven't been able to collect data from the assessments I prepped for [them]."
66. In a March 19, 2025 email to the Parents, the TOSA stated, "With students who are showing the ability to show proficiency towards general education curriculum or demonstrating through assessments, like the MAP, that they [are] at or above grade-level, we will generally focus support on assisting the student in accessing and participating in what the class is doing, rather than focusing on a curriculum that will take away from the time spent working on with the class."

67. In a March 19, 2025 Classroom Teachers' Report, Teacher 1 wrote, "[The Student] is a strong writer, but will not always write." Teacher 1 included a student writing sample and then added, "[The Student] has used AI [Artificial Intelligence] to write an essay and struggles to listen to instructions. If the teacher asks to provide help, [the Student] will deny it and refuse to do an activity." Teacher 1 noted that the Student "often" has academic skills to complete assigned work and "rarely" has the ability to work independently. They added that the Student will "refuse to do assignments when not interested" and will "refuse assistance from both [Case Manager 1] and myself when [they] need it."
68. In a March 21, 2025 email to Case Manager 1 and the Principal, the TOSA wrote, "I spoke with [Case Manager 1] briefly about a writing goal ... With the present level describing the student refusal to accept teacher or peer feedback. It seems like we need to have more conversation about the appropriateness of reading goals since [the Student] is scoring so high on the assessments ... I would continue just to reference the outside evaluation and state that we are not including the full testing results because they do not match our assessments and do not seem to provide an accurate depiction compared to what our assessments show."
69. On March 25, 2025, the Special Education Administrator emailed the Parents to ensure they had all the necessary information before the April 1, 2025 IEP meeting. The Parents replied to this email reiterating they wanted to include the WIAT-3 score report in the IEP.
70. On April 1, 2025, the Parents emailed the IEP team and stated, "We would like to have some short-term objectives for the IEP goals, particularly for reading and writing. Can you please bring some ideas for short-term objectives to our meeting today?"
71. April 1, 2025 meeting minutes stated the purpose of the meeting as, "Annual IEP." In attendance were the Parents, the Student, Case Manager 1, Teacher 1, the Principal, the Special Education Administrator, and the Family Engagement Representative. The "parent concerns" were noted as "private evaluation shows academic needs, not sure what SDI looks like with push-in, lots of effort [for the Student] to keep up with decoding and writing, spelling is tough, and would like more frequent progress updates." For present levels of academic performance, it is noted that the Student "still says 'I can't read' but likes choice books, is able to do grade-level work with accommodations, reading takes a lot of cognitive effort, [and there is a] discrepancy between cognitive testing and in school performance." Ideas for reading, writing, social-emotional and classroom skills goals were shared, along with SDI minutes for those categories. Related services, accommodations, and modifications would be "discussed at [the] next meeting."
72. On an April 4, 2025 IEP Progress Report, the following progress was reported:
- a. Reading Goal 1
    - i. June 4, 2024- Progress Code "4" ("Progress has been made toward [the] goal. It appears the goal will be met by the next IEP review.")
    - ii. November 1, 2024- Score Summary 70-80%, Progress Code "4"
    - iii. January 27, 2025- Score Summary 100%, Progress Code "5" ("Performance is at or above what is required to meet the goal by the next review.")
    - iv. April 4, 2025- Score Summary 80-100%, Progress Code "5"

- b. Reading Goal 2
  - i. June 4, 2024- Progress Code “4”
  - ii. November 1, 2024- Score Summary was 5th grade-level text 104-112 WCPM with 96% accuracy, Progress Code “4”
  - iii. January 27, 2025- Score Summary was 5th grade-level text 100 WCPM with 96% accuracy, Progress Code “3” (“Progress has been made towards the goal, but the goal may not be met. Instructional strategies may need to be changed.”)
  - iv. April 4, 2025- “Insufficient evidence to report progress due to student refusal to attempt the task.”
- c. Writing Goal
  - i. June 4, 2024- Progress Code “4”
  - ii. November 1, 2024- “[The Student] had limited writing assignments this quarter and was not receptive to teacher feedback.”
  - iii. January 27, 2025- Progress Code “4”
  - iv. April 4, 2025- “[The Student] is incorporating feedback on work [they] complete. There was one writing assignment [they] refused to work on even with 1:1 adult support.

