BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of Salem-Keizer SD 24J	)	FINDINGS OF FACT,
	)	CONCLUSIONS,
	)	AND FINAL ORDER
	)	Case No. 25-054-052

I. BACKGROUND

On July 31, 2025, the Oregon Department of Education (Department) received a written request for a special education complaint investigation from a teacher (Complainant) who taught at a school in the Salem-Keizer School District (District). The Complainant requested that the Department conduct a systemic 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 August 5, 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 August 19, 2025.

The District submitted a *Response* on August 19, 2025, denying the allegations, providing an explanation, and submitting documents supporting the District's position. The District submitted the following relevant items:

1. SE Placement of Self Contained, 2024-25 School Year
2. Classified Support Roster, 10/09/24
3. Coverage for Staff in Dev K-2, no date
4. Screenshot of Chat Messages, 09/05/24-12/03/24
5. Adult Supports Required in Individualized Education Programs (IEPs) in the Developmental K-2 Classroom, 2024-25 School Year
6. Room 13 Daily Schedule, no date
7. Timeline for Support for Spring, 01/06/25-05/22/25
8. Absentee Reports for Instructional Assistants 1, 2, 3, 4, 6, 7, 8, 9, and 10, 08/28/24-06/11/25

[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. Emails between parties, 08/05/24-06/03/25
10. [Student 1] IEP, 10/16/24
11. [Student 1] IEP Progress Report, 06/12/25
12. [Student 1] Conference Summary, 10/16/24
13. [Student 1] Prior Written Notice (PWN), 10/16/24
14. [Student 1] Daily Attendance Profile, 2024-25 School Year
15. Emails between parties, re: Student 1, 10/01/24-10/11/24
16. [Student 2] IEP Progress Report, 03/12/25 and 6/13/25
17. [Student 2] IEP, 06/04/24 and 05/06/25
18. [Student 3] Matrix, 09/19/22
19. [Student 3] IEP, 05/15/25
20. [Student 3] IEP Progress Report, 03/12/25 and 06/12/25
21. [Student 3] Safe Eating Protocol, 05/20/25
22. [Student 3] Conference Summary, 05/20/24 and 05/15/25
23. [Student 3] Special Education Placement Determination, 05/15/25
24. [Student 3] Prior Written Notice, 05/15/25
25. [Student 3] Parent/Guardian Consent for Individual Evaluation, 05/15/25
26. [Student 3] Daily Attendance Profile, 2024-25 School Year
27. [Student 3] OT Team Notes, 2024-25 School Year
28. Email, re: Meeting with Parent [Student 3], 04/04/25
29. [Student 4] Autism Notes/Autism Team Contact Log, 01/10/24-01/09/25
30. [Student 4] Eligibility Summary Statement, 02/11/25
31. [Student 4] Evaluation Report, 02/11/25
32. [Student 4] IEP Progress Report, 12/06/24 and 03/13/25
33. [Student 4] Progress Period Detail, 06/13/25
34. [Student 4] IEP, 02/11/25
35. [Student 4] IEP AMENDMENT, 02/11/25
36. [Student 4] Conference Summary, 02/11/25 and 06/10/25
37. [Student 4] Special Education Placement Determination, 02/11/25 and 06/10/25
38. [Student 4] Prior Written Notice, 02/11/25 and 06/10/25
39. [Student 4] Daily Attendance Profile, 2024-25 School Year
40. Email, re: [Student 4], 04/10/25-04/16/25
41. [Student 5] IEP, 01/24/24 and 01/14/25
42. [Student 5] IEP Progress Report, 12/06/24 and 06/13/25
43. [Student 5] Meeting Log with Notes, 04/11/24-01/14/25
44. [Student 6] Eligibility Summary Statement, 01/16/25
45. [Student 6] Evaluation Report, 01/16/25
46. [Student 6] Statement of Eligibility for Special Education - Autism Spectrum Disorder (82), 01/16/25
47. [Student 6] IEP, 01/29/24
48. [Student 6] IEP Progress Report, 12/06/24 and 06/13/25
49. [Student 6] Conference Summary, 10/01/24 and 01/16/25
50. [Student 6] Prior Written Notice, 10/01/24 and 01/16/25
51. [Student 6] Parent/Guardian Consent for Individual Evaluation, 10/01/24
52. [Student 6] Augmentative Communication Evaluation Report, 01/16/25
53. [Student 7] Eligibility Summary Statement, 01/24/25

54. [Student 7] Evaluation Report, 01/24/25
55. [Student 7] IEP, 01/26/24 and 01/24/25
56. [Student 7] IEP Progress Report, 06/13/25
57. [Student 7] Conference Summary, 01/24/25
58. [Student 7] Special Education Placement Determination, 01/26/24 and 01/24/25
59. [Student 7] IEP AMENDMENT, 01/26/24
60. [Student 7] Augmentative Communication Evaluation Report, 04/29/24
61. [Student 7] Daily Attendance Profile, 2024-25 School Year
62. [Student 7] Autism Team Notes, 2024-25 School Year
63. [Student 7] OT Team Notes, 2024-25 School Year
64. [Student 8] IEP, 02/23/24 and 02/21/25
65. [Student 8] IEP Progress Report, 12/06/24 and 06/12/25
66. [Student 8] Conference Summary, 02/21/25
67. [Student 8] Prior Written Notice, 02/21/25
68. [Student 8] Daily Attendance Profile, 2024-25 School Year
69. [Student 9] IEP, 06/06/24 and 06/04/25
70. [Student 9] IEP Progress Report, 03/12/25 and 06/12/25
71. [Student 9] Conference Summary, 06/04/24 and 06/04/25
72. [Student 9] Special Education Placement Determination, 06/06/24 and 06/10/25
73. [Student 9] Prior Written Notice, 06/06/24 and 06/10/25
74. [Student 9] Parent/Guardian Consent for Individual Evaluation, 05/28/24
75. [Student 9] Notice of Team Meeting, 05/28/24
76. [Student 9] Daily Attendance Profile, 2024-25 School Year
77. [Student 10] Statement of Eligibility for Special Education - Autism Spectrum Disorder 82, 03/10/23
78. [Student 10] IEP, 05/16/24 and 02/28/25
79. [Student 10] IEP Progress Report, 06/12/25
80. [Student 10] Prior Written Notice, 01/10/25 and 02/28/25
81. [Student 10] Special Education Placement Determination, 02/28/25
82. [Student 10] IEP AMENDMENT, 05/16/24
83. [Student 10] Conference Summary, 05/16/24
84. [Student 10] Parent/Guardian Consent for Individual Evaluation, 10/14/24
85. [Student 10] Daily Attendance Profile, 2024-25 School Year
86. [Student 10] Autism Team Notes, 2024-25 School Year
87. [Student 10] OT Team Notes, 2024-25 School Year
88. Email, re: [Student 10] Follow-up, 10/14/24-11/21/24
89. [Student 11] IEP, 01/25/24 and 01/21/25
90. [Student 11] IEP AMENDMENT, 01/21/25
91. [Student 11] IEP Progress Report, 06/12/25
92. [Student 11] Conference Summary, 01/21/25
93. [Student 11] Prior Written Notice, 02/12/25
94. [Student 11] Daily Attendance Profile, 2024-25 School Year
95. [Student 11] Notice of Team Meeting, 01/10/24
96. Emails between parties, re: Student 11, 11/07/24-02/17/25
97. [Student 12] IEP, 05/22/24 and 05/13/25
98. [Student 12] IEP Progress Report, 03/12/25 and 06/12/25

99. [Student 12] Safe Eating Protocol, no date
100. [Student 12] IEP AMENDMENT, 05/22/24
101. [Student 12] Daily Attendance Profile, 2024-25 School Year
102. Emails between parties, re: Student 12 08/30/24-11/15/24
103. [Student 13] Eligibility Summary Statement, 11/19/24
104. [Student 13] IEP AMENDMENT, 11/19/24
105. [Student 13] Extended School Year (IEP) - Pre-Break/Post-Break & Recoupment Data, 04/11/25
106. [Student 13] IEP, 11/19/24
107. [Student 13] IEP Progress Report, 06/13/25
108. [Student 13] Special Education Placement Determination, 11/19/24
109. [Student 13] Prior Written Notice, 09/12/24
110. [Student 13] Daily Attendance Profile, 2024-25 School Year
111. [Student 14] IEP, 01/08/24 and 01/10/25
112. [Student 14] IEP AMENDMENT, 01/08/24 and 01/10/25
113. [Student 14] Extended School Year (IEP) Pre-Break/Post-Break & Recoupment Data, 04/11/25
114. [Student 14] IEP Progress Report, 12/06/24 and 03/17/25-06/11/25
115. [Student 14] Prior Written Notice, 07/10/24
116. [Student 14] Conference Summary, 06/05/25 and 06/10/25
117. [Student 14] Special Education Placement Determination, 01/10/25 and 06/05/25
118. [Student 14] IEP Progress Report - Annual Goal, 03/21/24
119. [Student 14] Daily Attendance Profile, 2024-25 School Year
120. [Student 15] Eligibility Summary Statement, 10/29/24
121. [Student 15] Evaluation Report, 10/29/24
122. [Student 15] Occupational Therapy Evaluation, 10/23/24
123. [Student 15] Statement of Eligibility for Special Education - Autism Spectrum Disorder (82), 10/29/24
124. [Student 15] IEP Progress Report, 12/06/24, 03/12/25, and 06/12/25
125. [Student 15] IEP, 10/29/24
126. [Student 15] IEP AMENDMENT, 10/29/24
127. [Student 15] Conference Summary, 10/29/24 and 04/14/25
128. [Student 15] Prior Written Notice, 10/29/24
129. [Student 15] Daily Attendance Profile, 2024-25 School Year

The Complainant did not submit a *Reply*.

The Complaint Investigator interviewed the Complainant on September 22, 2025. From September 18, 2025 to October 2, 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 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 August 1, 2024, to the filing of this Complaint on July 31, 2025.

Allegations	Conclusions
When IEPs Must Be In Effect The Complaint alleged the District violated the IDEA by failing to provide special education and related services as outlined in the IEPs of students enrolled in the Developmental K-2 classroom at an elementary school within the District. (OAR 581-015-2220; 34 CFR §300.323)	**Substantiated In Part** The District failed to provide special education and related services as outlined in the IEP of one of the students enrolled in the Developmental K-2 classroom at an elementary school within the District.
Free Appropriate Public Education (FAPE) The Complaint alleged that the District's failure to implement the special education and related services, as described in the IEPs of the students enrolled in the Developmental K-2 classroom at the Elementary School, denied the students a FAPE.	**Substantiated In Part** The District's failure to implement the special education and related services, as described in the IEPs of the students enrolled in the Developmental K-2 classroom at the Elementary School, denied one of the students a FAPE.

REQUESTED CORRECTIVE ACTION
The following corrective action is requested: ● Improve staff-to-student ratios by increasing adult support to a level where the available staff has a reasonable capacity to provide support based on student needs. ● Compensatory education and resources for all affected students.

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 August 1, 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.

Student Information

Student 1

1. Student 1 is a rising third grader in the Developmental K-2 Classroom in the District. Student 1 is kind, good at following directions, and working with other students. Student 1 is an artist and appears to have a photographic memory.

2. The Complainant emailed the Itinerant Special Education Case Manager on October 10, 2024. They explained Student 1 could orient a book correctly, but not read the words on their own. They described that Student 1 could count but struggled with putting two numbers together.

3. Student 1's IEP, dated October 16, 2024, indicated:
    a. Student 1 was eligible for special education services under the category of Developmental Delay (DD).
    b. In the Self-Help/Adaptive part of the present levels section, it was written Student 1 required some adult assistance in the bathroom because they were not toilet trained.
    c. Student 1 required access to a high-tech Augmentative and Alternative Communication (AAC) device to support communication.
    d. For Assessment Participation in reading and math, Student 1 would receive:
        i. "Breaks as needed/break up test into shorter sessions";
        ii. "Access to augmentative communication device/alternate response option"; and
        iii. "Staff support (may need to be 1:1) for focus and follow through, accessing the software."
    e. Specially designed instruction (SDI) school wide, from the Special Education Teacher, from October 17, 2024 through October 15, 2025, in the following areas:
        i. Reading/Language Arts, 100 minutes per week;
        ii. Written Language, 100 minutes per week;
        iii. Mathematics, 100 minutes per week;
        iv. Self-Regulation, 30 minutes per week; and
        v. Functional Communication, 100 minutes per week.
    f. Related Services from October 17, 2024 through October 15, 2025, in the following areas:
        i. Transportation services at home/community/school location, for 60 minutes round trip; and
        ii. Speech/Language Services provided by the SLP (SLP), school wide, for 60 minutes per month.
    g. Supplementary Aids/Services school wide, from the special education teacher, from October 17, 2024 through October 15, 2025, in the following areas:
        i. Adult assistance for self-regulation and bathroom needs, for 60 minutes throughout the day;

ii. Visual supports such as first/then steps in routine, choices, and self-calming strategies, for 90 minutes throughout the day;
iii. Giving Student 1 time to process directions, for 30 minutes throughout the day;
iv. Sensory and oral fidgets for 60 minutes throughout the day;
v. Access to augmentative communication system(s) for 300 minutes throughout the day; and
vi. Dynamic seating (wiggle stool, rocking chair, IKEA chair, cube chair) for 300 minutes throughout the day.

h. The IEP team determined Student 1 would be away from their typical peers for 300 out of the 360 minutes of the school day. Student 1 would receive specialized instruction in a self-contained classroom to address areas of need.

4. Relevant Information from a Conference Summary, dated October 16, 2024, indicated:
   a. Student 1's Parents noticed Student 1 had increased speech, but did not seem to be performing well in math.
   b. Accommodations:
      i. "Remove adult assistance for transitions and safety commands. [Student 1] [h]as done well and [is] only needing monitoring as a group. [There are] [n]o concerns of eloping at school";
      ii. "Remove visual supports for safety commands. [Student 1] [d]oes well with following verbal command"; and
      iii. "Preferential seating - no longer needed."

5. A PWN, dated October 16, 2024, confirmed the updates to Student 1's SDI and accommodations as included in the conference summary from the same day.

6. Student 1's IEP Progress Report, dated June 12, 2025, contained information about their annual goals. The report defined a progress code of "3" as "Progress has been made towards the goal, but the goal may not be met" and a code of "4" as "Progress has been made towards the goal. It appears that the goal will be met by the next IEP review." The report provided progress codes for the following goals:
   a. Self-Regulation
      i. "By October 2025, [Student 1] will attend and engage in non-preferred activity for at least 3, 5, and then 10 minutes for 4 out of 5 opportunities over 3 school days."
         1. December 6, 2024 - code 3.
         2. March 12, 2025 - code 4; and
         3. June 12, 2025 - code 4.
      ii. "By October 2025, [Student 1] will use an appropriate strategy to gain attention or to share (e.g. tap on shoulder, use AAC device, say "teacher") in 4 out of 5 observed opportunities."
         1. December 6, 2024 - code 3.
         2. March 12, 2025 - code 4; and
         3. June 12, 2025 - code 4.
   b. Reading/Language Arts

i. "By October 2025, given a pre-primer text consisting CVC words and familiar sight words, [Student 1] will read the text fluently with 80% accuracy in 3 out of 4 progress monitoring."
    1. December 6, 2024 - code 3.
    2. March 12, 2025 - code 3; and
    3. June 12, 2025 - code 4.
ii. A short-term objective/benchmark which stated, "[Student 1] will blend sounds to decode 20 CVC words. Given pre-primer Dolch sight word list, [Student 1] will visually recognize and state the word for 38 out of 40 words in 3 out of 4 progress monitoring."
    1. December 6, 2024 - code 3.
    2. March 12, 2025 - code 3; and
    3. June 12, 2025 - code 4.
iii. "By October 2025, during a shared reading of an illustrated, independent level text, when asked to identify an illustrated detail from the text … [Student 1] will point to the detail in the image with 80% accuracy in 3 out of 4 progress monitoring activities."
    1. December 6, 2024 - code 3.
    2. March 12, 2025 - code 3; and
    3. June 12, 2025 - code 4.

c. Written Language
i. "By October 2025, after a read aloud of a familiar, instructional-level, literary story, when given sentence frames, [Student 1] will complete the sentence using details from the story … in 4 out of 5 completing sentence activities."
    1. December 6, 2024 - code 3.
    2. March 12, 2025 - code 3; and
    3. June 12, 2025 - code 4.
ii. A short-term objective/benchmark which stated, "[Student 1] will copy words from a model. [Student 1] will verbally complete a sentence frame and copy the completed sentence from a model."
    1. December 6, 2024 - code 3.
    2. March 12, 2025 - code 4; and
    3. June 12, 2025 - code 4.

d. Mathematics
i. "By October 2025, given addition or subtraction equations with numbers and solutions within 20, [Student 1] will solve and state or write the answer, with 80% accuracy for 4 out of 5 math fluency activities."
    1. December 6, 2024 - code 3.
    2. March 12, 2025 - code 4; and
    3. June 12, 2025 - code 3.
ii. A short-term objective/benchmark which stated, "[Student 1] will add or subtract within 10 with manipulatives or visual support. [Student 1] will add or subtract within 20 with manipulatives or visual support."
    1. December 6, 2024 - code 3.
    2. March 12, 2025 - code 3; and

3. June 12, 2025 - code 3.

e. Functional Communication
    i. "Given access to multiple modalities (verbal, picture supports, AAC system(s), etc.), adult modeling, and opportunities to practice, [Student 1] will produce 3+ word utterances in at least 70% of opportunities, demonstrated across no less than 2/3 data probes."
        1. December 6, 2024 - code 3.
        2. March 12, 2025 - code 3; and
        3. June 12, 2025 - code 3.
    ii. "Given access to multiple modalities (verbal, picture supports, AAC system(s), etc.), adult modeling, opportunities to practice, and visual supports during the task … [Student 1] will respond to simple WHAT/WHO/WHERE questions within structured practice activities with at least 80% accuracy across no less than 2/3 data probes."
        1. December 6, 2024 - code 3.
        2. March 12, 2025 - code 3; and
        3. June 12, 2025 - code 3.
    iii. "Given access to multiple modalities (verbal, picture supports, AAC system(s), etc.), adult modeling, and opportunities to practice, [Student 1] will demonstrate the following in order to expand [their] expressive language skills: a) respond correctly to factual-based yes/no questions (not including preference-based questions), 80% accuracy across no less than 2/3 data probes[,] b) provide important personal/safety information when asked (name, age, etc.), 80% accuracy for targeted information across no less than 2/3 data probes[,] [and] c) recognize the need for communication repair following an indirect prompt only (I didn't understand you, can you tell me another way, etc.) and independently utilize an effective alternative strategy (pointing, device, etc.) to communicate the message, 80% accuracy across no less than 2/3 data probes."
        1. December 6, 2024 - code 3.
        2. March 12, 2025 - code 3; and
        3. June 12, 2025 - code 3.

7. A Daily Attendance Profile for the 2024-25 school year indicated Student 1 had 29 unexcused absences, 13 excused absences, and two unexcused tardies between September 10, 2024 and May 5, 2025.

Student 2

8. Student 2 is a rising pre-kindergartener with a sunny personality, who loves sensory things, and has a good grip on writing and painting tools.