73. The IEP dated April 17, 2025 has the following changes and updates:

- a. Present Levels of Academic Performance-
  - i. The Student’s grades in core classes-
    - A. Math: Q1 (Quarter One): PR (Proficient), Q2 (Quarter two): CP (Close to Proficient), Q3 (Quarter three): PR;
    - B. Science: Q1: CP, Q2: PR, Q3: PR;
    - C. ELA: Q1: CP, Q2: PR, Q3: PR; and
    - D. Social Studies: Q1: PR, Q2: PR, Q3: CP.
  - ii. “[The Student] is currently reading late-5th grade passages at 100-110 WPM (words per minute) with 95-96% accuracy. [The Student] demonstrates strong comprehension skills, especially when using supports such as text-to-speech. [They] display avoidance behaviors around independent reading and writing tasks ... are highly resistant to reading ... able to read with fluency and accuracy ... and can write in complete sentences and able to cite textual evidence to support a claim.”
  - iii. Test scores from May 2024 indicate “highly proficient” in reading and “developing proficiency” in writing.
  - iv. Test scores from January 2025 are in the “average range” for “informational text” and “vocabulary,” and in the “high range” for “literary text.”
  - v. Test scores from September 2024 are in the “average range” for “informational text,” “vocabulary,” and “literary text.”
  - vi. Progress on annual IEP goals-
    - A. Reading- one goal “met” and one goal “not met.”
    - B. Writing- goal “met.”
    - C. Classroom/School Skills- goal “emerging/nearly met.”
    - D. Social and Emotional Skills- one goal “nearly met” and one goal “met.”
- b. The Student’s attendance rate for the school year so far was 96%.
- c. The Student had two discipline referrals, one for “class cutting/leaving without permission” and one for “physical attack/harm- harm to peer.”

- d. Description of how the Student's disability affects involvement and progress in the general education curriculum- "[The Student] meets school-age special education eligibility criteria for SLD. To meet [their] needs in the areas of Reading, Writing, Classroom Skills, and Social-Emotional Skills, [the Student] requires SDI to make progress towards [their] IEP goals."
- e. One goal for each area (Reading, Writing, Classroom/School Skills, and Social and Emotional Skills) was set.
  - i. Reading- "By [the] next annual IEP, after [their] teacher reads aloud a list of multi-syllabic grade-level words that follow pre-taught spelling rules, [the Student] will independently use a pre-taught, self-selected strategy to spell each word with 80% accuracy (e.g., 8 out of 10 words spelled correctly), in 3 out of 4 spelling assessments."
  - ii. Writing- "By next annual IEP, given a spoken sentence that contains a grade-level word with a suffix (e.g., -sion, -tion, -able, -ible) and 3 written spelling choices for the word, [the Student] will circle the correct spelling of the word by recalling knowledge of spelling patterns, for 4 out of 5 words, on 3 out of 4 progress monitoring assessments."
- f. SDI for reading and writing was maintained. SDI for Social and Emotional Skills, provided by a Special or General Education Teacher, was changed to 30 minutes per week (instead of 60 minutes per week).
- g. Added Relevant Accommodations -
  - i. Reading and Writing Supports- access to text-to-speech and speech-to-text/dictation during note-taking, access to audiobooks when available, scaffolded writing supports (e.g., graphic organizers, guiding questions).
  - ii. After in-class note-taking, provide a teacher/peer copy of notes if needed.
  - iii. No penalty for spelling errors, unless spelling is the skill being assessed.
  - iv. Extra time if needed to complete assignments (e.g., 1.5 times the original allocation).
  - v. Access to sensory tools (e.g., chewing gum, non-edible oral sensory toys, noise-cancelling earbuds, etc.) as needed.
- h. The extent of removal was reduced to 30 minutes per week.

74. April 17, 2025 meeting minutes stated the purpose of the meeting as, "Finish SDI, discuss accommodations and the rest of the IEP." In attendance were the Parents, the Student, Case Manager 1, Teacher 1, the Principal, the Special Education Administrator, and the Family Engagement Representative. Under Parent Concerns, it was noted that the Parents questioned how reading instruction will be decided and "where to begin in scope and sequence," with an answer to "do [a] placement test and begin there." The Parents also inquired about progress monitoring and noted they wanted additional communication. Under "accommodations" notes referenced items added to the IEP. Notable was providing a copy of notes "if needed" and that the removal from general education was "mostly [the] Rewards [curriculum]."