9. Student 2's IEP, dated June 4, 2024 indicated:
    a. Student 2 was eligible for special education services under the category of Other Health Impairment (OHI).

b. SDI provided in the special education classroom, by the Special Education Teacher or the SLP, from September 11, 2024 through June 3, 2025, in the following areas:
    i. Adaptive/Self Management for 60 minutes per week;
    ii. Functional Skills for 30 minutes per week;
    iii. Communication for 90 minutes per month; and
    iv. Academic Readiness for 90 minutes per week.
c. Related Services from September 11, 2024 through June 3, 2025 in the following areas:
    i. Transportation on a bus, 30 minutes "round trip"; and
    ii. Physical therapy, provided by a Physical Therapist in the "provider's space," for 120 minutes per year.
d. Supplementary Aids/Services provided by the special education teacher from September 11, 2024 through June 3, 2025 in the following areas:
    i. Use of visual supports, a visual schedule, self-care routines, social engagement/problem solving strategies, school-wide for 60 minutes throughout the day;
    ii. "Mid-day orthotic shoe inserts check" in the classroom for 10 minutes per day;
    iii. "Modeling speech and language to expand vocabulary," school-wide for 10 minutes throughout the day;
    iv. "Monitor fatigue and allow for breaks/lay-down/take nap" in the classroom for 30 minutes throughout the day;
    v. "Check for understanding and comprehension" in the classroom for 30 minutes throughout the day;
    vi. Provide warnings before schedule changes or transitions in the classroom for 10 minutes throughout the day;
    vii. Access to an elevator (with a peer), school-wide for 20 minutes throughout the day;
    viii. "Multi-sensory approaches to learning," school-wide for 60 minutes throughout the day;
    ix. Adaptive cup/straw, school-wide for 30 minutes per day;
    x. "Adult assistance for stair steps, transitions, outside of classroom, playground, PE, and bathroom routine," school-wide for 120 minutes throughout the day;
    xi. "Adaptive writing tools" in the classroom for 30 minutes throughout the day;
    xii. Access to adaptive seating and equipment (provided by PT) in the classroom for 120 minutes throughout the day;
    xiii. "Health management plan" school-wide for 360 minutes throughout the day;
    xiv. Strategies to support communication" school-wide for 360 minutes throughout the day; and
    xv. "Offer alternative choice of activities" when Student 2 was unable to participate in structured learning activities, school-wide for 30 minutes throughout the day.

e. The IEP team determined Student 2 would be away from their typical peers for "60% or more of the time for specialized instruction, alternative core curriculum, and adult support."

10. Student 2's IEP Progress Reports, dated March 12, 2025 and June 13, 2025, contained information about their annual goals. The report provided progress codes for the following goals:
    a. Motor
        i. "Given direction and supports [Student 2] will ascend and descend stairs, alternating feet, with adult support 3 out 4 trials."
            1. December 6, 2024 - code 4; and
            2. March 12, 2025 - code 3.
    b. Functional Skills
        i. "Given direction and visual supports/task analysis [Student 2] will increase independence in daily routines, transitions, and classroom expectations across environments 3 out of 4 opportunities."
            1. December 6, 2024 - code 4; and
            2. March 12, 2025 - code 4.
        ii. Short-term benchmark which stated, "With adult support, [Student 2] will consistently follow transitions within daily routines and classroom expectations in 1 of 4 observed opportunities."
            1. December 6, 2024 - code 4; and
            2. March 12, 2025 - code 4.
        iii. Short-term benchmark which stated, "With adult support, [Student 2] will consistently follow transitions within daily routines and classroom expectations in 2 of 4 observed opportunities."
            1. December 6, 2024 - code 4; and
            2. March 12, 2025 - code 4.
        iv. Short-term benchmark which stated, "With adult support, [Student 2] will consistently follow transitions within daily routines and classroom expectations in 3 of 4 observed opportunities."
            1. December 6, 2024 - code 3; and
            2. March 12, 2025 - code 3.
    c. Adaptive/Self Management
        i. "Given direction and supports [Student 2] will follow directions given to [them] so that [they] increase [their] awareness of safety and understanding of dangers in [their] environment in 3 of 4 observed opportunities."
            1. December 6, 2024 - code 3; and
            2. March 12, 2025 - code 3.
        ii. Short-term benchmark which stated, "With adult support, [Student 2] will follow safety directions in 2 of 4 observed opportunities."
            1. December 6, 2024 - code 3; and
            2. March 12, 2025 - code 3.
        iii. "Given visual, verbal, and fading adult supports, [Student 2] will stay in designated area or with [their] classroom peers and follow safety

directions to demonstrate increased awareness of safety and understanding of dangers in [their] environment in 100% of observed opportunities."

1. June 13, 2025 - code 3.

iv. "Given visual supports, verbal prompts/reminders, and consistent routines, [Student2] will follow classroom rules and daily routines (e.g., lining up, cleaning up, sitting during group time) in 80% of the day as observed in 4 out of 5 days."

1. June 13, 2025 - code 3.

d. Communication

i. "Given direction and supports [Student 2] will [be] using multi-modal communication (i.e. verbal, sign, AAC), [Student 2] will use 2-3 word phrases to request, protest, comment, answer questions, or label during daily routines and play in 8/10 opportunities given minimal cues."

1. December 6, 2024 - code 3; and
2. March 12, 2025 - code 3.

ii. "Given direction and supports [Student 2] will follow 1-step directions with embedded qualitative, quantitative, and spatial concepts with minimal prompting in 7/10 opportunities."

1. December 6, 2024 - code 3; and
2. March 12, 2025 - code 3.

iii. "Given access to multiple communication modalities (verbal, sign, picture cues, AAC system(s), etc.), adult modeling, and opportunities to practice, [Student 2] will increase length of utterance to 2+ words per utterance, demonstrated by: a) imitate 2-3 word utterances when given a direct model, in 80% of opportunities across no less than 2/3 data probes, b) produce 2-3 word utterances without a direct model provided, 60% of opportunities across no less than 2/3 data probes."

1. June 13, 2025 - code 3.

iv. "Given access to multiple communication modalities (verbal, sign, picture cues, AAC system(s), etc.), adult modeling, and opportunities to practice, [Student 2] will demonstrate understanding and use of the following early concepts, each with at least 80% accuracy across no less than 2/3 data probes: a) Spatial concepts (in/out, on/off, under, in front/behind, up/down, etc.), b) Qualitative/describing concepts (big/small, tall/short, colors, opposites, describing adjectives such as hot/cold, wet/dry, etc.), c) Comparisons (same/different, not)."

1. June 13, 2025 - code 3.

v. "Given adult modeling and opportunities to practice, [Student 2] will imitate single words following a direct model, with at least 80% accuracy across no less than 2/3 data probes for the following targets: a) words containing consonant blends, b) 2-3 syllable words."

1. June 13, 2025 - code 3.

e. Academic Readiness

i. “Given direction and support [Student 2] will hold a writing utensil with a developmentally appropriate grasp and imitate lines 3 out of 4 opportunities.”
    1. December 6, 2024 - code 4; and
    2. March 12, 2025 - code 4.

ii. Academic Readiness
    1. “Given visual schedules, positive reinforcement, and adult support, [Student 2] will remain engaged in teacher-directed academic activities (e.g., reading, math centers, writing tasks) for at least 10 consecutive minutes, in 4 out of 5 opportunities.”
        a. June 13, 2025 - code 3.

f. Written Language
    i. “Given a visual model and access to various writing tools such as adaptive pencil, [Student 2] will hold a writing utensil with a developmentally appropriate grasp, accurately trace and then copy uppercase and lowercase letters of the alphabet with proper formation in 26 out of 26 letters, across 3 out of 4 trials.”
        1. June 13, 2025 - code 3.

g. Mathematics
    i. “Given specially designed instruction and visual support/manipulatives, [Student 2] will count and identify numbers to 100 by 1s and by 10s with 80% accuracy in 4 out of 5 trials.”
        1. June 13, 2025 - code 3.

h. Reading/Language Arts
    i. “By May 2026, given at least 5 picture cards of a simple [Consonant-Vowel-Consonant] CVC word (e.g. pictures of: cat, pan, tub, bug) with a partially filled Elkonin box underneath (e.g. _-at), 5 corresponding initial consonant letter cards (e.g. c added to -at to make the word cat), and 1 verbal prompt (e.g. Teacher asks ‘This is a cat, what letter goes with cat?’), [Student 2] will correctly choose the corresponding initial letter card for 4 out of 5 words, with no more than 1 gestural or verbal redirection (e.g. Teacher repeats prompt), in 4 out of 5 letter-word matching activities.”
        1. June 13, 2025 - code 3.

    ii. Short-term Benchmark which stated, “By May 2026, after a written and illustrated, instructional-level, functional sight word is read aloud, given 3 written word choices and a prompt to match the verbal word to the corresponding written word, [Student 2] will recognize and point to the written word, for 4 out of 5 sight words, on 3 out of 4 progress monitoring assessments.”
        1. June 13, 2025 - code 3.

11. Student 2’s IEP, dated May 5, 2025 indicated the following changes from the previous IEP:

a. SDI in the special education classroom or schoolwide provided by the Special Education Teacher or the SLP, from May 7, 2025 through May 5, 2026, in the following areas:
    i. Written language for 75 minutes per week;
    ii. Mathematics 75 minutes per week;
    iii. Communication for 60 minutes per month;
    iv. Communication for 45 minutes per week; and
    v. Reading/Language Arts for 75 minutes per week.
b. Related Services offered schoolwide and provided by the SLP, from May 7, 2025 through May 5, 2026, in the following areas:
    i. Communication for 60 minutes per month.
c. Supplementary Aids/Services provided by the special education teacher from May 7, 2025 through May 5, 2026 in the following areas:
    i. "Access to AAC system(s)," schoolwide for 360 minutes throughout the day;
    ii. "Adult modeling of communication, both verbal and via AAC system(s)," schoolwide for 60 minutes per day;
    iii. "Adult supervision and prompting to use the bathroom every hour," schoolwide for 60 minutes per day;
    iv. "Adult supervision for stair steps, transitions, outside of classroom, playground, PE, and bathroom routine," schoolwide for 120 minutes throughout the day;
    v. "Check for understanding and comprehension" in the classroom for 20 minutes throughout the day;
    vi. "Access to adaptive equipment for bathrooming (step stool)" in the classroom for 120 minutes throughout the day; and
    vii. "Mid-day orthotic shoe checks, access to an elevator, adaptive cup/straw, access to adaptive seating and equipment, and strategies to support communication" did not appear on this IEP.

Student 3

12. Student 3 is a rising second grader in the Developmental K-2 Classroom in the District. Student 3 is a fun and loving student who loves technology.

13. Student 3's IEP Progress Reports, dated March 12, 2025 and June 12, 2025, contained information about their annual goals. The report defined a progress code of "0" as "IEP was developed in the last 30 days; no new progress monitoring data has been collected" and a progress code of "2" as "Progress is not sufficient to meet this goal by the time the IEP is reviewed". The report provided progress codes for the following goals:
    a. "Given access to multiple communication modalities (Verbal, sign, AAC system(s), etc.), adult modeling, and opportunities to practice, Student 3 will use any modality or combination of modalities to: a) imitate a two-word combination when given a direct model, 80% accuracy across no less than 2/3 data probes b) communicate at least 15 different two-word combinations as measured by SLP and/or classroom staff observation and data."

i. June 12, 2025 - code 0.

b. “Given access to multiple communication modalities (Verbal, sign, AAC system(s), etc.), adult modeling, opportunities to practice, and adult prompting in the moment, [Student 3] will increase [their] ability to communicate situationally-specific messages via use of at least one specific noun, verb, and/or describing word used per communicated message (ex. ‘Ketchup’ via AAC device or picture cue to replace pointing toward condiment table, ‘all done’ or ‘don’t want’ to replace pushing items away ‘bathroom’ to replace getting up and running to the bathroom without communicating, etc.) in at least 80% of communication exchanges across no less than 2/3 data probes.”
    i. June 12, 2025 - code 0.

c. “By May 2025, given unrestricted access to [their] AAC system, [Student 3] will use any modality (e.g. AAC system, verbal speech/approximation, signs, point at picture, etc.) to communicate at least 15 unique 2-word combinations (e.g. “drink water,” “more snack,” “go home”) as measured by SLP session and observation data.”
    i. December 6, 2024 - code 3; and
    ii. March 12, 2025 - code 2.

d. “By May 2025, given adult modeling, [Student 3] will use any communication modality to demonstrate understanding of 15 verbs (e.g. walk, run, eat, go, open, etc.) and the following basic concepts: big/small, same/different, in/out, on/under in 3/4 opportunities across 2/3 data collection sessions.”
    i. December 6, 2024 - code 3; and
    ii. March 12, 2025 - code 2.

e. “Given specially designed instruction and visual support, [Student 3] will accurately match spoken letter sounds to their corresponding lowercase letters with 80% accuracy across 3 sessions.”
    i. June 12, 2025 - code 0.

f. “By May 2025, when provided with multiple choice responses, [Student 3] will identify all lowercase letters with 80% accuracy for 4 out of 5 opportunities as measured by teacher data.”
    i. December 6, 2024 - code 3; and
    ii. March 12, 2025 - code 3.

g. “By May 2026, during a read-aloud of a high-interest, illustrated story, given 1 verbal question related to an event or character in an illustration (e.g.,”Who is this character?” “What are they doing?”) and a teacher model response, [Student 3] will answer the question verbally/by pointing to visual choice/using [their] AAC device for 4 out of 5 questions, on 3 out of 4 progress monitoring assessments.”
    i. June 12, 2025 - code 0.

h. “By May 2025, after a story has been read and visual choices are read aloud, [Student 3] will answer 4 out of 5 comprehension questions given access to visual support and augmentative communication device in 4 out of 5 observations.”
    i. March 12, 2025 - code 3; and
    ii. December 6, 2024 - code 3.

i. "By May 2026, given specially designed instruction and adaptive writing tools, [Student 3] will imitate pre-writing strokes after modeling and show improved control with starting and stopping (dot-to-dot) as observed in 4 out of 5 opportunities."
    i. June 12, 2025 - code 0.
j. "By May 2025, given specially designed instruction and adaptive writing tools, [Student 3] will draw circles and copy letters of [their] name in 4/5 observed opportunities..[*sic*]"
    i. March 12, 2025 - code 3; and
    ii. December 6, 2024 - code 3.
k. "Given specially designed instruction, visual/verbal cues and fading support from staff, [Student 3] will attend to and participate in a non-preferred teacher-led activity (whole or small group) for at least 10 minutes or until completion of the activity as observed in 2 out of 3 opportunities daily for two consecutive weeks."
    i. June 12, 2025 - code 0.
l. "By May 2025, [Student 3] will independently attend to a small group, non-preferred activity for 10 consecutive minutes or until completion of the task for 4 out of 5 opportunities."
    i. December 6, 2024 - code 3; and
    ii. March 12, 2025 - code 3.
m. "By May 2025, [Student 3] will comply with single step directions within established routines at school (e.g. arrival, departure, transition) with 80% accuracy in 4/5 observed observations."
    i. December 6, 2024 - code 4; and
    ii. March 12, 2025 - code 4.
n. "By May 2025, given adult modeling, visual support and access to [their] AAC device, [Student 3] will take turns during unstructured play activity in 4 out of 5 observed opportunities."
    i. December 6, 2024 - code 3; and
    ii. March 12, 2025 - code 3.
o. "By May 2026, given fading support (visual, verbal), [Student 3] will stay in designated area or with [their] classroom peers during transitions to maintain safety within school 100% of the time."
    i. June 12, 2025 - code 0.
p. "Given specially designed instruction, visual/verbal prompts and opportunities to practice, [Student 3] will initiate interactions appropriately (e.g. waving hi, offering a toy) and demonstrate safe hands (e.g., gentle touch, keeping hands to self) during peer interactions, in 4 out of 5 opportunities."
    i. June 12, 2025 - code 0.

14. Student 3's IEP, dated May 15, 2025, indicated:
    a. Student 3 was eligible for special education services under the category of OHI.
    b. The present levels section indicated:
        i. The Functional Skills section stated Student 3 was to have an adult close to help them transition and stay engaged in classroom tasks.

ii. They required hand-over-hand support to engage and complete activities.
iii. Student 3 required adult support to assist with safety and adaptive needs.
iv. The Adaptive/self help Skills section stated Student 3 had a feeding protocol and was in need of close supervision when they eat. Student 3 also required the step to access the toilet, provided by the Physical Therapist.
v. The Math section stated Student 3 needed modeling and tasks verbally described to them.
vi. For Communication, Student 3 had access to a personal communication device (iPad with Prologque2go) while at school.

c. Special Factors indicated Student 3 had English Language Learner (ELL) support in place through the day, communication needs, and assistive technology. Student 3 used an AAC device for communication.
d. For Assessment Participation in English Language Proficiency, Reading, and Math, Student 3 would receive:
    i. "Test broken down into manageable chunks, visual and adult supports made available, breaks as needed, access to AAC device or alternate response option. They can be exempt from reading, writing and speaking and just do the listening portion"; and
    ii. "1:1 administration reinforcement system."
e. SDI school wide, from the special education teacher, from May 16, 2025 through May 14, 2026, in the following areas:
    i. Readiness Skills for 150 minutes per week;
    ii. Adaptive/Self-management for 100 minutes per week;
    iii. Social Skills for 45 minutes per week; and
    iv. Communication for 100 minutes per week.
f. Related Services from May 16, 2025 through May 14, 2026, in the following areas:
    i. Transportation via "bus" for 60 minutes per day; and
    ii. Communication provided by the SLP, school wide, for 60 minutes per month.
g. Supplementary Aids and Services Accommodations from the Special Education Teacher, provided school wide from May 16, 2025 through May 14, 2026, in the following areas:
    i. Sensory breaks and tools for 75 minutes throughout the day;
    ii. "[I]ncreased volume on Student's AAC system to support consistent auditory access to AAC language models (need may vary depending on status of PE tubes, congestion, etc.)" provided for 150 minutes per day;
    iii. Preferential seating near the teacher, for 300 minutes per day;
    iv. "[A]dult modeling of multiple modalities (AAC, sign, verbal) for requesting, greeting peers, commenting/describing appropriate protest …" provided for 45 minutes per day;

v. "[S]ocial narratives for requesting, interpersonal skills, self regulation, expectations, school readiness skills" provided for 60 minutes throughout the day;
vi. Physical Education activities at Student 3's level for 60 minutes per day;
vii. Student 3 would have access to an augmentative communication system for 390 minutes per day;
viii. "[V]isual supports (individualized schedule, expectations, routines, first/then, feelings, regulation strategies" for 130 minutes per day;
ix. "[T]asks broken down into manageable parts" for 30 minutes per day;
x. Feeding protocol for 80 minutes per day;
xi. "[A]dult assistance for bathroom, mealtimes, transitions, classroom activities, special classes (PE, MUSIC, library, traveling throughout the building) safety, emergency evacuation, recess and while outside" for 360 minutes per day;
xii. "[S]upportive seating with feet and back support during fine motor activities," while in the classroom for 60 minutes per day;
xiii. "[A]dult close monitoring to maintain safety (i.e. for elopement, eating non-food items)" for 360 minutes per day; and
xiv. A Health Management plan for 390 minutes per day.

h. Need for Aids/Services and Modifications section from May 16, 2025 through May 14, 2026, indicated alternative curriculum and assignments in all academic areas to Student 3's instruction level provided by the Special Education Teacher, in the special education classroom for 60 minutes per day.
i. The IEP team determined Student 3 would be away from their typical peers "for the majority of their day to receive their instruction in a developmental classroom. They will have access to typically developing peers at recess, lunch and specials."

15. According to the Special Education Placement Document dated May 15, 2025, Student 3's access to special education was 60% outside of the general education setting.

16. Student 3's Safety Eating Protocol, dated May 20, 2025, indicated the reason for the protocol being the OT was alerted by a medical report and/or doctor's orders due to safety concerns. Comments stated, "PICA, pacing, bite size, eating non-food items." Level of adult support indicated, "1:1 - 1 adult per 1 student with constant supervision/assist. [The] [a]dult stays within reach of student for entire meal/snack."

17. The 2024-25 Attendance Profile for Student 3 indicated 24 excused absences, one unexcused absence, and two tardies.

18. A 2024-25 OT service log indicated 11 entries by various OT staff with a total of 205 minutes logged. Dates of entries from the investigation period included: September 3, 2024; September 12, 2024; October 22, 2024; January 7, 2025; May 15, 2025; and May 21, 2025. Service Types were logged as, "observation, other, Student Meeting, Feeding/Oral Motor, and Sensory Processing."

19. An Adult Supports Required in IEPs in the Developmental K-2 Classroom document, with no date provided, indicated for Student 3 "no changes to adult support" as of the May 15, 2025 IEP, and a Safe Eating Protocol dated May 25, 2025 needing "1 adult per 1 student with constant supervision/assist. [The] [a]dult stays within reach of student for entire meal/snack."

Student 4

20. Student 4 is a rising second grader in the Developmental K-2 Classroom in the District. Student 4 is happy, curious, and friendly, and loves to sing and dance.

21. Student 4's IEP Progress Report, dated December 6, 2024, contained information about their annual goals. The report provided progress codes for the following goals:
    a. "By March 2025, [Student 4] will initiate and maintain play with peers in an unstructured setting for at least 5 minutes and remaining on a play topic with 80% accuracy in 4/5 observed opportunities."
        i. March 21, 2024 - code 0;
        ii. June 13, 2024 - code 4; and
        iii. December 5, 2024 - code 4.
    b. Short-Term Objective/Benchmark 1.1 stated, "During structured activities, [Student 4] will take turns with a peer in using preferred toy or material (e.g. first it's X's turn for 2 minutes, then it's [Student 4's] turn) in 4 out of 5 observed opportunities.
        i. March 21, 2024 - code 0;
        ii. June 13, 2024 - code 2; and
        iii. December 5, 2024 - code 4.
    c. Short-Term Objective/Benchmark 1.2 which stated, "During unstructured activities, [Student 4] will take turns with a peer in using preferred toy or material (e.g. first it's X's turn for 2 minutes, then it's [Student 4's turn]) in 4 out of 5 observed opportunities."
        i. March 21, 2024 - code 0;
        ii. June 13, 2024 - code 2; and
        iii. December 5, 2024 - code 4.
    d. Short-Term Objective/Benchmark 1.3 indicated: "[Student 4] will share items with a peer without getting upset and yelling when they approach [them] to share/play with 80% accuracy in 4/5 observed opportunities."
        i. March 21, 2024 - code 0;
        ii. June 13, 2024 - code 3; and
        iii. December 5, 2024 - code 4.
    e. "By March 2025, during a moment of frustration, when offered a pre-taught calming strategy by a teacher and a pre-taught visual prompt (e.g. modeling, pointing to an image on a poster), [Student 4] will use the strategy within 30 seconds, and then problem solve independently across all environments with 80% accuracy on 4 out of 5 opportunities."
        i. March 21, 2024 - code 0;
        ii. June 13, 2024 - code 4; and

iii. December 5, 2024 - code 4.

f. "By March 2025, given consistent access to AAC, [Student 4] will produce spontaneous and self-generated language containing correct use of pronouns (subject, object, and possessive) and the verb phrase "to ___" with 80% accuracy across 4/5 data collection sessions as measured by collected language samples."
   i. March 21, 2024 - code 0;
   ii. June 13, 2024 - code 3; and
   iii. December 5, 2024 - code 3.

g. "By March 2025, when given a word with up to three sounds (e.g., hat, ship, tape) from the 44 essential phoneme list (e.g., primary sounds letters make), [Student 4] will demonstrate knowledge of sounds within words by verbally blending (e.g.,"What word is made from these sounds? /h/-/a/-/t/"), segmenting (e.g., "What sounds do you hear in the word hat?"), or deleting the sounds (e.g., "Say 'hat' without the /h/."), for 10 out of 12 words, on 3 out of 4 progress monitoring assessments."
   i. March 21, 2024 - code 0;
   ii. June 13, 2024 - code 4; and
   iii. December 5, 2024 - code 4.

h. Short-Term Objective/Benchmark 4.1 indicated: "[Student 4] will read 50 out of 52 Dolch primer level sight words in 2 out of 3 opportunities.
   i. March 21, 2024 - code 0;
   ii. June 13, 2024 - code 4; and
   iii. December 5, 2024 - code 4.

i. "By March 2025, [Student 4] will solve addition and subtraction within 20 using a variety of strategies (e.g. counters/manipulatives, touch math, ten frames, etc) with 80% accuracy in 4 out of 5 opportunities."
   i. March 21, 2024 - code 0;
   ii. June 13, 2024 - code 4; and
   iii. December 5, 2024 - code 4.

j. "By March 2025, given the spoken sound of a consonant or a short vowel sound, visual support such as letter cards, and asked to repeat the sound aloud, [Student 4] will form a lowercase or uppercase letter that makes the sound, by copying the correct letter card in writing, for 4 out of 5 letters, on 3 out of 4 progress monitoring assessments."
   i. March 21, 2024 - code 0;
   ii. June 13, 2024 - code 4; and
   iii. December 5, 2024 - code 3.

k. By March 2025, given opportunities for practice and fading adult support, [Student 4] will initiate an interaction with a peer or join an existing conversation with a peer by making a comment or asking a question in ¾ data collection sessions."
   i. March 21, 2024 - code 0;
   ii. June 13, 2024 - code 2; and
   iii. December 5, 2024 - code 4.

22. Student 4's IEP dated February 11, 2025 indicated the following:

a. Student 4 was eligible for services under Autism Spectrum Disorder (ASD).
b. The present level section indicated:
    i. In October 2024, it was reported that Student 4 spent time in the general education classroom in the morning and participated while they were there.
    ii. The Communication section noted Student 4 had access to a "high tech communication device (iPad mini with app Proloquo2go)." It was noted staff agreed they did not require it in order to reinforce Student 4's communication.
    iii. The Self-Regulation section noted prompts and cues from staff.
    iv. Language and Cultural Considerations to take into account was Student 4 observed both Spanish and English on a consistent basis. At school, teachers used English.
c. Special Factors for IEP Development indicated Student 4 was eligible for ELL support services who would participate in the English Language Proficiency Assessment (ELPA). Also noted was Student 4 had communication needs that were "addressed through goals, accommodations, and services."
d. For Assessment Participation in the ELPA, Student 4 would receive, "Exempt from reading and writing. Separate alternate testing, 1:1 or small group testing, test broken down into manageable chunks, visual and adult supports made available, breaks as needed." Districtwide Assessments indicated the following accommodations: "access to 1:1 or small group testing, test broken down into manageable chunks, visual and adult supports made available, breaks as needed."
e. SDI, school wide, from the Special Education Teacher, from February 11, 2025 through February 10, 2026 in the following areas:
    i. Written Language for 60 minutes per week; and
    ii. Communication for 60 minutes per week.
f. SDI, in the Special Education Classroom, from the Special Education Teacher, from February 11, 2025 through February 10, 2026 in the following areas:
    i. Mathematics for 75 minutes per week; and
    ii. Reading/Language Arts for 75 minutes per week.
g. Related Services from February 11, 2025 through February 10, 2026 in the following areas:
    i. Transportation services provided by Transportation via bus for 60 minutes round trip; and
    ii. Speech/Language Services provided by the SLP, school wide for 90 minutes per month.
h. Supplementary Aids and Services Accommodations from the special education teacher, provided in the classroom from February 11, 2025 through February 10, 2026 in the following areas:
    i. Designated spot for self-regulation for 20 minutes per day; and
    ii. Touch screen to access online academics if needed for 90 minutes per day.

iii. Supplementary Aids and Services Accommodations from the Special Education Teacher, provided school wide from February 11, 2025 through February 10, 2026 in the following areas:
    1. "Sensory tools such as fidgets, wiggle seat, trampoline etc[.]" for 60 minutes per day;
    2. Prompting and reminders for social skills strategies for 15 minutes per day;
    3. Visual Supports for schedule or possible changes, self-regulation strategies for 60 minutes per day;
    4. Visual paired with verbal supports during instruction for 90 minutes per day;
    5. Quiet area/spot as needed, for 60 minutes per day; and
    6. Allow processing time for 90 minutes per day.

i. Supports for School Personnel section indicated:
    i. Consultation between the Special Education Teacher and general education staff, provided by the Special Education Teacher for 60 minutes per year;
    ii. Consultation between The Autism Consultant and school staff, provided by the Autism Consultant, for 90 minutes per year; and
    iii. Consultation between the SLP and school staff, provided by the SLP for 60 minutes per year.

j. The IEP team determined Student 4 would be with their typical peers for 800 minutes per week. A PWN dated February 11, 2025 detailed the information in the preceding IEP.

23. A Special Education Placement Determination document dated February 11, 2025 indicated, "A combination of general education and special education with services inside of general education 40-79% of the day" was selected by the IEP team. It stated, "This placement best meets the Student's needs at this time."

24. Conference Summary notes dated February 11, 2025 indicated the team discussed eligibility, IEP and placement. Also noted under the Special Factors section the removal of an AAC device, as Student 4 no longer required one. The team consensus was to remove self-regulation and social skills goals, which would be addressed via accommodations, and to remove social narratives. The team accepted the addition of visual support for schedule changes, and self-regulation strategies, prompting and reminders for social skills strategies and a designated spot for regulation. The IEP team agreed on the placement of 40-79% general education settings with special education services.

25. Student 4's IEP Progress Report, dated March 3, 2025, contained information about their annual goals. The report provided progress codes for the following goals:
    a. "Given specialized instruction, adult modeling, and opportunities to practice, [Student 4] will demonstrate correct use of the following targeted grammatical structures at the sentence level, each with at least 80% accuracy across no less than 2/3 data probes: a) Inclusion of pronouns and correct pronoun use for

he/she/they, him/her/them, his/her(s)/their(s) b) Inclusion of auxiliary verbs (is/are) c) Inclusion of articles (a/the) and simple prepositional words/phrases (ex. to, on, etc.)."

i. March 13, 2025 - code 4.

b. "Given specialized instruction, adult modeling, opportunities to practice, and with visual referent available, [Student 4] will complete the following, with at least 80% accuracy across no less than 2/3 data probes: a) place a minimum of 3 story/picture cards in the correct order in order to represent a common routine (getting a haircut, making cookies, etc.) or to retell a short story, and b) verbally describe the sequence using at least one statement per picture and including connecting words (ex. and then, first, next, but, last, etc.)."
    i. March 13, 2025 - code 4.
c. "Given specially designed instruction, [Student 4] will read end of 2nd grade level text with 95% accuracy and answer comprehension questions with 80% accuracy in 3 out of 4 trials."
    i. March 13, 2025 - code 4.
d. "By February 2026, given a single step addition or subtraction word problem within 20 that is read aloud, [Student 4] will calculate the sum or difference by using a problem-solving strategy (e.g., drawing a picture, using math manipulatives, writing an equation), with 80% accuracy in 4 out of 5 opportunities."
    i. March 13, 2025 - code 4.
e. "By February 2026, given a read-aloud of an opinion writing prompt about a topic and a graphic organizer with sentence starters, [Student 4] will use the sentence starters to write an opinion text with 1 sentence that states an opinion about the topic and 1 sentence with reason supporting the opinion within the graphic organizer, with correct capitalization and ending punctuation in 3 out of 4 writing samples."
    i. March 13, 2025 - code 4.

26. An IEP Amendment dated June 10, 2025 indicated the following changes:
    a. A new mathematics goal stated, "By February 2026, given a single step addition or subtraction word problem within 100 that is read aloud, [Student 4] will calculate the sum or difference by using a problem-solving strategy (e.g., drawing a picture, using math manipulatives, writing an equation), with 80% accuracy in 4 out of 5 opportunities."
    b. In the Supplementary Aids and Services Section the additional accommodations school wide were, "Access to headphones during times when noise level is high" for 30 minutes per day and "Reminders to use pre-taught calming strategies when upset/agitated" for 15 minutes per day were added to the IEP.
    c. The Non-Participation Justification Statement indicated, "[Student 4] will be removed from [their] regular education peers to the Learning Resource Center for up to 210 minutes/week and to the speech room up to 60 minutes/week." The justification of placement was, "[Student 4] benefits from receiving specially designed instructions in Reading, Math, Writing, and Communication in a small group setting." A PWN dated June 10, 2025 indicated a proposed change of the

IEP and stated the changes made. The Conference Summary dated June 10, 2025 indicated the purpose of the amendment was to document Student 4's additional time in the general education setting. It was noted all changes were agreed upon by the IEP team.

27. The Special Education Placement Determination document dated June 10, 2025 indicated, "Access to special education in, or outside of the general education setting for up to 20% of the school. Regular Education 80% or more of the day in regular classroom." The rationale for the selected placement stated, "This placement best meets the student's needs at this time."

28. A Progress Period Detail document dated June 13, 2025 indicated:
    a. "Given specialized instruction, adult modeling, and opportunities to practice, [Student 4] will demonstrate correct use of the following targeted grammatical structures at the sentence level, each with at least 80% accuracy across no less than 2/3 data probes: a) Inclusion of pronouns and correct pronoun use for he/she/they, him/her/them, his/her(s)/their(s) b) Inclusion of auxiliary verbs (is/are) c) Inclusion of articles (a/the) and simple prepositional words/phrases (ex. to, on, etc.)."
        i. Progress code 3 and summary stated, "[Student 4] continues to show increased accuracy for grammatical structures."
        ii. March 13, 2025 - code 4.

29. The 2024-25 Attendance Profile for Student 4 indicated five excused absences and two unexcused absences.

30. An Adult Supports Required in IEPs in the Developmental K-2 Classroom document indicated Student 4, as of February 11, 2025, had "No adult support mentioned" in their IEP.

Student 5

31. Student 5 is a rising first grader in the Developmental K-2 Classroom in the District. Student 5 enjoys writing and coloring and is very creative.

32. Student 5's IEP, dated January 24, 2024 indicated:
    a. Student 5 was eligible for special education services under the category of ASD.
    b. SDI provided by a special education teacher or the SLP, from January 25, 2024 through January 23, 2025, schoolwide, in the following areas:
        i. Reading/Language Arts for 110 minutes per week;
        ii. Written language for 150 minutes per week;
        iii. Mathematics for 90 minutes per week;
        iv. Readiness skills for 50 minutes per week;
        v. Self-regulation for 90 minutes per week; and
        vi. Communication for 90 minutes per month.

c. Related services from January 25, 2024 through January 23, 2025 in the following areas:
    i. Transportation on a bus for 60 minutes per day.
d. Supplementary Aids/Services located schoolwide and provided by the special education teacher from January 25, 2024 through January 23, 2025 in the following areas:
    i. Adult support for safety concerns and transitions, 200 minutes per day;
    ii. Access to sensory support, 30 minutes per day;
    iii. Access to visual supports, 300 minutes per day;
    iv. Preferential seating, 120 minutes per day;
    v. Extra processing time, 30 minutes per day;
    vi. Warnings prior to schedule changes, 30 minutes per day;
    vii. Limit environmental distractions, 60 minutes per day;
    viii. "Provide model[ing] and cues to remind student to share materials with peers," 60 minutes per day; and
    ix. "Introduce student to the meaning and appearance of various safety signs," 20 minutes per day.
e. The IEP team determined Student 5 would receive their "specialized instruction in a developmental classroom" and "have access to same age peers at recess, lunch, and specials." The IEP team also determined there would be "opportunities for access to general education and peers … when [Student 5's] IEP team determines [they are] ready."

33. Student 5's IEP Progress Reports, dated December 6, 2024 and June 13, 2025, contained information about their annual goals. The report defined a progress code of "5" as "Performance is at or above what is required to meet the goal by the next review." The report provided progress codes for the following goals:
    a. Communication
        i. "Given specially designed instruction and opportunities for practice, [Student 5] will respond to a communication partner's comment, statement, or neutral prompt (i.e., declarative language; no questions or direct demands) about a story, picture scene, etc. (e.g., 'Let's find the snake', 'I wonder who has the pencil') in 4/5 observed opportunities in order to demonstrate comprehension of [their] communication partner's messages by January 2025."
            1. December 6, 2024 - code 3.
        ii. "Given specially designed instruction, adult modeling, and opportunities for practice, [Student 5] will produce scripted and/or novel phrases in at least 70% of opportunities across no less than 2/3 data probes for each of the following established targets: a) engage positively with a peer during play (offer a turn, invite to play, encourage a peer, respond to a peer's actions or utterances within play, etc.); b) use appropriate volume and verbal interaction to respond to common daily challenges/conflicts with peers (a peer takes an item [Student 5] wants, a peer disagrees with [Student 5], etc.); and c) request adult support to manage a conflict (ex. peer is taking [Student 5's] items, peer is not leaving [Student 5's] space,

etc.) and accept adult intervention when prompted to allow an adult to manage the situation (ex. peer is not following classroom rules, peer is in a conflict with another student that [Student 5] is not involved in, etc.)."

1. March 13, 2025 - code 3; and
2. June 13, 2025 - code 3.

iii. "Given specially designed instruction and opportunities for practice, [Student 5] will produce scripted and/or novel phrases for at least 3 of the following social communication acts, observed across at least 2 data collection days, by January 2025 in order to increase [Student 5's] positive language interactions with peers. Objectives: 1) inviting others to play; 2) offering a turn/sharing; 3) greeting peers; 4) commenting on a peer's actions (e.g., 'You got it!')."

1. December 6, 2024 - code 3.

iv. "Given specially designed instruction and opportunities for practice, [Student 5] will respond correctly to simple WHAT, WHO, WHERE questions with a visual reference available (ex. picture book, picture scene, visual answer choices, etc.), with 80% accuracy across no less than 2/3 data probes."

1. March 13, 2025 - code 4; and
2. June 13, 2025 - code 3.

b. Written Language

i. "By January 2026, given a letter sound and visual model to reference, [Student 5] will form all uppercase and lowercase letters in 2 out of 3 writing prompts."

1. March 13, 2025 - code 4; and
2. June 13, 2025 - code 4.

ii. "By January 2026, when given a sentence stem (e.g. "I like ____ because____.") and a short word bank, [Student 5] will complete the sentence and draw a supporting picture, for 4 out of 5 trials, as measured by student work samples."

1. March 13, 2025 - code 4; and
2. June 13, 2025 - code 4.

iii. "By January 2025, when given a sentence stem (e.g. 'I like ____ because____.'), [Student 5] will complete the sentence and draw a supporting picture, for 4 out of 5 trials, as measured by student work samples."

1. December 6, 2024 - code 4.

iv. Short-term Benchmark- "[Student 5] will write uppercase letters without a model. [Student 5] will write lowercase letters without a model."

1. December 6, 2024 - code 4.

v. A short-term benchmark which stated, "[Student 5] will verbally complete a sentence frame to an adult. [Student 5] will write the complete sentence from [*sic*] an adult model. [Student 5] will draw a supporting picture."