75. The Student's May 13, 2025 Grade 6 ELA state assessment scores show them at "performance level two," with an interpreted score of 2440 - 2506. Scores for the prior year's Grade 5 ELA state assessment show the Student at "performance level three," with an interpreted score of 2492 - 2546. Level two indicates the "[S]tudent has nearly met grade-level achievement" and level three indicates "the [S]tudent has met the grade-level achievement standard."

76. During the complaint period in the 2024-25 school year, the Student was absent three full days and had six days where they were partially absent, with four of the six being absent 0.14 percent of each of the full days.
77. The Student's fourth quarter report card for the 2023-24 school year showed the Student was "progressing toward grade-level expectations" for all reading and writing categories, except for "comprehends fiction and nonfiction texts appropriate for fifth grade," in which the Student was "meeting grade-level expectations."
78. In response to an emailed question on June 27, 2025, the Principal confirmed that when a student has a broken Chromebook, there are generally "loaner" Chromebooks available through the general education and special education teachers.

## **Interviews**

79. In an interview with the Complaint Investigator, the Principal explained they tutored the Student for 20 minutes per day, for about eight weeks. When asked if the tutoring was required for the Student to make progress, the Principal replied, "No. [The Student] was already performing well in [their] grades and grade-level and on [MAP] testing without it. This was to provide [the Student] self-confidence."
80. The Principal recalled, "All of [the Student's SDI] minutes were being met outside of my tutoring ... [The Student] also receives push-in and pull-out services for reading ... For writing, similar support in scaffolding with classroom writing assignments. Again, not encoding and decoding, but closer to grade-level writing."
81. In regard to IEP meetings for the Student, the Principal indicated there was some disagreement by the Parents around the strengths listed in the IEP. When asked how the IEP team addressed the disagreement, the Principal replied, "They agreed to revise the statement at the following meeting and make changes."
82. In an interview with the Complaint Investigator, the TOSA stated, "We do not require service logs from teachers and so we can't provide them." They went on to explain that documentation of services provided could be through progress notes, a teacher's notes, maintaining a schedule, and having accurate attendance to show that a student was with a teacher when they were supposed to be."
83. The TOSA summarized the complexity of the situation with the Student by explaining the IEP team had "data to suggest that the Student is a skilled reader and even with access to accommodations on standardized testing, which they scored very highly in, [there is] also data in the IEP to suggest that there were fairly strong fluency skills at the fifth grade-level when [the Student] was in sixth grade ... And I know that there was an outside evaluation done, and I consulted with some of my supervisors on if we have this outside evaluation data, but it runs counter to what we have in the district, how should we interpret it? And I think

that it was determined that we should rely on the assessments that we understand and know and have context for, and we can be confident in that data.”

84. In an interview with the Complaint Investigator, the School Psychologist explained that the IEP team chose to keep the Student’s social-emotional goal because it was tied to the need for coping skills when an academic task was not going well.
85. The School Psychologist stated, “I sat in meetings where [Case Manager 1] could say something and the verbatim response from the [one of the] Parent[s] would be ‘I disagree.’ The team would say, could you explain why you disagree, and [they’d] say, ‘I just disagree.’ And then myself or [the Principal] would say the same thing and [the Parents] would be like ‘Oh, I understand.’”
86. The School Psychologist recalled “When [Teacher 1] shared that [the Student] is pretty much at grade level when it came to writing essays and making amazing growth, [one of the Parents] would be like, ‘Well, I disagree.’ And [Teacher 1] was like, ‘Well, I’m [their] teacher and I’m showing you that this is [their] work, and I’m telling you that it meets the guidelines of being at grade-level, I’m the teacher who grades it and it met expectations,’ and that would be met with ‘I disagree.’ [It] was a common catchphrase.”
87. The School Psychologist indicated that the Parents were “highly influenced by the outside evaluation that showed [the Student] was at a lower level.”
88. The School Psychologist reported that the Student “is good at advocating for [themselves]” and the items they found helpful and not helpful aligned with the accommodations in the IEP.
89. In an interview with the Complaint Investigator, the Family Engagement Representative recalled they had a lot of conversations with one of the Parents, thinking that it was somewhere between seven and ten. These conversations were regarding concerns that the Student’s IEP was not being followed and the Parents wanted to know their rights and how to navigate that. They also discussed accommodations and reviewed the Student’s IEP.
90. In an interview with the Complaint Investigator, Case Manager 1 explained that one of the Parents asked for more daily reading instruction, and because the Student had made progress on their goals and the accommodations allowed them to access the general education curriculum, the IEP team did not want the Student further removed from general education. “The purpose of the IEP is to provide or help students access content. And so what the Parents were asking for seemed in direct conflict with keeping grade-level access because pulling [the Student] out of gen[eral] ed[ucation] means [they are] not getting gen[eral] ed[ucation] content.”
91. Case Manager 1 stated, “[The Student] has been very, very, very resistant to using those things [writing supports], but [they] will revise [their] writing after receiving feedback on it.”
92. When asked if the Parents described their reasons for not believing the data presented at the IEP meetings, Case Manager 1 stated, “Their attitude was more just kind of automatic