1. December 6, 2024 - code 4;
2. March 13, 2025 - code 4; and

3. June 13, 2025 - code 4.

c. Mathematics
    i. "By January 2026, given addition and subtraction equations with numbers less than 100, [Student 5] will solve the equations and write or state the answer, with 80% accuracy in 4 out of 5 opportunities."
        1. March 13, 2025 - code 4; and
        2. June 13, 2025 - code 4.
    ii. "By January 2025, given 5 addition and 5 subtraction equations with numbers less than 10, [Student 5] will solve the equations and write or state the answer, with 80% accuracy in 4 out of 5 opportunities."
        1. December 6, 2024 - code 5.
    iii. A Short-term Benchmark which stated, "[Student 5] will rote count to 30" and will "demonstrate 1:1 correspondence to 30."
        1. December 6, 2024 - code 5.
    iv. A Short-term Benchmark which stated, "[Student 5] will solve addition problems with sums less than 100 (with picture support or other strategies)" and will "solve subtraction problems with sums less than 100 (with picture support or other strategies)."
        1. March 13, 2025 - code 4; and
        2. June 13, 2025 - code 3.
    v. A Short-term Benchmark which stated, "[Student 5] will solve addition problems with sums less than 10 (with manipulatives, picture support, or on paper)" and "will solve addition problems with sums less than 20 (with manipulatives, picture support, or on paper)."
        1. December 6, 2024 - code 5.
    vi. A Short-term Benchmark which stated, "[Student 5] will solve subtraction equations with numbers less than 10 (with manipulatives, picture support, or on paper)" and "will solve subtraction equations with numbers less than 20 (with manipulatives, picture support, or on paper)."
        1. December 6, 2024 - code 5.

d. Reading/Language Arts
    i. "By January 2026, [Student 5] will increase [their] letter recognition and sound knowledge to make progress towards grade level reading standards as evidenced by meeting the short-term objectives below in 4 out of 5 trials."
        1. March 13, 2025 - code 3; and
        2. June 13, 2025 - code 4.
    ii. "By January 2025, given a list of 20 Dolch Pre-Primer sight words, [Student 5] will correctly read the words with 80% accuracy in 3 out of 4 reading probes."
        1. December 6, 2024 - code 3.
    iii. A Short-term Benchmark which stated, "[Student 5] will identify uppercase letters when presented on a flashcard" and "will identify lowercase letters when presented on a flashcard."
        1. December 6, 2024 - code 3.

iv. A Short-term Benchmark which stated, "[Student 5] will receptively and expressively identify all lowercase and uppercase letters."
    1. March 13, 2025 - code 4; and
    2. June 13, 2025 - code 4.
v. A Short-term Benchmark which stated, "[Student 5] will expressively identify all letter sounds" and "will receptively identify all letter sounds."
    1. December 6, 2024 - code 3;
    2. March 13, 2025 - code 3; and
    3. June 13, 2025 - code 4.
vi. A Short-term Benchmark which stated, "[Student 5] will read 20 sight words."
    1. December 6, 2024 - code 3;
    2. March 13, 2025 - code 3; and
    3. June 13, 2025 - code 4.

e. Self-regulation
    i. "By January 2026, when [Student 5] becomes upset or frustrated, [they] will use a pre-taught self-regulation strategy such as belly breathing, avoid unsafe behavior (e.g. hitting), and return to the activity within 5 minutes in 80% of the times as measured by observation."
        1. March 13, 2025 - code 3; and
        2. June 13, 2025 - code 3.
    ii. A Short-term Benchmark which stated, "By January 2026, during small group instruction, after the teacher verbally names an emotion, gives 1 example of why that emotion could occur, and demonstrates 1 related coping strategy (e.g., belly breathing, walk it out), [Student 5] will practice the coping strategy by physically demonstrating 1 observable element (e.g. chest rising and falling, walking) on 4 out of 5 observation tools."
        1. March 13, 2025 - code 3; and
        2. June 13, 2025 - code 4.
    iii. "By January 2025, when [Student 5] becomes upset or frustrated, [they] will use a pre-taught self-regulation strategy such as (rainbow breathing) to avoid unsafe behavior by showing self-control of [their] body in 80% of monitored times of frustration."
        1. December 6, 2024 - code 3
    iv. "By January 2025, when the teacher gives a direction, [Student 5] will positively acknowledge the direction (e.g. nod, say "O.K."), for 4 out of 5 monitored teacher directions."
        1. December 6, 2024 - code 4
    v. "By January 2025, given direct instruction, modeling, and generalized opportunities to practice, [Student 5] will respond to basic safety commands within 5 seconds (such as 'stop' ... 'walk with me'... 'wait'), demonstrating 90% independence in four out of five consecutive observations."
        1. December 6, 2024 - code 4.

f. Social Communication

i. "By January 2026, [Student 5] will engage in and maintain play in a structured setting by interacting with [their] peer group for at least 10 minutes and remaining on play topic, taking turns between [Student 5's] interest and peers' interest on 4 out of 5 opportunities."
    1. June 13, 2025 - code 4.
ii. A Short-term Benchmark which stated Student 5 will "share material/toy or common object," "take turns with it (including not having the first turn)" ", and "tolerate peer(s) near the preferred object."
    1. June 13, 2025 - code 4.

34. Student 5's IEP, dated January 14, 2025, indicated the following changes from the previous IEP:
    a. SDI from January 15, 2025 through January 23, 2026, school-wide, provided by a special education teacher in the following areas:
        i. Reading/Language Arts for 120 minutes per week;
        ii. Written language provided for 90 minutes per week;
        iii. Mathematics for 120 minutes per week;
        iv. Social Communication for 30 minutes per week;
        v. Self-regulation for 60 minutes per week; and
        vi. Communication for 30 minutes per week.
        vii. SDI for "Readiness Skills" did not appear on this IEP.
    b. Related services from January 15, 2025 through January 23, 2026 in the following areas:
        i. Communication located school-wide, provided by a SLP for 90 minutes per month.
    c. Supplementary Aids/Services located school-wide and provided by the special education teacher from January 15, 2025 through January 23, 2026 in the following areas:
        i. Adult support for safety concerns and transitions, 60 minutes per day;
        ii. Access to visual supports, 60 minutes per day;
        iii. "Provide model[ing] and cues to remind student to share materials with peers," 20 minutes per day;
        iv. Repeat directions and check for understanding, 20 minutes per day; and
        v. "Access to sensory support," "Preferential seating," "Introduce student to the meaning and appearance of various safety signs," and "Limit environmental distractions" did not appear on this IEP.
    d. The IEP team determined Student 5 "will be removed to the specialized classroom for 60% or more of the day" and "will have access to peers from the general education setting at recess, lunch, specials, and some identified times in the grade level classroom." Additionally, the IEP determined Student 5 "needs instruction in a small group setting with increased adult support to work on [their] individualized goals."

Student 6

35. Student 6 is a rising third grader in a Developmental K-2 Classroom in the District. Student 6's strengths include gross motor skills, athleticism, physical/visual play, reading, and using electronic devices.

36. An IEP dated January 29, 2024 indicated:
    a. The Student had been absent the majority of the 2023-24 school year to date, so current levels were not available. The team used the 2023 IEP to write the 2024 IEP. The Parent expressed concern around absences and illness, and expressed the Student was feeling better and would begin attending more regularly.
    b. The 2024 IEP indicated the 2023 IEP Augmentative Communication Evaluation recommended "low tech augmentative communication systems."
    c. The Student utilized body movements, facial expressions, visuals, gestures, vocalizations, some concrete symbols, and inconsistent abstract symbols to make requests.
    d. In the Special Factors section, the team noted goals would be written to address learning behaviors and communication.
    e. Measurable Annual Goals to reach by January 29, 2025 included:
        i. Academic Readiness;
        ii. Adaptive/Self Management;
        iii. Communication; and
        iv. Social Skills.
    f. SDI school wide, from the special education teacher, from January 30, 2024 through January 28, 2025 in the following areas:
        i. Adaptive/Self Management for 60 minutes per day;
        ii. Social Skills for 30 minutes per day;
        iii. Communication for 90 minutes per month; and
        iv. Academic Readiness for 40 minutes per day.
    g. Related Services from January 30, 2024 through January 28, 2025 in the following areas:
        i. Transportation services at home/community/school location for 60 minutes round trip.
    h. Supplementary Aids/Services school wide, from the special education teacher, from January 30, 2024 to January 28, 2025 in the following areas:
        i. Hand-in-hand/very close proximity support for out-of-building transitions for 25 minutes throughout the day;
        ii. Adult assistance to provide directions clarification, additional models, and support to sustain attention on a task for 45 minutes throughout the day;
        iii. Adult assistance for ensuring safety and supervision inside the classroom for 300 minutes throughout the day;
        iv. Warning prior to transition for 20 minutes throughout the day;
        v. Preferred item as a transition support for 30 minutes throughout the day;
        vi. Strategic seating to assist with teacher accessibility for 270 minutes throughout the day;
        vii. Access to augmentative communication supports for 300 minutes throughout the day;

viii. Scheduled and as-needed sensory breaks for 45 minutes throughout the day;
ix. Breaks for self-regulation as needed for 15 minutes throughout the day;
x. Adult assistance with out-of-class routines and activities for 45 minutes throughout the day;
xi. Extra processing time after giving directions or asking questions for 15 minutes throughout the day;
xii. Attention gained prior to giving directions for 20 minutes throughout the day;
xiii. Adult support at school: safety, to help stay on task, attending/focusing help with adaptive needs for 240 minutes throughout the day;
xiv. Visual supports for instruction, routines, and transitions for 10 minutes throughout the day;
xv. Visual supports for 45 minutes throughout the day; and
xvi. Adaptive/flexible seating options for 210 minutes throughout the day.

i. Supports for School Personnel included:
    i. Occupational Therapy consultation with an OT or OT assistant for 120 minutes per year;
    ii. Autism consultation with an autism consultant and all relevant staff for 120 minutes per year;
    iii. SLP consultation with an SLP and school staff for 60 minutes per year;
    iv. Special Education Teacher and staff consultation for 120 minutes per year; and
    v. Augmentative communication consultation with an Augmentative Communication Specialist and special education staff for 60 minutes per year.

j. The IEP team determined Student 6 would be away from their typical peers for 330 minutes of the school day. The Student would receive specialized instruction in a self-contained classroom to address areas of needs. They would also receive 120 minutes of SDI in communication per month.

37. An IEP Progress Report dated December 6, 2024 provided progress codes for the following goals:
    a. Academic Readiness
        i. "By 1/29/2025, given specially designed instruction and visual supports, [Student 6] will follow familiar single-step directions related to functional routines and safety directions (e.g. stop, hang up backpack, sit down, come to carpet) across school contexts (i.e. classroom, specials, lunch, recess) with no more than one adult prompt in 75% of observed opportunities."
            1. March 21, 2024 - code 4;
            2. June 14, 2024 - code 1 [due to absences]; and
            3. December 6, 2024 - code 3.
        ii. "By 1/29/2025, given specially designed instruction and fading prompts/redirection from an adult, [Student 6] will maintain [their]

attention to a task in a designated area for 10 minutes in 4/5 observed opportunities."

1. March 21, 2024 - code 3;
2. June 14, 2024 - code 1 [due to absences]; and
3. December 6, 2024 - code 3.

iii. "By 1/29/2025, [Student 6] will independently copy [their] first name while using a functional grasp."

1. March 21, 2024 - code 4;
2. June 14, 2024 - code 1 [due to absences]; and
3. December 6, 2024 - code 5.

b. Adaptive/Self-Management

i. "By 1/29/2025, [Student 6] will follow four school routines (e.g. arrival, hand washing, lunch, clean up) in 3/4 opportunities in order to improve [their] access to the educational setting."

1. March 21, 2024 - code 4;
2. June 14, 2024 - code 1 [due to absences]; and
3. December 6, 2024 - code 3.

ii. "By 1/29/2025, [Student 6] will safely remain with the group or in the designated area during transitions and less structured times (e.g. including responding to basic safety directions such as "stop," "come here," "drop it," "spit it out," and responding to [their] name in 80% of opportunities as measured by observation in order to improve [their] participation in school activities."

1. March 21, 2024 - code 4;
2. June 14, 2024 - code 1 [due to absences]; and
3. December 6, 2024 - code 5.

c. Communication

i. "Given adult modeling, opportunities to practice, and access to multiple communication modalities (verbal, sign, gesture, AAC systems, picture cues, etc.), [Student 6] will engage in purposeful communication for the following purposes, each in at least 3/5 opportunities across no less than 2/3 data probes: a) request or make a choice b) accept and reject/protest c) comment or label."

1. March 21, 2024 - code 3;
2. June 14, 2024 - code 3; and
3. December 6, 2024 - code 3.

d. Social Skills

i. "By 1/29/2025, [Student 6] will engage in a joint activity where [they] share[] materials and participates safely for 3 minutes or until the natural completion of the activity in 4/5 observed opportunities."

1. March 21, 2024 - code 3;
2. June 14, 2024 - code 1 [due to absences]; and
3. December 6, 2024 - code 3.

38. An IEP dated January 16, 2025 indicated the following updates:

a. Student 6 had been attending school more consistently in the 2024-25 school year.
b. The Parent expressed concerns about sleep patterns and how those affected behavior.
c. Student 6 participated in districtwide assessments in the 2024-25 school year, with accommodations.
d. Due to higher attendance, Present Levels were assessed and goal areas were added. These included:
    i. Reading - Student 6 identified some letters and sight words, but inconsistently produced on command. Parents stated Student 6 does better at home and has memorized some words.
    ii. Writing - Student 6 was able to trace both upper and lower case letters. They were able to copy their name and numbers from a model legibly.
    iii. Math - Student 6 was able to count to ten. The Parent shared that at home the Student 6 often counted higher than ten. Student 6 demonstrated understanding of shapes and colors.
e. Measurable Annual Goals to reach by January, 2026 included:
    i. Academic Readiness;
    ii. Communication;
    iii. Social Skills;
    iv. Mathematics;
    v. Written Language;
    vi. Reading/Language Arts; and
    vii. Adaptive/Self Management was removed.
f. SDI school wide, from the special education teacher, from January 17, 2025 through January 15, 2026 in the following areas:
    i. Written Language for 60 minutes per week;
    ii. Mathematics for 60 minutes per week;
    iii. Social Skills for 30 minutes per week;
    iv. Communication, 60 minutes per week;
    v. Reading/Language Arts, 60 minutes per week; and
    vi. Academic Readiness, 80 minutes per week.
g. Related Services from January 17, 2025 through January 15, 2026 in the following areas:
    i. Speech/Language Services for 60 minutes per month.
h. Supplementary Aids/Services school wide, from the special education teacher, from January 30, 2024 to January 28, 2025 in the following areas:
    i. Adult modeling of communication supports/AAC systems, for 15 minutes throughout the day; and
    ii. Line of sight support for out-of-building transitions, for 25 minutes throughout the day.
i. The IEP team determined Student 6 spent 330 minutes of the school day in the special education classroom. They would have access to their general education peers during P.E., lunch, recess, and assembly. A PWN dated January 16, 2025 was issued and covered the information in the updated IEP.

39. An IEP Progress Report dated June 13, 2025 provided progress codes for the following goals:
    a. Academic Readiness
        i. "By January 2026, given pre-teaching and visual reference/visual task analysis (e.g. sample of a completed task), when asked to complete a familiar task, [the Student] will use the resource and independently complete the task with no more than 2 reminders for 4 out of 5 opportunities."
            1. March 13, 2025 - code 3; and
            2. June 12, 2025 - code 4.
    b. Communication
        i. "Given adult modeling, opportunities to practice, and access to multiple communication modalities (verbal, sign, gesture, AAC system(s), picture cues, etc.), [Student 6] will engage in purposeful communication for the following purposes, each in at least 3/5 opportunities across no less than 2/3 data probes: a) request or make a choice b) accept and reject/protest c) comment or label."
            1. March 13, 2025 - code 3; and
            2. June 12, 2025 - code 3.
    c. Social Skills
        i. "By January 2026, given adult support and prompting, [Student 6] will engage in a simple, preferred turn-taking games/activities with at least 1 peer where [they] shares materials and participates safely (maintain personal space, not touching peer's material/toy) for 3-5 turns or until the natural completion of the activity in 4 out of 5 observed opportunities."
            1. March 13, 2025 - code 3; and
            2. June 12, 2025 - code 3.
    d. Mathematics
        i. "By January 2026, given manipulatives and/or visual supports, [Student 6] will add and subtract with sum or difference within 10, scoring 80% accuracy, in 4 out of 5 trials."
            1. March 13, 2025 - code 3; and
            2. June 12, 2025 - code 3.
        ii. "1. [Student 6] will rote count 1-30 consistently. 2. [Student 6] will demonstrate 1:1 correspondence to 30. 3. [Student 6] will add and subtract with a sum or difference within 5 with the use of manipulatives and/or visuals."
            1. March 13, 2025 - code 4; and
            2. June 12, 2025 - code 3.
    e. Written Language
        i. "By January 2026, given a visual reference, when staff say a letter sound, [Student 6] will write the correct letter to match the sound, scoring 80% accuracy in 4 out of 5 trials."
            1. March 13, 2025 - code 3; and
            2. June 12, 2025 - code 4.

ii. "By January 2026, given a visual reference (e.g. alphabet list) when staff say a letter name, [Student 6] will write the letter correctly in uppercase or lowercase in 4 out of 5 trials."
    1. March 13, 2025 - code 3; and
    2. June 12, 2025 - code 4.
iii. "By January 2026, [Student 6] will write [their] name with adequate pressure and legibility to an unfamiliar reader."
    1. March 13, 2025 - code 4; and
    2. June 12, 2025 - code 4.

f. Reading/Language Arts
i. "By January 2026, given a list of 10 regularly spelled, one-syllable CVC words (e.g., bat, fog, cop), [Student 6] will verbally sound out each phoneme and then blend to read each word aloud using a self-selected reading strategy (e.g., letter/word tiles, elkonin boxes), for 8 out of 10 words, on 3 out of 4 progress monitoring assessments."
    1. March 13, 2025 - code 4; and
    2. June 12, 2025 - code 3.
ii. "Given a list of Dolch primer sight words, [Student 6] will read the words with 90% or better accuracy."
    1. March 13, 2025 - code 4; and
    2. June 12, 2025 - code 3.

40. A Conference Summary dated January 16, 2025 indicated:
    a. The IEP team agreed no new assessments were necessary and Student 6 would continue with eligibility under ASD.
    b. Student 6's goals were updated to reflect more consistent attendance.
    c. An accommodation related to adult supervision for safety was removed due to Student 6's progress.
    d. No new modifications were recommended or added.

41. Student 6 was absent for 36 days in the 2024-25 school year.

Student 7

42. Student 7 is eight years old and a rising third grade student who attended a self-contained Developmental K-2 Classroom in the District.

43. Relevant items from the IEP dated January 26, 2024 indicated:
    a. Present Levels of Performance for Student 7:
        i. Communication: Used physical language to express their wants and needs. Student 7 used body proximity to get what they want.
        ii. Readiness skills: Wondered and "flutters" around the room, and required visual cues because of extractability.
        iii. Adaptive/self-management: Needed verbal and visual support to follow routines throughout the classroom in 50% of observable opportunities.

iv. Self-regulation/behavior: Had difficulty regulating their emotions, became quickly agitated, cried easily, and became very upset over incidents that appear minor to others.

b. SDI, provided by the special education teacher and the SLP, school wide, starting January 27, 2024 and ending January 25, 2025 were:
   i. Reading/language arts for 75 minutes per week;
   ii. Written language for 75 minutes per week;
   iii. Mathematics for 75 minutes per week;
   iv. Communication for 90 minutes per month;
   v. Readiness skills for 120 minutes per week;
   vi. Self-regulation for 120 minutes per week; and
   vii. Related Service-transportation for 60 minutes per day.

c. Accommodations provided by the Special Education Teacher, schoolwide from January 27, 2024 through January 25, 2025 were:
   i. Access to augmentative communication for 360 minutes per day;
   ii. Access to visual supports for 360 minutes per day;
   iii. Allow additional processing time before a response is required (and provide visual options for response) for 360 minutes per day;
   iv. Short simple directions paired with visuals/objects for 360 minutes per day;
   v. Access to a break area for 150 minutes per day;
   vi. Frequent prompting and checks for understanding for 360 minutes per day;
   vii. Flexible seating for 150 minutes per day;
   viii. First/then language for tasks for 150 minutes per day;
   ix. Preferential seating close to the teacher for 150 minutes per day; and
   x. Safety vest when riding the bus for 60 minutes per day.

d. Supports for School Personnel provided by the LEA, from January 27, 2024 through January 25, 2025 included:
   i. Augmentative Communication Specialist Consultation for 60 minutes per year;
   ii. OT service consultation for 120 minutes per year;
   iii. Consultation between general education and special education teachers for 60 minutes per year.
   iv. Autism consultation for 240 minutes per year; and
   v. SLP consultation with school staff for 60 minutes per year.

e. A Special Education Placement Determination dated January 26, 2024 indicated Student 7 would be in a self-contained special education classroom (Developmental K-2) with a continuous focus on academics, communication, and self-help skills throughout the entire school day. Student 7 would spend less than 40% of the time in a regular classroom.