disagreement, seemingly. I don't know what's in their heads, but the way that they responded to things that I said was a very quick, 'I don't agree.' And then somebody else from the team would say the same thing and they were like, 'Oh, okay.' So it became sort of personal."

93. When asked about SDI that Case Manager 1 provided to the Student throughout the year, they recalled, "I would be in [ELA/Social Studies] class with [them] and several other students from my caseload, and I would often take a group of kids back to the learning center, but not always, it really depended on what they were doing in class. But I would work with [the Student] or try to work with [them] on reading, especially if they had a reading [assignment] that had comprehension questions. I would sit with [them] and offer to read with [them]. [They] usually told me [they] did not want that, and often rejected my offers of support and instruction." When asked how Case Manager 1 would respond when the Student refused they stated, "I would say things like, I can't force you to work with me, but it is my job to provide instruction. I'm trying to follow your IEP."
94. In an interview with the Complaint Investigator, the Parents and the Student claimed the speech-to-text accommodation was not available to the Student from the "middle of third quarter" through the end of the school year due to their Chromebook being broken.
95. The Parents stated, "With this case manager, it was kind of not getting information whatsoever, hearing from [the Student] that no one's helping [them] and in the notes that I saw from the meetings, I saw comments like need to push through discomfort and how instruction wasn't supported in the data ... It almost appears like [Case Manager 1] just doesn't understand that [they] need to be providing these instructions. Our experience with the previous special education instructor was totally different. We would get feedback and they were actively working on decoding."
96. The Parents stated, "[The Student] has said many times that [they] want to learn how to spell and the teacher has said, 'it's not my job to teach spelling. We don't teach spelling in school.' It's hard for me to accept that."
97. When asked what data the Parents expected to receive when requesting service logs of SDI, the Parents indicated, "Notes of what was covered is what I was fishing for. But because my understanding is that [with] an IEP, the whole point is that it's measuring progress. So how can you even have a progress report if there's no data being collected?"
98. When asked about the January 10, 2025 Eligibility Summary Statement signature the Parents stated, "Initially I had marked disagree ... I wasn't sure what I was agreeing to ... I think I was able to understand more ... as we progressed through multiple IEP meetings that [social-emotional support] was still going to be a service."
99. The Parents indicated, "[The Student] does have a pattern of work refusal, and that is something we've been trying to mitigate with social-emotional learning ... Mostly [work refusal] was [with] the emotional learning stuff because [the Student] kind of outgrew it ... Work refusal was a huge issue throughout the fifth grade. There was also just a lot of meetings and communication to work through it ... But I think it happened to some degree sometimes."

100. The Student indicated they never refused work in the class when the Case Manager was there to help. The Student also stated, “[Case Manager 1] never came up to me and asked me to work unless it was an assignment. If they guessed I needed help, sometimes I did and sometimes I didn’t.” When asked for clarity, the Student stated, “If [Case Manager 1] was in the classroom at the time and we were doing something, they would approach me and [ask] do you need help? And sometimes I would say yes and sometimes I would say no, if I needed help or not.” When asked what topic the Student didn’t receive help or instruction in, the Student stated, “usually reading [and] writing.”

## **IV. DISCUSSION**

### **When IEPs Must be in Effect**

The Complaint alleged that the District violated the IDEA by not providing special education services for reading and writing in accordance with the Student’s IEP.

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. 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. 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 implementation of a student’s IEP. Each teacher and service provider described in the IEP must be informed 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.<sup>3</sup>

The Student’s IEPs that were in effect for the Complaint period focused primarily on reading, writing, and social-emotional skills related to academic frustration associated with their SLD. SDI was to be provided by a General Education Teacher or Special Education Teacher. Over the course of the Complaint period, the Parents frequently disagreed with the District’s data related to the Student’s performance, citing a private evaluation that revealed much lower results than District data. The Parents made requests of the IEP Team related to reading and writing support, social-emotional support, and handwriting goals.

When the Parents made requests of the District, the IEP Team responded by considering those requests and making determinations aligned with the data available regarding the Student. There is disagreement between the Parties as to level of the Student’s willingness to participate in SDI, with the District indicating significant work refusal and the Parent and Student indicating SDI was not offered. The record therefore provides conflicting evidence regarding the provision

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<sup>3</sup> OAR 581-0510-2220(1)(2)(3)

of SDI by Case Manager 1, with schedules and attendance records showing that the Student was afforded the opportunity to receive the SDI required by their IEP, but the Parents disputing that it was provided in accordance with the IEP. The District does not require specific data, such as service logs, be kept by special education teachers to demonstrate implementation of the IEP, but provided evidence through the interview process and other records (e.g., teacher schedule, student attendance records) that SDI was provided generally in alignment with the requirements of the Student's IEP. Further, progress reports indicate that the Student made consistent progress towards their IEP goals and were close to, at, or above grade-level standards and expectations according to multiple district assessments.

While the Parents expressed concerns and perceived a lack of consistent one-on-one instruction and the provision of specific services, the evidence indicated that the District made ongoing efforts to provide instruction, accommodations, and support aligned with the Student's IEP and assessed needs in reading and writing. Communication records show Case Manager 1's regular engagement in push-in and pull-out services. Delivery of services typically changes in the transition to middle school, with multiple general education teachers and the case manager providing SDI. The communication records, teacher feedback forms, and interviews illustrated that the SDI minutes for reading and writing goals, specifically for comprehension, reading rate, and using teacher feedback, were being provided by the special education and general education teachers. The Student's progress reports demonstrate that the Student was generally making progress towards their goals, despite some noted avoidance behaviors. The District consistently referenced its assessment data, which often showed higher performance than outside evaluations, and provided a rationale for its instructional decisions and for not providing certain requested services or specialists based on the Student's eligibility and the data available to the IEP team.

The Department does not substantiate this allegation.

### **Access to Education Records**

The Complaint alleged that the District violated IDEA by not providing special education data when requested by the Parents on March 4, 2024.

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 the Family Educational Rights and Privacy Act (FERPA). 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, 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.<sup>4</sup>

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<sup>4</sup> OAR 581-015-2300(1)(2)(3)(a)(b)

On March 4, 2025, the Parents requested data on instruction time from Case Manager 1, who informed the Principal that Learning Center Teachers do not log SDI minutes like SLPs and that the push-in/pull-out schedule had already been shared with the Parents multiple times. Case Manager 1 also noted the Student's refusal to work for several weeks. On March 6, 2025, Case Manager 1 replied to the Parents, detailing a combination of push-in and pull-out ELA class sessions (96 minutes total) and mentioning the Student's refusal to participate in social/emotional groups and resistance during class.

On March 11, 2025, a PWN stated the District denied the Parents' request for service logs because they are not required for District case managers. Proof of services, including case managers' schedules, student attendance, the current IEP, and quarterly progress notes, had been provided. On the same day, the Parents emailed the Family Engagement Representative, claiming they had not received a student service schedule, case manager schedule, or teacher schedule. In a separate email on March 11, 2025, the Parents requested an updated draft IEP, including proposed goals, updated student strengths, their parent input and concerns statement, and updated present levels with psychologist findings and WIAT-4 test results from September 2024. They also requested notes from previous meetings and data showing the time spent instructing the Student.

The District does not require service providers to maintain service logs, but documents services through progress notes, teacher's notes, schedules, and attendance. In their interview, the Parents said they expected the District to provide service logs that showed notes of what was covered and data collected to measure progress. Case Manager 1 reiterated in their interview that they had shared the support schedule for SDI through various means, which is what was requested on March 4, 2025.

While the Parents explicitly requested "service logs" or "notes of what was covered," which the District stated it does not require case managers to maintain, the District demonstrated that it provided proof of services through other means, including case managers' schedules, student attendance records, the current IEP, and written quarterly progress notes. Case Manager 1 also stated they had communicated the service schedule multiple times in person, by phone, at conferences, and during IEP meetings. Furthermore, the District provided documentation and updates to the Parents, including a draft IEP, and engaged in ongoing communication to ensure the Parents had the necessary information regarding the Student's educational progress and services.