44. An IEP Amendment dated January 26, 2024 indicated:

a. Consultation between the Augmentative Communication Specialist and school staff to support device programming, maintenance and training for 90 minutes per year, starting April 29, 2024 through January 25, 2025.

45. A Daily Attendance Profile for the 2024-25 school year indicated Student 7 was absent 12 days.

46. Relevant items from the IEP dated January 24, 2025 indicated:
    a. One of the Parents was concerned about Student 7 being behind in a lot of subjects.
    b. Student 7's disability of autism affected "regulation of physical and psychological behaviors, resulting in repetitive body movements, ritualistic behaviors, narrow or extreme interests in specific topics, or resistance to change. This impacts access to instruction, and tasks that require self-regulated behavior. [Student 7] also has delays in cognitive, adaptive, and communication skills." Student 7 needed specialized instruction and accommodations in the areas of communication, adaptive skills, regulation skills, and cognitive skills in order to make progress toward grade level standards, needs visual supports, concrete tasks, short and concise directions, modeling of expected behaviors, and adult assistance for safety in transitions.
    c. The Service Summary for SDI, provided by the Special Education Teacher, school wide, starting January 27, 2025 through January 23, 2026 included:
        i. Reading/language arts for 75 minutes per week;
        ii. Written language for 75 minutes per week;
        iii. Mathematics for 75 minutes per week;
        iv. Communication for 90 minutes per week;
        v. Academic readiness for 120 minutes per week; and
        vi. Self-regulation for 60 minutes per week.
    d. Related Services:
        i. Transportation for 60 minutes per day; and
        ii. Speech-language services for 60 minutes per month.
    e. Supplementary Aids and Services/Accommodations provided by the Special Education Teacher, from January 27, 2025 through January 23, 2026 included:
        i. Adult monitoring to maintain safety during transitions for 30 minutes per day;
        ii. Adult assistance for bathroom routine, task engagement, and self-regulation for 360 minutes per day;
        iii. Positive behavior supports for 360 minutes per day;
        iv. Augmentative communication system(s) for 360 minutes per day;
        v. Access to visual supports for 360 minutes per day;
        vi. Allow additional processing time before a response is required (and provide visual options for responses) for 360 minutes per day;
        vii. Short simple directions paired with visuals/objects for 360 minutes per day;
        viii. Access to a break area for 150 minutes per day;
        ix. Frequent prompting and checks for understanding for 360 minutes per day;
        x. Flexible seating for 150 minutes per day;
        xi. First/then language and visuals for 150 minutes per day;

xii. Safety vest when riding the bus for 60 minutes per day;
xiii. Modeling of augmentative communication device for 20 minutes per week; and
xiv. Alternate curriculum and assignments at their instructional level in all academic areas for 330 minutes per day.

f. Supports for School Personnel from January 24, 2025 through January 23, 2026 included:
    i. Consultation between general education and the Special Education Teacher for 60 minutes per year;
    ii. OT Services consultation by OT or Assistant/OT for 90 minutes per year;
    iii. SLP consultation with school staff for 30 minutes per month;
    iv. Autism consultation from an autism consultant for 240 minutes per year; and
    v. Augmentative Communication/Specialist consultation from an augmentative communication specialist for 60 minutes per year.
g. Removal from the regular classroom, Student 7 would receive SDI in a developmental classroom, in a small group 1:1 setting. Student 7 would spend less than 40% of their day in the regular classroom.

47. Student 7's IEP Progress Report, dated June 13, 2025, contained information about their annual goals. The report provided progress codes for the following goals:
    a. Communication Goal #1
        i. "Given access to multiple modalities (spoken language, sign, gesture, picture cues, AAC system(s), etc.), adult modeling, and opportunities to practice, [Student 7] will increase [their] ability to communicate situationally-specific messages visa use of at least one specific noun, verb, and/or describing word used per communicated message (ex. "Ketchup" via AAC device or picture cue to replace reaching toward cafeteria kitchen and vocalizing, 'ponytail' or 'brush' via AAC device or picture cue to replace placing adult hands on [their] hair, etc.) in at least 80% of communication exchanges across no less than ⅔ data probes."
            1. June 13, 2025 - code 3; and
            2. March 13, 2025 - code 4.
    b. Communication Goal #2
        i. "Given access to [Student 7's] AAC device, adult modeling, and opportunities to practice, [Student 7] will demonstrate the ability to independently navigate to desired vocabulary via consistent understanding and use of at least 5 different category folders (ex. Quickfires, food, toys, etc.), as demonstrated by independently opening the correct category folder to find specific vocabulary in at least 80% of attempts."
            1. June 13, 2025 - code 3; and
            2. March 13, 2025 - code 3.
    c. Reading/Language Arts

i. "By January 2026, [Student 7] will match upper and lowercase letters, and receptively identify each letter with 80% accuracy in 4 out of 5 opportunities."
    1. June 13, 2025 - code 3; and
    2. March 13, 2025 - code 3.

d. Written Language
    i. "By January 2026, [Student 7] will trace and then copy the letters of [their] first name with 80% accuracy in 4 out of 5 trials."
        1. June 13, 2025 - code 3; and
        2. March 13, 2025 - code 3.

e. Mathematics
    i. "By January 2026, given visual supports and/or manipulatives and repeated practice, [Student 7] will demonstrate the following with 80% accuracy on 3 out of 4 trials. Demonstrates 1:1 correspondence to 10. Put numbers in order to 50. Demonstrate simple addition within 5."
        1. June 13, 2025 - code 3; and
        2. March 13, 2025 - code 3.

f. Self-regulation
    i. "By January 2026, after the teacher verbally names an emotion, and demonstrates 1 related coping strategy (e.g., belly breathing, walk it out), [Student 7] will practice the coping strategy by physically demonstrating 1 observable element (e.g. chest rising and falling, walking), for 10 seconds on 4 out of 5 opportunities."
        1. June 13, 2025 - code 2; and
        2. March 13, 2025 - code 3.
    ii. Short-term benchmark which stated, "Given direct instruction, modeling, and generalized opportunities to practice, [Student 7] will respond to basic safety commands within 5 seconds (such as stop, walk, wait, sit, stand up, and hands down), demonstrating 90% independence in four out of five consecutive observations."
        1. June 13, 2025 - code 2; and
        2. March 13, 2025 - code 2.

g. Academic Readiness
    i. "Given specially designed instructions and visual support, [Student 7] will stay in the designated area and participate in learning activities for at least 3 minutes independently with no more than 3 reminders in 4 out of 5 opportunities."
        1. June 13, 2025 - code 4; and
        2. March 13, 2025 - code 3.

48. According to the Adult Supports Required in IEPs in the Developmental K-2 Classroom document, Student 7 needed adult support for toileting needs, transitions, staying on task, safety concerns, mealtimes, and help with accessing calming strategies for 260 minutes a day. Student 7 needed preferential seating within close proximity to an adult for 130 minutes a day, and adult support while accessing academic learning, and accessing calming strategies for 100 minutes a day.

Student 8

49. Student 8 is an 8-year-old rising third grader in a Developmental K-2 Classroom in the District. Student 8 is diagnosed with ASD and is eligible for special education services. Student 8's strengths included using their AAC device, love of dancing and music, organizing items, and leading in PE.

50. An IEP dated February 23, 2024 indicated:
    a. Student 8's disability affected them physically and psychologically. This resulted in repetitive movements and physical patterns, special interests, restricted communication, and lack of understanding of language and social cues.
    b. Present Levels were assessed in the areas of:
        i. Pre-Writing/Writing - Student 8 required adult support to trace their name.
        ii. Self Regulation - Student 8 was able to mimic calming strategies, such as breathing techniques. Overall refusals and upset had decreased, and they were able to practice self-soothing strategies on their own.
        iii. Classroom Functioning/Readiness Skills - Student 8 needed adult support for activities but appeared to understand routines and transitions. They demonstrated good attention to learning time and was able to remain seated.
        iv. Social Skills - Student 8 demonstrated limited social interaction with peers and adults. They preferred to play alone and had difficulty sharing independently but were able to with adult support.
        v. Adaptive - Student 8 continued to work on and progress with toilet training and trying new foods.
        vi. Communication - Student 8 received SDI in communication and made progress. They used a District-provided iPad with communication software in conjunction with physical gestures to communicate. They especially enjoyed communicating through emojis.
    c. Student 8 participated, with accommodations, in districtwide assessments in 2024.
    d. Measurable Annual Goals to reach by February 2025 included:
        i. Self-Regulation;
        ii. Social Skills;
        iii. Readiness Skills;
        iv. Written Language;
        v. Mathematics;
        vi. Reading/Language Arts; and
        vii. Communication.
    e. SDI school wide, from the Special Education Teacher, from February 26, 2024 through February 22, 2025 in the following areas:
        i. Self-Regulation for 130 minutes per week; and
        ii. Social Skills for 100 minutes per week.

f. SDI in the special education classroom, from the Special Education Teacher, from February 26, 2024 through February 22, 2025 in the following areas:
    i. Readiness Skills for 90 minutes per week;
    ii. Written Language for 100 minutes per week;
    iii. Mathematics for 100 minutes per week; and
    iv. Reading/Language Arts for 100 minutes per week.
g. SDI school wide, from the SLP, from February 26, 2024 through February 22, 2025 in the following areas:
    i. Communication for 90 minutes per month.
h. Related Services from February 26, 2024 through February 22, 2025 in the following areas:
    i. Transportation services at home/community/school location for 60 minutes round trip.
i. Supplementary Aids/Services school wide, from the Special Education Teacher, from February 26, 2024 to February 22, 2025 in the following areas:
    i. Access to calm area for 130 minutes throughout the day;
    ii. Adult support with toileting, transitions, staying on task, safety concerns, mealtimes, calming strategies for 260 minutes throughout the day;
    iii. First/Then language with visuals for 15 minutes throughout the day;
    iv. Visual supports such as cue cards, visual schedules, scripted stories for negotiating conflict and expressing emotions for 90 minutes throughout the day;
    v. Access to augmentative communication systems for 360 minutes throughout the day;
    vi. Gain attention prior to giving instructions and use simple, short, clear language for 60 minutes throughout the day;
    vii. Preferential seating close to an adult for 130 minutes throughout the day;
    viii. Pre-teach and model self-calming strategies for 30 minutes throughout the day; and
    ix. Sensory support such as wiggle seats, fidgets, headphones, etc., for 90 minutes throughout the day.
j. Supports for School Personnel included:
    i. Occupational Therapy consultation with an OT or OT assistant for 120 minutes per year;
    ii. Autism consultation with an autism consultant and all relevant staff for 120 minutes per year;
    iii. SLP consultation with a SLP and school staff for 60 minutes per year;
    iv. Special Education Teacher and staff consultation for 60 minutes per year; and
    v. Augmentative communication consultation with an augmentative communication specialist and special education staff for 120 minutes per year.
k. The IEP team determined Student 8 would be primarily in the special education classroom with opportunities to interact with general education peers throughout the day. They would receive instruction in small groups or one on one.

51. An IEP Progress Report dated December 6, 2024 provided progress codes for the following goals:
    a. Self-Regulation
        i. "By February 2025, after the teacher verbally names an emotion, and demonstrates 1 related coping/calming strategy (e.g., belly breathing, walk it out), [Student 8] will practice the strategy by physically demonstrating 1 observable element (e.g. chest rising and falling, walking), for 20 seconds, in 4 out of 5 practice sessions."
            1. March 21, 2024 - code 0;
            2. June 14, 2024 - code 2; and
            3. December 6, 2024 - code 3.
    b. Social Skills
        i. "By February 2025, given adult support, [Student 8] will engage in and maintain play in a structured setting (e.g. during PE activity) by interacting with a peer or a peer group for at least 5 minutes and remaining on play topic with prompting as needed on 4/5 opportunities."
            1. March 21, 2024 - code 0;
            2. June 14, 2024 - code 2; and
            3. December 6, 2024 - code 3.
    c. Readiness Skills
        i. "By February 2025, during a non-preferred small group activity and given access to visual supports such as first/then board, [Student 8] will demonstrate at least 3 on-task behaviors (e.g. looking at work assignment, participate in activity for at least 1 minute, staying in seat) in 4 of 5 activities."
            1. March 21, 2024 - code 0;
            2. June 14, 2024 - code 2; and
            3. December 6, 2024 - code 3.
    d. Written Language
        i. "Given specially designed instruction and access to adaptive writing utensils, [Student 8] will copy [their] name independently with 80% accuracy in 4 out of 5 opportunities."
            1. March 21, 2024 - code 0;
            2. June 14, 2024 - code 2; and
            3. December 6, 2024 - code 3.
        ii. "[Student 8] will copy 5 pre-writing shapes (circle, oval, triangle, square, rectangle) after given modeling by staff."
            1. March 21, 2024 - code 0;
            2. June 14, 2024 - code 2; and
            3. December 6, 2024 - code 4.
        iii. "[Student 8] will engage in writing activities using multiple sensory/modality (e.g. dry erase, chalk, etc) to trace/form letters."
            1. March 21, 2024 - code 0;
            2. June 14, 2024 - code 2; and
            3. December 6, 2024 - code 4.

e. Mathematics
    i. “Given specially designed instruction and access to manipulatives and visual supports, [Student 8] will demonstrate the following basic math skills:”
        1. March 21, 2024 - code 0;
        2. June 14, 2024 - code 2; and
        3. December 6, 2024 - code 3.
    ii. “1. Match and then identify written numbers 1-20. 2. Count objects and match to correct written number. 3. Demonstrate understanding of concepts: big, small, more, less, equal/same as. 4. Fill in missing numbers within 50.”
        1. March 21, 2024 - code 0;
        2. June 14, 2024 - code 2; and
        3. December 6, 2024 - code 3.
f. Reading/Language Arts
    i. “Given specially designed instruction and access to visual supports and/or her augmentative communication device, [Student 8] will demonstrate the following reading skills:”
        1. March 21, 2024 - code 0;
        2. June 14, 2024 - code 2; and
        3. December 6, 2024 - code 3.
    ii. “1. Match and then identify all uppercase and lowercase letters. 2. Match 13 letters to its sound. 3. Identify 25 sight words. 4. Identify story elements: who, what, where. in 4 out of 5 opportunities.”
        1. March 21, 2024 - code 0;
        2. June 14, 2024 - code 2; and
        3. December 6, 2024 - code 3.
g. Communication
    i. “Given consistent access to and modeling of [their] AAC system, [Student 8] will navigate to the Quick Fires page and select a sentence (single button with pre-programmed message) to refuse an unwanted activity, express an opinion, or request help/adult attention in 3/5 daily opportunities by February 2025 in order to increase [their] self-advocacy skills.”
        1. March 21, 2024 - code 0;
        2. June 14, 2024 - code 2; and
        3. December 6, 2024 - code 3.
    ii. “Following models and a verbal prompt (e.g., a general statement such as “The sun is hot. Let’s find ‘hot’.”) and given 10 seconds of wait time, [Student 8] will use [their] AAC system to identify basic concepts (big/little, hot/cold, fast/slow, stop/go, in/out, up/down) and core vocabulary words/short phrases (all done, want, like, not, more, help, yes, toilet, eat, drink) at least 1 time during a play-based activity by February 2025 in order to increase[their]expressive language skills.”
        1. March 21, 2024 - code 0;
        2. June 14, 2024 - code 2; and

3. December 6, 2024 - code 3.

52. An IEP dated February 21, 2025 indicated the following updates:
    a. The Parent continued to express concerns about communication, though Student 8 showed progress in this area.
    b. Present Levels were assessed in the areas of:
        i. Classroom Functioning/Readiness Skills - Student 8 continued to need adult support for activities but was making progress. They were able to remain seated. They performed classroom routines with accuracy.
        ii. Adaptive - Student 8 "mastered" toilet training and was working on hand washing routines.
        iii. Communication - Student 8 improved in their ability to use their AAC device, with and without adult modeling. They demonstrated increased awareness of communication between themself and others. They paid more attention during structured activities and progressed their overall communication skills, including attempting verbalizations. It was observed their verbal letter understanding was limited, making verbalizations limited.
    c. Measurable Annual Goals to reach by February 2025, refined short term goals in the areas of:
        i. Written Language;
        ii. Mathematics;
        iii. Reading/Language Arts; and
        iv. Communication.
            1. The goals in communication were updated to be much more specific from the previous IEP and included guidance around adult modeling of communication concepts.
    d. SDI school wide, from the special education teacher, from February 21, 2025 through February 20, 2026, changed to:
        i. Self-Regulation for 60 minutes per week;
        ii. Social Skills for 60 minutes per week; and
        iii. Communication for 90 minutes per week.
    e. Related Services from February 21, 2025 through February 20, 2026, changed in the following areas:
        i. Communication, with the SLP, school wide, for 60 minutes per month.
    f. Supplementary Aids/Services school wide, from the special education teacher, from February 21, 2025 to February 20, 2026 changed in the following areas:
        i. Adult modeling of Augmentative Communication Systems for 20 minutes throughout the day; and
        ii. Adult support accessing academic learning and calming strategies for 100 minutes throughout the day.
    g. A modification of curriculum in all areas at all levels of instructions was implemented school wide, for 330 minutes per day, effective February 21, 2025 to February 20, 2026.
    h. Supports for School Personnel changed in the following areas:
        i. SLP consultation with a SLP and school staff for 30 minutes per year; and

ii. Augmentative communication consultation with an Augmentative Communication Specialist and special education staff for 90 minutes per year.

i. The IEP team determined Student 8 would be in the special education classroom for 60% of their day. They would receive instruction in small groups or one on one.

53. An IEP Progress Report dated June 12, 2025 provided progress codes for the following goals:

a. Self-Regulation
    i. "By February 2026, when experiencing a moment of frustration or when [they are] becoming upset, [Student 8] will practice a preferred pre-taught calming strategy given no more than two prompts by staff, in 4 out of 5 opportunities."
        1. March 13, 2025 - code 0; and
        2. June 12, 2025 - code 4.

b. Social Skills
    i. "By February 2026, given adult support and modeling, [Student 8] will respond to peer's invitation to play in a structured setting and remaining on play topic with prompting as needed on 4/5 opportunities."
        1. March 13, 2025 - code 0; and
        2. June 12, 2025 - code 3.

c. Readiness Skills
    i. "By February 2026, during a non-preferred small group activity and given access to visual supports such as first/then board, [Student 8] will demonstrate at least 3 on-task behaviors (e.g. looking at work assignment, get supply, staying in seat) for at least 10 minutes with staff support in 4 of 5 activities."
        1. March 13, 2025 - code 0; and
        2. June 12, 2025 - code 4.

d. Written Language
    i. "Given specially designed instruction and access to adaptive writing utensils, [Student 8] will copy [their] name independently with 80% accuracy in 4 out of 5 opportunities."
        1. March 13, 2025 - code 0; and
        2. June 12, 2025 - code 3.
    ii. "[Student 8] will engage in writing activities using multiple sensory/modality (e.g. dry erase, chalk, etc) to trace/form letters."
        1. March 13, 2025 - code 0; and
        2. June 12, 2025 - code 4.
    iii. "[Student 8] will trace all uppercase and lowercase letters with correct letter formation."
        1. March 13, 2025 - code 0; and
        2. June 12, 2025 - code 4.
    iv. "[Student 8] will copy 5 pre-writing shapes (circle, oval, triangle, square, rectangle) with accuracy after given modeling by staff."

1. March 13, 2025 - code 0; and
2. June 12, 2025 - code 3.

e. Mathematics
    i. “Given specially designed instruction and access to manipulatives and visual supports, [Student 8] will demonstrate the following basic math skills:”
        1. March 13, 2025 - code 0; and
        2. June 12, 2025 - no score.
    ii. “1. Match and then identify written numbers 1-20 out of a field of 3. 2. Point to object/picture one by one and match to correct corresponding written number up to 20. 3. Demonstrate understanding of concepts: big, small, more, less. 4. Fill in missing numbers within 20.”
        1. March 13, 2025 - code 0; and
        2. June 12, 2025 - code 3.
f. Reading/Language Arts
    i. “Given specially designed instruction and access to visual supports and/or [their]augmentative communication device, [Student 8] will demonstrate the following reading skills:”
        1. March 13, 2025 - code 0; and
        2. June 12, 2025 - code 4.
    ii. “1. Match all uppercase and lowercase letters out of a field of 3. 2. Match all uppercase to the corresponding lowercase letter out of a field of 3. 3. Demonstrate understanding of a story read by identifying story elements: who, what, where out of a field of 3. with 80% accuracy in 4 out of 5 opportunities.”
        1. March 13, 2025 - code 0; and
        2. June 12, 2025 - code 4.
g. Communication
    i. “Given consistent access to and modeling of[their]AAC system and a max of one verbal prompt in the moment, [Student 8] will navigate to the Quick Fires page and select a sentence (single button with pre-programmed message) to refuse an unwanted activity, express an opinion or need, or request help/adult attention in 3/5 daily opportunities by February 2026 in order to increase [their] self-advocacy skills.”
        1. March 13, 2025 - code 0; and
        2. June 12, 2025 - code 3.
    ii. “Following models and a verbal prompt (e.g., a general statement such as “The sun is hot. Let’s find ‘hot’.”) and given 10 seconds of wait time, [Student 8] will use [their] AAC system to identify the following, each in 3/5 opportunities across no less than 2/3 data probes: a) basic concepts (big/little, hot/cold, fast/slow, stop/go, in/out, up/down, etc.) b) core vocabulary words/short phrases (all done, want, like, not, more, help, yes, toilet, eat, drink) c) common vocabulary pertinent to [their] interests, needs, or environment (ex. clothing, art/school supplies, foods, etc.).”

1. March 13, 2025 - code 0; and
2. June 12, 2025 - code 3.

iii. "Given specialized instruction, adult modeling, and opportunities to practice, [Student 8] will imitate verbal or signed simple sounds or words within a structured practice activity, producing the word correctly or with an intelligible approximation, in 3/5 opportunities across no less than 2/3 data probes."

1. March 13, 2025 - code 0; and
2. June 12, 2025 - code 3.

54. A Daily Attendance Profile for the 2024-25 school year indicated Student 8 had five excused absences, one excused tardy, four unexcused tardies, and three unexcused absences between October 3, 2024 and May 29, 2025.

Student 9

55. Student 9 is six years old and is a rising first grade student who attended a self-contained Developmental K-2 Classroom in the District. Student 9 enjoys walks, singing, running, and jumping on the trampoline.

56. Relevant items from the IEP dated June 6, 2024 indicated:
    a. Student 9 qualifies for special education services under the category of ASD.
    b. The Service Summary for specially designed instruction provided by the special education teacher and the SLP, school-wide, from September 9, 2024 through June 5, 2025 included:
        i. Adaptive/self-management for 25 minutes per day;
        ii. Self-regulation for 25 minutes per day;
        iii. Social skills for 25 minutes per day;
        iv. Communication for 160 minutes per month.
    c. Supplemental Aids and Services/Accommodations provided by the general education teacher, school wide, from September 9, 2024 through June 5, 2025 included:
        i. Graduated warnings before transitions (can use visuals, timer, music) for 30 minutes per day;
        ii. Movement breaks for 40 minutes per day;
        iii. Extra wait time to allow Student 9 to process information or finish what they are doing for 390 minutes throughout the day;
        iv. Monitoring for food intake for 40 minutes per day;
        v. Gain attention before asking a question, requesting or giving instruction/directions for 390 minutes throughout the day;
        vi. Scheduled sensory breaks for 20 minutes per day;
        vii. Alternate modes of response for expressing knowledge for 30 minutes per day;
        viii. Visuals to support understanding classroom routines/expectations, (e.g. visual schedule, routine strips, first/then, timers, etc.) for 390 minutes throughout the day;

ix. Access to communication supports (e.g. visuals, picture choices, communication board, etc.) for 390 minutes per day;
x. Sensory supports (including chew tool) for 60 minutes per day;
xi. Short, simplified language when giving directions for 390 minutes throughout the day;
xii. Alternative modes of response for writing tasks for 30 minutes per day;
xiii. Adult support for regulation for 20 minutes per day; and
xiv. Model social scripts during play and routines (e.g. ask for help, request, invite to play, protest, etc.).

d. Supports for School Personnel from September 9, 2024 through June 5, 2025 included:
    i. Autism consultation with IEP team and general education staff by autism consultant for 120 minutes per year;
    ii. SLP will provide consultation with the general education staff to encourage carryover of skills in the classroom for 60 minutes per year; and
    iii. Special education consultation with IEP team and general education staff for 60 minutes per year.
e. The Statement of Non-Participation Justification indicated the extent of removal from the general education classroom was 540 minutes per week because the team determined Student 9 required additional support in the areas of social skills, adaptive/self-management, academic readiness, communication, and self-regulation.
f. Placement Determination indicated Student 9 would spend less than 40% of the day in the regular classroom.

57. Student 9's IEP Progress Report, dated March 12, 2025, contained information about their annual goals. The report provided progress codes for the following goals:
    a. Communication Goal #1
        i. "To increase [Student 9's] expressive language skills, [Student 9] will use total communication (e.g., gestures, visuals, words, etc.) to demonstrate communicative intent (e.g., greet, request, gain attention, protest, comment, etc.) to interact in [their] environment in 3 of 4 opportunities as determined by observation, data and/or parent/teacher report."
            1. December 10, 2024 - code 3; and
            2. March 12, 2025 - code 3.
    b. Communication Goal #2
        i. "To increase [Student 9's] expressive language skills, [Student 9] will label a variety of academic vocabulary when shown a picture or object and given a model with 80% accuracy across 3 measured data sessions as determined by observation, data and/or parent/teacher report."
            1. December 10, 2024 - code 3; and
            2. March 12, 2025 - code 4.
    c. Communication Goal #3
        i. "To increase [Student 9's] receptive language skills, [Student 9] will identify an emotion [they are] feeling by pointing to a picture or using

words/phrases in 4 out of 5 opportunities when provided a maximum level of support as determined by observation, data, and or parent/teacher report."
    1. December 10, 2024 - code 3; and
    2. March 12, 2025 - code 3.

d. Academic Readiness
    i. "After direct instruction and practice and given visual supports, instruction, and practice, [Student 9] will complete an unfamiliar school routine (ex. Bathroom, arrival, dismissal) when presented visually and orally for 3 out of 4 opportunities for each routine by June of 2025."
        1. December 10, 2024 - code 4; and
        2. March 12, 2025 - code 3.

e. Self-Regulation Goal #1
    i. "After direct instruction and practice [Student 9] will identify a variety of feelings from pictures or real-life models using multiple modes of communication (AAC, verbal, gestures, etc.) with 80% accuracy across 3 consecutive data collection periods by June of 2025."
        1. December 10, 2024 - code 3; and
        2. March 12, 2025 - code 3.

f. Self-Regulation Goal #2
    i. "After direct instruction and practice, after the teacher verbally and visually identifies an emotion, [Student 9] will choose a coping strategy to practice in 4 out of 5 opportunities by June of 2025."
        1. December 10, 2024 - code 3; and
        2. March 12, 2025 - code 3.

g. Social Skills
    i. "After direct instruction and practice, during structured play activities, [Student 9] will respond to peer initiations using multimodal communication (AAC, verbal, gestures, etc.) in social situations with 80% accuracy across 3 consecutive data collection periods by June of 2025."
        1. December 10, 2024 - code 3; and
        2. March 12, 2025 - code 3.

h. Adaptive/Self Management
    i. "After direct instruction and practice, [Student 9] will demonstrate appropriate responses to a variety of safety cues in [their] environment, including the fire alarm, calling [their] name, recess whistle, etc., with 80% accuracy across 3 consecutive data collection periods by June of 2025."
        1. December 10, 2024 - code 4; and
        2. March 12, 2025 - code 4.

58. Relevant items from the IEP dated June 4, 2025 indicated:
    a. The re-evaluation for Student 9 was due April 4, 2027.
    b. The Summary of Present Levels of Academic Achievement and Functional Performance included:

i. One of the Parents would like more details in the communication book sent home from school. Both Parents were concerned about Student 9 "getting left behind and forgotten because most of the time [Student 9] is compliant and does not cause behavioral issues that may demand immediate attention from the staff." One of the Parents had concerns about Student 9's ability to learn in a whole group setting.
ii. Adaptive/Self-Management Skills: Student 9 was developing independence in adaptive daily living skills within the school environment. Student 9 didn't consistently verbalize the need to use the bathroom. Student 9 was aware of the environmental cues and transitions and lines up appropriately. Student 9 needed to continue working on asking for help when needed, using visual support or gestures.
iii. Staff continued to monitor and support Student 9 in using safe and appropriate ways to regulate their sensory needs.

c. Student 9 was found eligible for ASD, which impacted their ability to fully access and participate in the general education curriculum without support. Difficulty with social communication, transitions, sensory sensitivities, and processing verbal instructions impacts the ability to engage in classroom routines. Student 9 may have difficulty maintaining focus during group instruction and may require visual supports, structured routines, and adult guidance and support for comprehension, task completion, and regulation of emotions and behavior.
d. Special Factors: Student 9 had communication needs and needed assistive technology devices or services.
e. Specially designed instruction provided by the special education teacher, school-wide, from June 5, 2025 through June 3, 2026 included:
    i. Self-regulation for 60 minutes per week;
    ii. Social skills for 75 minutes per week;
    iii. Communication for 100 minutes per week;
    iv. Academic Readiness for 30 minutes per week; and
    v. Academic Readiness for 60 minutes per week.
f. Related services included communication provided by the SLP for 90 minutes per month, from June 5, 2025 through June 3, 2026.
g. Aids/services and accommodations provided by the General Education Teacher, school-wide, from June 5, 2025 through June 3, 2026 included:
    i. Gain attention before asking a question, requesting or giving instruction/directions for 300 minutes throughout the day;
    ii. Access to augmentative communication system(s) for 390 minutes per day;
    iii. Short, simplified language when giving directions for 390 minutes throughout the day;
    iv. Visuals to support understanding classroom routines/expectations (e.g., visual schedule, routine strips, first/then, timers, etc.) for 390 minutes throughout the day;
    v. Scheduled sensory breaks for 20 minutes per day;
    vi. Movement breaks for 40 minutes per day;

vii. In class break space for 60 minutes per day;
viii. Notify parents via ParentSquare when dysregulation exceeds the norm (longer than 15 minutes) or when Student 9's face/neck starts getting blotchy for five minutes per session;
ix. Adult support to follow regulation activities for 20 minutes per day;
x. Pre-warning for transition, including transition routine to ease into non-preferred activities for 20 minutes per day;
xi. Adult modeling of verbal word combinations/phrases to support expressive communication growth for five minutes per day;
xii. Model social scripts during play and routines (e.g., ask for help: request, invite to play, protest, etc.) for 30 minutes per day;
xiii. Graduated warnings before transitions (can use visuals, timer, music) to ease into non-preferred activities for 30 minutes per day;
xiv. Adult supervision for concerns around mouthing non-food objects for 390 minutes per day;
xv. Sensory supports for 60 minutes per day;
xvi. Communication book for home-school for 15 minutes per day;
xvii. Give Student 9 processing time after asking a question/giving instruction, or direction for 10 minutes per day;
xviii. Reminders/cues to keep things out of their mouth for 10 minutes per day;
xix. Extra wait time to allow Student 9 to process information or finish what they were doing for 390 minutes throughout the day;
xx. Alternative modes of response for writing tasks for 30 minutes per day;
xxi. Adult modeling of augmentative communication system(s) for 10 minutes per day; and;
xxii. Alternate modes of response for expressing knowledge for 30 minutes per day.

h. Supports for School Personnel from June 4, 2025 through June 3, 2026 included:
i. Special education consultation with the LEA, IEP team, and general education staff by the special education teacher for 60 minutes per year;
ii. Consultation with Augmentative Communication Specialist for 60 minutes per year;
iii. Autism consultation with IEP team, LEA, and general education staff by the autism consultant for 120 minutes per year; and
iv. SLP will provide consultation with the general education staff to encourage carryover of skills in the classroom for 60 minutes per year.

i. The statement of nonparticipation justification included Student 9 would be removed from the regular classroom, up to 600 minutes of possible removal per week, to the special education setting. The team determined Student 9 required additional support in the areas of social skills, academic readiness, communication, and self-regulation. Student 9 would receive SDI in the above areas in a small group setting outside of the general education classroom.

59. A Progress Report dated June 12, 2025 indicated 0s for all goals because "the IEP was developed in the last 30 days, no new progress monitoring data has been collected."

60. Special Education Placement Determination indicated Student 9 "will receive [a] moderate amount of special education services. [Student 9] will attend in the general education classroom for 40-79% of [their] school day." According to a PWN dated June 10, 2025, Student 9 had accommodations updated, with a combination of special education and general education services provided inside the general education classroom for 40-79% of the day.

61. A Daily Attendance Profile for the 2024-25 school year indicated Student 9 was absent 18 days, 11 days unexcused, seven excused, and was tardy six days.

Student 10

62. Student 10 is a rising first grader in the Developmental K-2 Classroom in the District. Student 10 has increased independence at home and increased verbal communication.

63. Student 10's IEP, dated May 16, 2024, indicated:
    a. Student 10 was eligible for special education services under the category of ASD
    b. The Parent shared they had "significant safety concerns" related to Student 10 leaving the building without an adult on two separate incidents.
    c. The IEP documented the Parent and the Grandparent "shared concerns that [Student 10's] IEP may not be followed as it should."
    d. Student 10 required access to a high-tech AAC device to support communication.
    e. Student 10 demonstrated safety risk due to exhibiting behaviors such as "leaving the class without permission, crying, verbally expressing refusal, and lying on the floor."
    f. Student 10 required adult prompts to initiate their bathroom routine.
    g. The IEP documented, "Efforts to teach replacement behaviors have not shown consistent progress or generalization."
    h. With adult prompting, Student 10 continued to struggle with "practicing coping skills" and "struggles to apply these strategies outside of [their] small group room."
    i. Student 10 showed "difficulties participating in verbal interactions, asking questions, responding to others' communication, requesting clarification, repairing communication breakdowns, and maintaining communication exchanges." It was noted "[Student 10] communicates through escalated or unsafe behavior such as screaming, throwing items, or running away from the expected space."
    j. SDI school-wide, from the Special Education Teacher, from May 17, 2024, through May 15, 2025 in the following areas:
        i. Written Language 30 minutes per week;
        ii. Adaptive/Self Management 30 minutes per day;
        iii. Self-Regulation 15 minutes per day;
        iv. Mathematics 30 minutes per week;
        v. Communication 120 minutes per month; and
        vi. Reading/Language Arts 60 minutes per week

k. Supplementary Aids/Services school-wide, from the Special Education Teacher, from May 17, 2024 through May 15, 2025 in the following areas:
    i. "Visual supports and cues (including visual schedule) 390 minutes throughout the day";
    ii. "Adult support within arms length for arrival and dismissal 30 minutes per day";
    iii. "Adult support within arms length for lunch and recess for safety 50 minutes per day";
    iv. "Scheduled sensory breaks 30 minutes per day";
    v. "Adult support for bathroom routine (including visual cues, support for wiping, support for initiation of routine) 20 minutes per day"; and
    vi. "Adult support for safety in specials (P.E., library, and music) 210 minutes per week."
l. The IEP team determined Student 10 would be away from their "regular classroom" for "up to 156 minutes of total removal per day."

64. On January 10, 2025, the May 16, 2024 IEP was amended to change Student 10's placement to a more restrictive placement as requested by the Parent. There were no changes made to goals, SDI, accommodations, or related services. The IEP team determined Student 10 would be away from their "regular classroom" for "up to 370 min per day in a special ed[ucation] classroom." On January 11, 2025, a PWN document stated Student 10's placement was changed to "more than 60% of [their] day in the special education setting." According to the notice, the team agreed Student 10 needed more "structured support."

65. Student 10's IEP, dated February 28, 2025, indicated:
    a. Student 10 was eligible for special education services under the category of ASD.
    b. Student 10 required access to a high-tech AAC device to support communication.
    c. Student 10 demonstrated safety risk due to "difficulty following directions, including safety directives such as 'wait,' 'stop,' and directives to return to an area."
    d. Student 10 required adult prompts to initiate their bathroom routine.
    e. Student 10 required adult assistance to "self-regulate and will engage in unsafe behaviors when overwhelmed."
    f. "[Student 10] requires adult support, modeling, and prompting to consistently communicate with others … and often uses non-verbal behavior-based communication to meet needs or wants in the moment."
    g. Student 10 used single words or phrases verbally and on their device and was "most likely to do so when given adult support and modeling in a quiet environment."
    h. SDI school-wide, from the Special Education Teacher, from February 28, 2025, through February 27, 2026 in the following areas:
        i. Adaptive/Self Management 30 minutes per day;
        ii. Self-Regulation 15 minutes per day;
        iii. Communication 90 minutes per week;
        iv. Reading/Language Arts 30 minutes per week;

v. Academic Readiness 100 minutes per week;
vi. Independent Living 30 minutes per week; and
vii. Social Communication 20 minutes per week.

i. Related Services from February 28, 2025 through February 27, 2026 in the following areas:
    i. Speech/Language Services provided by the SLP, school-wide, for 80 minutes per month.

j. Supplementary Aids/Services school-wide, from the Special Education Teacher, from February 28, 2025, through February 27, 2026 in the following areas:
    i. "Adult support within arm's length for lunch and recess for safety 50 minutes per day;"
    ii. "Adult support within arm's length for arrival and dismissal 30 minutes per day";
    iii. "Adults will model social language/peer play opportunities 10 minutes per day";
    iv. "Adult support for bathroom routine (including visual cues, support for wiping, support for initiation of routine) 20 minutes per day";
    v. "Adult support within arm's length for transitions outside of the classroom for safety, 30 minutes per day";
    vi. "Adult support for self-regulation 90 minutes per day";
    vii. "Adult support for safety in specials (P.E., library, and music) 210 minutes per week";
    viii. "Sensory supports (i.e., wiggle seat, fidget, noise-cancelling headphones, etc.), including scheduled sensory breaks throughout the day 390 minutes throughout the day"; and
    ix. "Adult modeling of augmentative communication system 10 minutes per day."

k. The IEP team determined Student 10 would be away from their "regular classroom" for "up to 360 [minutes] per day in the special education classroom" out of the 360 minutes of the school day. Student 10 would receive specialized instruction in a self-contained classroom to address areas of need.

l. According to a PWN dated February 28, 2025, Student 10's IEP was changed to add academic readiness goals, an alternate curriculum in the areas of writing and math, and removal of Student 10 from "academic time in general ed[ucation] classroom."

66. On May 6, 2025, notes from the Elementary School OT Team described a 20-minute observation of Student 10 and observed:
    a. "[Student 10] has not been getting pulled for LRC [Learning Resource Center] time recently."
    b. "[Student 10] has been attempting to unplug/plug in the TV and this was observed - [they] required significant redirection."
    c. "Limited engagement in academics [on] this date and required increased adult support."

d. “Staff attempted to take to the regulation space, [Student 10] calmed some but then refused to leave and they resorted to using a rolling chair and pushing [Student 10] back to the classroom.”
e. “Per reports from staff, [Student 10] has been pulling pants down more frequently and now peeing on things. Observed [Student 10] attempting to pull pants down frequently and required adult support.”
f. “Team also talked about considering a [Present Level of Educational Performance] PLE for academic times to support this student since [Student 10] will continue to be in this classroom next year as well.”