The Department does not substantiate this allegation.

### **Content of the IEP**

The Complaint alleged that the District violated IDEA by not developing an IEP that enabled the Student to make progress with reading and writing, and the reading scores included in the IEP are misleading as they do not indicate that the test was read to the Student.

The IEP must include a statement of the child's present levels of academic achievement and functional performance, including how the child's disability affects the child's involvement and

progress in the general education curriculum. A statement of measurable annual goals, including academic and functional goals (and, for children with disabilities who take alternate assessments aligned to alternate achievement standards, a description of short-term objectives) designed to meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum and meet each of the child's other educational needs that result from the child's disability are also required. Further required is a description of how the child's progress toward meeting the annual goals will be measured and when periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided within the IEP.<sup>5</sup>

The IEP also requires a statement of the specific special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child to advance appropriately toward attaining the annual goals and to be involved and progress in the general education curriculum and to participate in extracurricular and other nonacademic activities including to be educated and participate with other children with disabilities and children without disabilities. Also required are the projected dates for initiation of services and modifications and the anticipated frequency, amount, location and duration of the services and modifications described in subsection (1)(d) of this rule. An explanation of the extent, if any, to which the child will not participate with children without disabilities in the regular class and activities described in subsection (1)(d) of this rule.<sup>6</sup>

An IEP must further include a statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and district-wide assessments of student achievement that are needed for the child to participate in the assessment. A child may not be exempt from participation in State or district-wide assessment, including extended and juried assessments, because of a disability, unless the parent has requested an exemption under OAR 581-022-0612. If the IEP team determines that the child must take the alternate assessment instead of the regular Statewide or a district-wide assessment, a statement of why the child cannot participate in the regular assessment, and why the alternate assessment is appropriate for the child must all be included in the IEP.<sup>7</sup>

The IEP team met multiple times over the course of the Complaint period to review the Student's progress, determine eligibility, and ensure the IEP reflected Student needs. The Parent's requested further reevaluations, which the District completed and used to inform development of the IEP. Private evaluations provided by the Parent provided contradictory information from data gathered within the District. This discrepancy resulted in ongoing disagreement between the Parent and the District about the accuracy of the Student's statements of Present Levels of Academic Achievement and Functional Performance, measurable annual goals, and services to be provided. At times, the Student refused to engage with the SDI being offered by the District, which limited their ability to document specific

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<sup>5</sup> OAR 581-015-2200(1)(a)(b)(A)(B)(c)

<sup>6</sup> OAR 581-015-2200 (1)(d)(A)(B)(C)(e)

<sup>7</sup> OAR 581-015-2200 (1)(g)(A)(B)

progress towards some goals. The IEP team worked to address the Student's behavior through Social/Emotional goals in the IEP.

When the Parents had disagreements with the District regarding the content of the IEP, the IEP team met to consider the Parent's input and made multiple changes to the IEP based on that input. While the District acknowledged and considered the outside evaluations, the impact of those evaluation results was not seen in the educational setting. The District appropriately tailored the IEP to enable the Student to make progress in light of their circumstances and the Student was, in fact, making progress. Multiple sources of data from within the District indicated a Student who was performing at, near, or above grade-level, with specific needs related to accessing the general education curriculum.

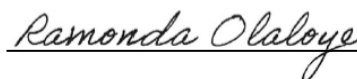
The District's IEPs consistently included statements of the Student's present levels of academic achievement and functional performance, measurable annual goals, descriptions of how progress would be measured, and appropriate SDI and accommodations, all in accordance with IDEA requirements. The District provided a clear rationale for relying on its own data, which it understood and could contextualize, even when it differed from external evaluations. Furthermore, the IEP was regularly reviewed and updated to address the Parents' concerns and incorporate relevant accommodations, reflecting an ongoing effort to meet the Student's evolving needs and ensure progress in the general education curriculum.

The Department does not substantiate this allegation.

**VII. CORRECTIVE ACTION**  
*In the Portland School District*  
*Case No. 25-054-030*

No corrective action is ordered in this matter.

Dated: this 9th Day of July 2025

  
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Ramonda Olaloye  
Assistant Superintendent  
Office of Enhancing Student Opportunities

E-mailing Date: July 9, 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).)