67. Student 10’s IEP Progress Report, dated June 12, 2025, contained information about their annual goals. The report provided progress codes for the following goals:
    a. Self-Regulation
        i. “Given direct instruction and practice, during a moment of frustration, when directed [Student 10] will independently select a pre-taught calming strategy (such as [they] will go to the calming area) and return back to the activity within 5 minutes in 4 out of 5 moments of frustration by February of 2026.”
            1. March 12, 2025 - code 0; and
            2. June 12, 2025 - code 3.
    b. Adaptive/Self Management
        i. “Given instruction, visual supports, and adult direction, [Student 10] will follow the classroom schedule/routine with no more than 2 prompts for the entire lesson/routine, with 80% accuracy for 4 out of 5 consecutive observation periods by February 2026.”
            1. March 12, 2025 - code 0; and
            2. June 12, 2025 - code 3.
    c. Reading/Language Arts
        i. “By February 2026, after a letter name is said aloud (e.g., “T”), given 3 written letter choices, and a prompt to match the letter’s spoken name to its written letter, [Student 10] will compare the choices and point to the letter, for 4 out of 5 letters, on 3 out of 4 progress monitoring assessments.”
            1. March 12, 2025 - code 0; and
            2. June 12, 2025 - code 4.
    d. Independent Living
        i. “By February 2026, using a visual aid showing the step-by-step process of using a toilet (e.g., pull down clothing, sit, use toilet, flush), and a prompt to follow the visual aid, [Student 10] will use the toilet independently by following the steps of the visual, for 4 out of 5 opportunities, as measured by 3 out of 4 progress monitoring assessments.”
            1. March 12, 2025 - code 0; and
            2. June 12, 2025 - code 4.
    e. Social Communication
        i. “By February 2026, given a structured play opportunity and a prompt to engage in parallel play with a peer, [Student 10] will engage in parallel

play by playing independently but alongside a peer playing independently, for 4 out of 5 opportunities, as measured by 3 out of 4 progress monitoring assessments."

1. March 12, 2025 - code 0; and
2. June 12, 2025 - code 4.

f. Functional Communication

i. "Given access to multiple modalities (verbal, sign, picture cues, AAC system(s), etc.), adult modeling, and opportunities to practice, [Student 10] will direct purposeful communication at a communication partner for the following functions, each in at least 4/5 opportunities across no less than 2/3 data probes: a) Refuse or protest using purposeful communication (to replace unsafe or disruptive behavior-based protest such as dropping to the floor, eloping, etc.); b) requesting or making a choice; c) labeling or commenting according to [their] interest; d) stating a need in the moment (ex. need help, bathroom, need a break, want to leave, want water, etc.) in order to replace unsafe or disruptive attempts to meet needs without assistance (ex. leaving the area without an adult, taking items from others, behavior-based protest to get access to a break, etc.)."

1. March 12, 2025 - code 0; and
2. June 12, 2025 - code 3.

ii. "Given access to multiple modalities (verbal, sign, picture cues, AAC system(s), etc.), adult modeling, and opportunities to practice, [Student 10] will use familiar carrier phrases (I want, I see, all done, etc.) combined with specific vocabulary and/or produce novel 2+ word combinations containing specific vocabulary in at least 3/5 opportunities across no less than 2/3 data probes in order to increase [their] expressive language skills."

1. March 12, 2025 - code 0; and
2. June 12, 2025 - code 3.

iii. "Given access to specially designed instruction, visual and verbal cues, and opportunities to practice, [Student 10] will respond to single-step routine-based directives and safety directives (ex., stop, get down, wait, come back, etc.) in 4/5 opportunities across no less than 2/3 data probes."

1. March 12, 2025 - code 0; and
2. June 12, 2025 - code 3.

g. Academic Readiness

i. "Given specially designed instruction and access to adaptive writing tools, [Student 10] will copy [their] name independently of 4 out of 5 opportunities."

1. March 12, 2025 - code 0; and
2. June 12, 2025 - code 4.

ii. A short-term objective/benchmark stated, "By June 2025, [Student 10] will copy 5 pre-writing shapes (circle, oval, triangle, square, rectangle) with modeling and prompting.

1. March 12, 2025 - code 0; and
2. June 12, 2025 - code 3.

iii. A short-term objective/benchmark stated, "By December 2025, [Student 10] will engage in writing activities using multiple sensory/modality [*sic*] 45 (e.g., dry erase, chalk, etc.) to trace/form letters."
1. March 12, 2025 - code 0; and
2. June 12, 2025 - code 3.

iv. "By March 2026, given an illustrated addition problem where one addend is between 1-5 and the other addend is a 1 (e.g., 3+1 =), and shown 3 illustrated answer choices, [Student 10] will solve by counting the illustrated objects and pointing to the illustrated answer choice that represents the sum, for 4 out of 5 sets, on 3 out of 4 progress monitoring assessments."
1. March 12, 2025 - code 0; and
2. June 12, 2025 - code 4.

v. A short-term objective/benchmark stated, "By June 2025, given a set of familiar, illustrated objects within 10, 3 illustrated answer choices, and asked to identify the matching set of objects, [the Student] will compare the choices by counting the objects and point to the matching set, for 4 out of 5 sets on 3 out of 4 progress monitoring assessment."
1. March 12, 2025 - code 0; and
2. June 12, 2025 - code 4.

vi. A short-term objective/benchmark stated, "By December 2025, given an illustrated addition problem where one addend is between 1-3 and the other addend is a 1 (e.g., 3+1 =), and shown 3 illustrated answer choices, [the Student] will solve by counting the given objects and pointing to the illustrated answer choice that represents the sum, for 4 out of 5 problems on 3 out of 4 progress monitoring assessments."
1. March 12, 2025 - code 0; and
2. June 12, 2025 - code 4.

68. A Daily Attendance Profile for the 2024-25 school year was generated on August 12, 2025 and Student 10 had nine excused absences, including one tardy, and three unexcused absences, including one tardy.

Student 11

69. Student 11 is a rising second grader in the Developmental K-2 Classroom in the District. Student 11 enjoys singing and enjoys being at school.

70. Student 11's IEP, dated January 25, 2024, indicated:
a. Student 11 was eligible for special education services under the category of ASD.
b. Student 11 was attending school 1-2 days a week, had an iPad for an augmentative communication system, relied on adult support for toileting, demonstrated "global receptive and expressive communication delays," and was "highly sensitive to input in [their] environment."

c. Student 11 required "at least close standby assist, and up to maximum assist, for directionality."
d. SDI school-wide, from the Special Education Teacher, from January 25, 2024, through January 24, 2025 in the following areas:
    i. Written Language 30 minutes per week;
    ii. Adaptive/Self Management 150 minutes per week;
    iii. Mathematics 30 minutes per week;
    iv. Communication 120 minutes per month;
    v. Reading/Language Arts 30 minutes per week;
    vi. Academic Readiness 180 minutes per week; and
    vii. Independent Living 150 minutes per week.
e. Related Services from January 25, 2024 through January 24, 2025, in the following areas:
    i. Speech/Language Services provided by the SLP school-wide for 60 minutes per month; and
    ii. Physical Therapy provided by the Physical Therapist school-wide for 120 minutes per year.
f. Supplementary Aids/Services school-wide, from the Special Education Teacher, from January 25, 2024 through January 24, 2025, in the following areas:
    i. "Access to augmentative communication system for 360 minutes throughout the day."
g. The IEP team determined Student 11 would be removed from their "regular classroom" to "receive instruction in a special education classroom for 60% of [their] day with opportunities to interact with [their] peers in general education during recess, PE, and/or library (up to 45 minutes a day)."

71. Student 11's IEP, dated January 21, 2025, indicated:
a. Student 11's Parent stated they were "most concerned with [Student 11's] writing and communication, as well as [their] ability to listen/follow directions."
b. Student 11 required "full prompting to participate" and "multiple staff members trying various strategies to motivate [Student 11] to transition." This included during "specials, emergency drills, recess, and lunch."
c. Student 11 had "scratched and pinched staff and classmates without apparent/clear reason other than proximity."
d. Student 11 relied "on adult support for toileting."
e. Student 11 required "verbal prompting with hand-over-hand guidance to bring the utensil to [their] mouth." Student 11 could drink independently from a sippy cup.
f. Student 11 did not "stay sitting in a classroom chair, on a bench seat in the cafeteria, or on the carpet during circle time." Student 11 demonstrated walking around the classroom or "laying [*sic*] supine or prone on the ground."
g. Student 11 demonstrated understanding of "routine-based words, words representing preferred items … and some common words" with adult support and direct modeling of [their] device.
h. SDI school-wide, from the Special Education Teacher, from January 22, 2025 through January 20, 2026 in the following areas:

i. Written Language 30 minutes per week;
ii. Mathematics 30 minutes per week;
iii. Communication 120 minutes per month;
iv. Reading/Language Arts 30 minutes per week;
v. Academic Readiness 180 minutes per week;
vi. Independent Living 45 minutes per week; and
vii. Social Communication 30 minutes per week.

i. Related Services from January 22, 2025, through January 20, 2026 in the following areas:
    i. Speech-Language Services provided by the SLP school-wide for 60 minutes per month.
j. Supplementary Aids/Services school-wide, from the Special Education Teacher, from January 22, 2025 through January 20, 2026 in the following areas:
    i. "Access to augmentative communication system 360 minutes throughout the day";
    ii. "Use of visuals for common cues paired with name 15 minutes throughout the day";
    iii. "Obtain student's attention before providing a direction 60 minutes throughout the day";
    iv. "Provide one-step oral direction with visual cue when available 10 minutes per day";
    v. "Visual Schedule and supports to teach classroom schedule, routines, and expectations 10 minutes per day";
    vi. "Adult support with: adaptive toileting, clothing management, transitions (classrooms, hallways), during emergency evacuation, accessing playground equipment, functional routines, meal routines, academic support, communication support, maintaining own and others' safety 390 minutes throughout the day"; and
    vii. "Modeling of augmentative communication system, 10 minutes per week."
k. Need for Aids/Services; Modifications school-wide from the Special Education Teacher from January 22, 2025 through January 20, 2026 in the following areas:
    i. "Grading based on personal progress and growth," 30 minutes per quarter; and
    ii. "Alternate curriculum at student's instructional level," 60 minutes per day.
l. The IEP team determined Student 11 would be removed from their "regular classroom" to "receive instruction in a special education classroom for 60% of [their] day with opportunities to interact with [their] peers in general education during recess, PE, and lunch."

72. On January 21, 2025, a Conference Summary described Student 11's need for adult support for toileting, including support with keeping their diaper on, considering the lighting in the bathroom due to fears of the dark, and prompting them on hygiene routines.

73. On January 21, 2025, the Elementary School Autism Team notes taken during a 30-minute meeting indicated "... most activities require full adult support. [Student 11] requires multiple prompting of expected behavior. Refusal-laying on the floor, looking at a book, singing a song. Transition to the classroom can take up to 30 minutes." Notes also described the Parents coming to the School to change Student 11's diaper.

74. A PWN document dated February 12, 2025, described changes made to Student 11's IEP, which included a change of placement to "special education services outside of the general education classroom 60% or more of the day."

75. On February 12, 2025, the Elementary School Autism Team notes indicated a 60-minute meeting during which the team added to the annual IEP: "pinching, hitting when peers and staff are in [Student 11's] proximity and not transitioning with the class for emergency drills and scheduled activities," and possibly needing to "request permission for FBA/BSP." The notes stated Student 11's "biggest barrier to accessing learning is willingness to follow classroom schedules, routines-transitions." Meeting notes from the Occupational Therapist on the same date indicated Student 11 required "full prompting to participate with non-preferred tasks and often refuses. Frequently lays on the floor." In addition, notes indicated Student 11 "requires full adult assistance for toileting/diaper changes at school," and Student 11 required adult assistance with feeding routines.

76. Student 11's IEP Progress Report, dated June 12, 2025, contained information about their annual goals. The report provided progress codes for the following goals:
    a. Communication
        i. "Given access to multiple communication modalities (verbal, pictures, gesture/sign, AAC system(s), etc.), adult modeling, and opportunities to practice, [Student 11] will engage in purposeful communication for the following functions, each in at least 3/5 opportunities across no less than 2/3 data probes: a. Request or make a choice, b. Accept or protest, c. Comment or label on items/activities of interest, d. Express needs (need water, need a break, etc.)."
            1. March 12, 2025 - code 0; and
            2. June 12, 2025 - code 3.
        ii. A short-term objective/benchmark stated, "request more of an action using multi-modal communication such as singing or walking or eating using total communication (mimicking the action verb, signing the word "more", verbally saying the word "more", or gesturing that [they] would like more of the action to be repeated)."
            1. March 12, 2025 - code 0; and
            2. June 12, 2025 - no progress reported.
        iii. A short-term objective/benchmark stated, "selecting between two high interest choices using multi-model communication (nodding [their] head, pointing to the item without grabbing, signing "that" or "this" or "more", verbally repeating the word "yes")."
            1. March 12, 2025 - code 0; and

2. June 12, 2025 - no progress reported.

iv. A short-term objective/benchmark stated, “refusing or rejecting using multi-model communication (shaking [their] head, pointing to lite tech symbols “no”, “something else”, American sign language for “no”, repeating the word “no” following modeling).”

1. March 12, 2025 - code 0; and
2. June 12, 2025 - no progress reported.

b. Academic Readiness

i. “Given direct instruction, support, and modeling, [Student 11] will follow 1-step directions when paired with a visual/verbal cue or modeling for preferred and non-preferred tasks with no more than 3 verbal prompts with the same verbal phrasing (e.g. “do this”, “sit”, “stand”, “wait”, “come here”) in 3 out of 5 opportunities as measured by observation and data.”

1. March 12, 2025 - code 0; and
2. June 12, 2025 - code 3.

ii. “Given instruction, support, and modeling, [Student 11] will follow a visual schedule to transition throughout the school day and complete school routines in 80% of the opportunities over 3 days.”

1. March 12, 2025 - code 0; and
2. June 12, 2025 - code 2.

c. Independent Living

i. “By January 2026, [Student 11] will independently follow a toileting routine with 80% accuracy given 2 or less prompts, as observed in 4 out of 5 toileting opportunities.”

1. March 12, 2025 - code 0; and
2. June 12, 2025 - code 2.

d. Social Communication

i. “Given access to multiple communication modalities (verbal, pictures, gesture/sign, AAC system(s), etc.), adult modeling, and adult prompting in the moment, [Student 11] will tolerate a peer sitting nearby and using shared materials for 5 minutes within a structured activity while maintaining safe hands (eliminating grabbing/pinching of nearby peers) and using purposeful and functional communication strategies to request, accept, or protest within the activity (request an item vs. taking it, stating ‘no’ instead of grabbing or walking away, ‘my turn’ instead of taking things from peers or frustration behaviors, etc.).”

1. March 12, 2025 - code 0; and
2. June 12, 2025 - code 3.

e. Mathematics

i. “By January 2026, when presented with numbers 1 to 100, [Student 11] will identify correctly with 80% accuracy in 4/5 data probes.”

1. March 12, 2025 - code 0; and
2. June 12, 2025 - code 3.

f. Reading/Language Arts

i. "By January 2026, when presented with a letter card, [Student 11] will match letters to their corresponding sounds or state letter sound, first with a model, then independently, with 80% accuracy in 4/5 data probes."
    1. March 12, 2025 - code 0; and
    2. June 12, 2025 - code 4.
ii. A short-term objective/benchmark stated, "By January 2026, [Student 11] will pick out [their] name out of a field of three names in 4 out of 5 opportunities."
    1. March 12, 2025 - code 0; and
    2. June 12, 2025 - code 4.

g. Written Language
    i. "By January 2026, when given a writing utensil, a designated writing space, and instructional support and modeling, [Student 11] will copy pre-writing strokes (circle, vertical/horizontal/slant lines), letters, and numbers with 80% accuracy in 2 out of 3 opportunities."
        1. March 12, 2025 - code 0; and
        2. June 12, 2025 - code 3.

77. A Daily Attendance Profile for the 2024-25 school year was generated on August 12, 2025 and listed 14 unexcused absences, 10 excused absences, 32 unexcused tardies, and one excused tardy.

Student 12

78. Student 12 is a rising first grader in the Developmental K-2 Classroom in the District. Student 12 is sweet, affectionate, creative, and musically talented.

79. Student 12's IEP, dated May 22, 2024, indicated:
    a. Student 12 was eligible for special education services under the categories of ASD, Visual Impairment (VI), and OHI.
    b. Present levels of performance:
        i. General need for adult support: Student 12 navigated their educational environment with a combination of verbal prompts, environmental cues, and a human guide who provides auditory narration and physical support to ensure safety. To stay on task during group instruction, they require a consistent, highly structured routine and close supervision, along with access to preferred objects and a supporting adult who can use familiar cues to redirect and reinforce engagement. They need increased processing time and additional adult support to initiate and complete tasks across all settings, while also being monitored to prevent the ingestion of non-food items.
    c. Special factors for IEP development:
        i. Student 12 was considered visually impaired.

ii. Student 12 required goals, SDI, related services, accommodations, and support for school personnel to address functional communication needs.
iii. Student 12 required the educational team to observe, consult, and trial a variety of multi-modal communication supports to find the best fit to support Student 12's communication.

d. For Assessment Participation in reading and math, Student 12 would take District alternate assessments because they were not yet able to access the District's standard assessments due to their disability. During the assessments, Student 12 would receive:
   i. One-to-one administration by a familiar adult at a preferred time of day;
   ii. Alternative assessment options, including auditory presentation;
   iii. Alternative response options;
   iv. Augmentative communication supports;
   v. Limited distractions; and
   vi. Frequent breaks if necessary.
e. SDI, school-wide, from the Special Education Teacher, from May 23, 2024 through May 21, 2025 in the following areas:
   i. Functional Communication for 100 minutes per week;
   ii. Functional Skills for 75 minutes per week;
   iii. Orientation and Mobility for 75 minutes per week;
   iv. Readiness Skills for 75 minutes per week; and
   v. Social Skills for 75 minutes per week.
f. Related services in the following areas:
   i. Communication services provided by the SLP for 90 minutes per month;
   ii. Occupational therapy provided by the OT for 240 minutes per year;
   iii. Transportation services by bus for 60 minutes round trip; and
   iv. Vision services by a regional vision specialist for 360 minutes per year.
g. Accommodations school-wide, from the Special Education Teacher, in the following areas:
   i. Adaptive mobility device from a regional provider for 390 minutes daily;
   ii. Adaptive PE options for 120 minutes weekly;
   iii. "Adult assistance to facilitate, supervise, and support the completion of safe, appropriate, and consistent arrival and departure routines" for 20 minutes daily;
   iv. Additional processing time to promote conceptual understanding for 60 minutes daily;
   v. "Adult assistance to facilitate, supervise, and support the completion of safe, appropriate, and consistent bathroom and hand-washing routines" for 30 minutes daily;
   vi. "Adult assistance to facilitate, supervise, and support the completion of safe, appropriate, and consistent breakfast, lunch, and snack routines" for 60 minutes daily;
   vii. "Adult assistance to facilitate, supervise, and support physical boundaries and safety while accessing the playground during recess due to [Student

12's] inability to see, mouthing non-food items, and the desire to freely explore [Student 12's] environment" for 40 minutes daily;

viii. "Adult assistance to facilitate, supervise, and support physical boundaries and safety during emergency drills and building evacuations due to [Student 12's] inability to see and desire to freely explore [Student 12's] environment" for 15 minutes monthly;

ix. "Adult assistance to facilitate, supervise, and support the completion of safe transitions within the classroom and school building due to [Student 12's] inability to see, mouthing non-food items, and the desire to freely explore [Student 12's] environment" for 195 minutes daily;

x. "Adult assistance to facilitate, supervise, and support the completion of safe transitions outside of the classroom due to [Student 12's] inability to see, mouthing non-food items, and the desire to freely explore [Student 12's] environment" for 195 minutes daily;

xi. "Adult models to support functional communication development, thus growth via expanded phrases, adding one more word, and providing sentence frames" for 390 minutes daily;

xii. Alternative response options to receptively and expressively communicate what Student 12 knows and can do for 390 minutes daily;

xiii. Auditory timer to further support consistent routine transitions with increasing levels of independence for 195 minutes daily;

xiv. AAC systems to enhance functional communication for 390 minutes per day;

xv. Calm, soft approach when prompting, providing constructive feedback, or redirection for 390 minutes daily;

xvi. Calming space with decreased social and academic expectations accompanied by self-regulation tools to support the identification of emotions and provide ways to safely decompress in the special education classroom for 45 minutes daily;

xvii. Explicit teaching and explanation of expected tasks, gestures, and activities for 195 minutes daily;

xviii. Faded levels of prompting to promote further independence for 45 minutes daily;

xix. Use first/then language accompanied by verbal and tactile supports for 45 minutes daily;

xx. Frequent positive praise for attempts to imitate new sounds, words, and functional routine tasks for 390 minutes daily;

xxi. Gain attention by using Student 12's name or physically touching them to let them know a speaker is talking prior to presenting verbal and tactile information for 390 minutes daily;

xxii. Provide hand-under-hand support whenever possible for 195 minutes daily;

xxiii. Health management plan for 390 minutes daily;

xxiv. Oral fidget to replace mouthing non-food items for 390 minutes daily;

xxv. Pair tactile input with auditory cues for transitions for 195 minutes daily;

xxvi. Pair verbal instruction with tactile supports for 195 minutes daily;

xxvii. Preferential seating for 390 minutes daily;
xxviii. Pre-warning accompanied by a visual timer to support upcoming independent transitions for 195 minutes daily;
xxix. Provide real, concrete objects whenever possible for 390 minutes daily;
xxx. Provide verbal narration of visual information Student 12 is not able to see for 390 minutes daily;
xxxi. Provide verbal and tactile cues for the schedule and specific activities for 195 minutes daily;
xxxii. Safe pacing protocol when eating for 60 minutes daily;
xxxiii. Scheduled sensory routines throughout the day for 20 minutes daily;
xxxiv. Sensory support systems and tools to enhance the ability to self-regulate when necessary for 390 minutes daily;
xxxv. Provide choice of preferred transitional item to support a smooth transition, thus regulated processing and compliance for 390 minutes daily; and
xxxvi. Verbal and tactile support systems to communicate, schedule, establish routines, provide consistency, structure transitions, supplement expectations, and promote independence for 390 minutes daily.

h. Modifications school-wide from the special education teacher in the area of modified curriculum presented at Student 12's ability level for 120 minutes daily.
i. Supports for school personnel as follows:
    i. Consultation between the AAC Specialist, SLP, and special education staff for 90 minutes per year;
    ii. Consultation between the autism consultant and special education staff for 180 minutes per year;
    iii. Consultation between the general education and special education staff for 60 minutes per year;
    iv. Consultation between the OT and special education staff for 240 minutes per year;
    v. Consultation between the School Health Nurse and special education staff for 60 minutes per year; and
    vi. Consultation between the SLP and special education staff for 60 minutes per year.
j. The IEP team determined Student 12 would be removed from the general education setting for at least 400 minutes per week to receive SDI in the measurable annual goal areas on the IEP.

80. The IEP was amended on September 9, 2024 to add SDI in Orientation and Mobility provided by a regional provider from September 9, 2024 through May 21, 2025 for 75 minutes per month.

81. An undated Safe Eating Protocol indicated Student 12 required a high level of adult support during meals due to a history of feeding challenges, including dysphagia. Staff needed to provide one-on-one assistance to help with meal setup, safe eating, and proper positioning. This included ensuring Student 12 was seated upright with back and feet support and received verbal cues to initiate eating and drinking. To ensure safety,

adults had to closely monitor Student 12 for signs of aspiration or choking, such as coughing, wheezing, or difficulty breathing. If Student 12 was upset and refused to eat, a staff member could have them eat in a quiet area before gradually reintroducing Student 12 to their peers. Staff also needed to be aware of foods to avoid, such as popcorn, chewy foods, or hard raw fruits, and they had to allow Student 12 to touch and explore their food without expecting them to taste it. Additionally, adults needed to be prepared for behaviors like hitting or biting.

82. Student 12's IEP Progress Report, dated March 12, 2025, contained information about their annual goals. The report provided progress codes for the following goals:
    a. Functional Communication
        i. "Given a verbal model or physical cue, [Student 12] will use multimodal means of communication (e.g., words, word approximations, signs, etc.) to communicate a variety of communicative functions (e.g., gain attention, make request, protest, request continuation of actions, etc.) in 3 [out of] 4 observed opportunities in order to increase [their] functional communication in daily routines as measured by data or observation."
            1. December 6, 2024 - code 3; and
            2. March 12, 2025 - code 2 with a note that Student 12 did not yet utilize verbal words, tactile cues, or voice output devices to express themself.
        ii. "Given specially designed instruction and a verbal prompt or physical cue, [Student 12] will identify a variety of common vocabulary using multimodal means (touching, signing, name verbally) when given two objects during a structured activity in 3 [out of] 4 trials in order to increase understanding of common vocabulary as measured by data or observation."
            1. December 6, 2024 - code 3 noting it could be difficult to judge Student 12's understanding due to their frequent preference for engaging primarily in repetitive and preferred sensory activities, resulting in them ignoring or protesting a variety of directives or transitions; and
            2. March 12, 2025 - code 2 with a note that Student 12 continued to prefer engaging in repetitive and preferred sensory activities and did not typically participate in activities targeting object naming or identification.
    b. Functional Skills
        i. "Given direct verbal instruction, tactile modeling, and generalized opportunities to practice with access to multimodal communication supports, [Student 12] will complete a variety of functional routines including: arrival, bathroom, hand-washing, lunch, and snack, with demonstrating 80% independence in 4 out of 5 observations for each, by May 2025."
            1. December 6, 2024 - code 4; and
            2. March 12, 2025 - code 3 with a note that inconsistent attendance impacted progress.

c. Orientation and Mobility
    i. "[Student 12] will use hand[-]trailing, adaptive mobility device, or cane to orient and travel routes within [their] school environment alongside an adult with 80% accuracy in 5 [out of] 6 opportunities by May 2025 as measured by staff observation and data."
        1. December 6, 2024 - code 3; and
        2. March 12, 2025 - code 3 with adult support and guidance.
    ii. "[Student 12] will locate two tactile cues as landmarks placed along school travel routes alongside an adult with 80% accuracy in 5 out of 6 opportunities by May 2025 as measured by staff observation and data."
        1. December 6, 2024 - code 3; and
        2. March 12, 2025 - code 3 noting Student 12 would feel the tactile cues around the school with staff support.

d. Readiness Skills
    i. "Given direct verbal instruction, tactile modeling, and generalized opportunities to practice, [Student 12] will follow a variety of one-step routine[-]based directions with no more than one additional adult prompt in 4 out of 5 observations by May 2025."
        1. December 6, 2024 - code 4; and
        2. March 12, 2025 - code 3 noting Student 12 understood some routine-based directions.
    ii. "Given direct instruction, modeling, and generalized opportunities to practice, [Student 12] will transition from a preferred to a non-preferred activity 1) within the classroom and 2) across educational settings, with no more than one additional adult prompt in four out of five observations for each, by May 2025."
        1. December 6, 2024 - no progress code with a note that said waiting could be difficult for Student 12 when they were ready to transition from lunch to recess, and when upset, Student 12 could escalate to crying and scratching; and
        2. March 12, 2025 - code 3.

e. Social Skills
    i. "Given direct verbal instruction, tactile modeling, and generalized opportunities to practice with access to multi-modal communication supports, [Student 12] will take turns with adults and peers in both a structured and an unstructured setting with no more than one additional adult prompt, demonstrating [their] ability to safely and appropriately participate in a variety of shared activities for at least five minutes in four out of five observations by May 2025."
    ii. December 6, 2024 - code 3 noting Student 12 attended school 57% of the time thus far, which hindered progress. It was also noted Student 12 had received instruction on the goal, but needed more time and practice to make progress; and
    iii. March 12, 2025 - code 3.

83. Student 12's IEP, dated May 13, 2025, indicated:

a. Student 12 is eligible for special education services under the categories of ASD, VI, and OHI.
b. Present levels of performance:
    i. Attendance: Student 12 had 50% attendance during kindergarten and 62% during first grade, up to the date of the IEP (May 13, 2025).
    ii. General need for adult support: Based on observations, Student 12, who is blind and was functioning at a 1-2 year old developmental level, needed extensive adult support to navigate the school environment and participate in daily activities. Student 12 thrived in a highly structured, hands-on setting with consistent, individualized guidance to maintain attention and follow directions. A staff member must provide close, hands-on support for transitions, including using a human guide for mobility and assisting with tasks like using a cane or holding a safety rope. Student 12 also required a nearby adult to initiate engagement, provide redirection with verbal or tactile cues, and offer positive reinforcement to keep them on-task. This intensive support extended to personal care and mealtimes, where hand-over-hand assistance was necessary for tasks like undressing and navigating the cafeteria.
    iii. Communication: "[Student 12] is currently functioning in the range of very early developmental levels and is working on foundational skills across all domains. [Student 12] does not use verbal language and communicates primarily through gestures, vocalizations, and physical prompts."
c. Special factors for IEP development:
    i. Student 12 is considered visually impaired and required goals, SDI, accommodations, and services to meet their needs.
    ii. Student 12 required SDI, related services, and support for school personnel to address functional communication needs.
    iii. Student 12 required the educational team to observe, consult, and trial a variety of multi-modal communication supports to find the best fit to support Student 12's communication.
d. For Assessment Participation in reading and math, Student 12 would take District alternate assessments because the Student was not yet able to access the District's standard assessments due to their disability. During the alternate assessments, Student 12 would receive:
    i. One-to-one administration by a familiar adult at a preferred time of day;
    ii. Alternative assessment options, including auditory presentation;
    iii. Alternative response options;
    iv. AAC supports;
    v. Limited distractions; and
    vi. Frequent breaks if necessary.
e. SDI, school-wide, from the special education teacher, from May 14, 2025 through May 12, 2026, in the following areas:
    i. Vision for 60 minutes per week;
    ii. Functional Communication for 100 minutes per week;
    iii. Functional Skills for 75 minutes per week;

iv. Orientation and Mobility for 75 minutes per week;
v. Readiness Skills for 75 minutes per week; and
vi. Self-Regulation for 75 minutes per week.

f. Related Services, in the following areas:
i. Orientation and mobility services by a regional provider for 75 minutes per month;
ii. Communication services provided by the SLP for 60 minutes per month;
iii. Transportation services by bus for 60 minutes round trip; and
iv. Vision services by a regional vision specialist for 360 minutes per year.

g. Accommodations school-wide, from the Special Education Teacher, in the following areas:
i. Adaptive mobility device and cane from a regional provider for 390 minutes daily;
ii. Adaptive PE options for 120 minutes weekly;
iii. "Adult assistance to facilitate, supervise, and support the completion of safe, appropriate, and consistent routines throughout the day" for 20 minutes daily;
iv. Additional processing time to promote conceptual understanding for 60 minutes daily;
v. "Adult assistance to facilitate, supervise, and support the completion of safe, appropriate, and consistent bathroom and hand-washing routines" for 30 minutes daily;
vi. "Adult assistance to facilitate, supervise, and support the completion of safe, appropriate, and consistent breakfast, lunch, and snack routines" for 60 minutes daily;
vii. "Adult assistance to facilitate, supervise, and support physical boundaries and safety while accessing the playground during recess due to [Student 12's] inability to see, mouthing non-food items, and the desire to freely explore [Student 12's] environment" for 40 minutes daily;
viii. "Adult assistance to facilitate, supervise, and support physical boundaries and safety during emergency drills and building evacuations due to [Student 12's] inability to see and desire to freely explore [Student 12's] environment" for 15 minutes monthly;
ix. "Adult assistance to facilitate, supervise, and support the completion of safe transitions within the classroom and school building due to [Student 12's] inability to see, mouthing non-food items, and the desire to freely explore [Student 12's] environment" for 195 minutes daily;
x. "Adult assistance to facilitate, supervise, and support the completion of safe transitions outside of the classroom due to [Student 12's] inability to see, mouthing non-food items, and the desire to freely explore [Student 12's] environment" for 195 minutes daily;
xi. "Adult models to support functional communication development, thus growth via expanded phrases, adding one more word, and providing sentence frames" for 390 minutes daily;

xii. Alternative response options to receptively and expressively communicate what Student 12 knows and can do for 390 minutes daily;
xiii. Auditory timer to further support consistent routine transitions with increasing levels of independence for 195 minutes daily;
xiv. AAC systems to enhance functional communication for 390 minutes per day;
xv. Calm, soft approach when prompting, providing constructive feedback, or redirection for 390 minutes daily;
xvi. Calming space with decreased social and academic expectations accompanied by self-regulation tools to support the identification of emotions and provide ways to safely decompress in the special education classroom for 45 minutes daily;
xvii. Explicit teaching and explanation of expected tasks, gestures, and activities for 195 minutes daily;
xviii. Faded levels of prompting to promote further independence for 45 minutes daily;
xix. Use first/then language accompanied by verbal and tactile supports for 45 minutes daily;
xx. Frequent positive praise for attempts to imitate new sounds, words, and functional routine tasks for 390 minutes daily;
xxi. Gain attention by using Student 12's name or physically touching them to let them know a speaker is talking prior to presenting verbal and tactile information for 390 minutes daily;
xxii. Provide hand-under-hand support whenever possible for 195 minutes daily;
xxiii. Health management plan for 390 minutes daily;
xxiv. Oral fidget to replace mouthing non-food items for 390 minutes daily;
xxv. Pair tactile input with auditory cues for transitions for 195 minutes daily;
xxvi. Pair verbal instruction with tactile supports for 195 minutes daily;
xxvii. Preferential seating for 390 minutes daily;
xxviii. Pre-warning accompanied by a visual timer to support upcoming independent transitions for 195 minutes daily;
xxix. Provide real, concrete objects whenever possible for 390 minutes daily;
xxx. Provide verbal narration of visual information Student 12 is unable to see for 390 minutes daily;
xxxi. Provide verbal and tactile cues for the schedule and specific activities for 195 minutes daily;
xxxii. Safe pacing protocol when eating for 60 minutes daily;
xxxiii. Scheduled sensory routines throughout the day for 20 minutes daily;
xxxiv. Sensory support systems and tools to enhance the ability to self-regulate when necessary for 390 minutes daily;
xxxv. Provide a choice of preferred transitional item to support a smooth transition for 390 minutes daily; and
xxxvi. Verbal and tactile support systems to communicate, schedule, establish routines, provide consistency, structure transitions, supplement expectations, and promote independence for 390 minutes daily.

h. Modifications school-wide from the special education teacher in the area of modified curriculum presented at Student 12's ability level for 120 minutes daily.
i. Supports for school personnel as follows:
    i. Consultation between Orientation and Mobility Specialist and special education staff for 180 minutes per year;
    ii. Consultation between the AAC Specialist, SLP, and special education staff for 60 minutes per year;
    iii. Consultation between the Autism consultant and special education staff for 120 minutes per year;
    iv. Consultation between the general education and special education staff for 60 minutes per year;
    v. Consultation between the OT and special education staff for 120 minutes per year;
    vi. Consultation between the School Health Nurse and special education staff for 60 minutes per year; and
    vii. Consultation between the SLP and special education staff for 30 minutes per month.
j. The IEP team determined Student 12 would be away from their typical peers for more than 60% of the school day in the special education classroom in order to receive SDI in the measurable annual goal areas on the IEP.

84. Student 12's IEP Progress Report, dated June 12, 2025, contained information about their annual goals. The report defined a progress code of "0" as "IEP was developed in the last 30 days; no new progress monitoring data has been collected." The report provided progress codes for the following goals:
    a. Functional Communication
        i. "Given access to multiple modalities (verbal, gesture, sign, picture cues, AAC system(s), etc.), adult modeling, and opportunities to practice, [Student 12] will direct purposeful communication at others for the following functions: request or make a choice, protest or reject (ex. No, stop), [or] state a need or get help in the moment."
            1. June 12, 2025 - code 0.
        ii. "Given access to multiple modalities (verbal, gesture, sign, picture cues, AAC system(s), etc.), adult modeling, and opportunities to practice, [Student 12] will appropriately acknowledge an interaction initiated by an adult and sustain a state of shared attention and engagement as measured by observable interactive behaviors for 3 minutes across 3 data probes. Observable behaviors to track: smiling, anticipating, moving
            1. closer, re-initiating for more of a liked activity, eye gaze, expressing joy through body movements, facial expressions, words."
            2. June 12, 2025 - code 0.
    b. Functional Skills
        i. "Given direct verbal instruction, tactile modeling, and generalized opportunities to practice with access to multimodal communication supports, [Student 12] will complete a variety of functional routines

including: arrival, bathroom, hand-washing, lunch, and snack, with increasing independence in 4 out of 5 observations."

1. June 12, 2025 - code 0.

c. Orientation and Mobility
    i. "[Student 12] will use hand[-]trailing, adaptive mobility device, or cane to orient and travel routes within [their] school environment alongside an adult with 80% accuracy in 5 [out of] 6 opportunities by May 2025 as measured by staff observation and data."
        1. June 12, 2025 - code 0.
    ii. "[Student 12] will locate two tactile cues as landmarks placed along school travel routes alongside an adult with 80% accuracy in 4 out of 5 opportunities as measured by staff observation and data."
        1. June 12, 2025 - code 0.

d. Readiness Skills
    i. "Given direct verbal instruction, tactile modeling, and generalized opportunities to practice, [Student 12] will follow a variety of one-step routine[-]based directions with no more than one additional adult prompt in 4 out of 5 observations."
        1. June 12, 2025 - code 0.
    ii. "Given direct instruction, modeling, and generalized opportunities to practice, [Student 12] will transition from a preferred to a non-preferred activity 1) within the classroom and 2) across educational settings, with no more than one additional adult prompt in 4 out of 5 observations."
        1. June 12, 2025 - code 0.

e. Vision
    i. "Given consistent exposure and tactile exploration opportunities, [Student 12] will identify and respond to 2-3 object symbols (e.g., spoon for "eat," pull up for "toilet," shoe for "walk") to anticipate and transition to corresponding daily routines with 80% accuracy across 3 consecutive data collection days, as measured by teacher observation and data tracking."

85. June 12, 2025 - code 0.

a. Self-Regulation
    i. "Given specially designed instruction, when faced with a situation that causes distress or overstimulation, [Student 12] will use a pre-taught calming strategy (e.g., deep breathing, fidget tool, requesting a break) when prompted by [an] adult in 4 out of 5 opportunities."
        1. June 12, 2025 - code 0.

86. A Daily Attendance Profile for the 2024-25 school year indicated Student 12 had 49 unexcused absences, 22 excused absences, one excused tardy, and 11 unexcused tardies between September 6, 2024 and May 20, 2025.

Student 13

87. Student 13 is a rising first grader in the Developmental K-2 Classroom in the District. Student 13 loves music, singing, and dancing.

88. A PWN document dated September 12, 2024 indicated the IEP team held a "move-in" meeting, accepted, and made necessary changes to Student 13's IEP from another state dated April 25, 2024. The changes included new goal areas in Orientation and Mobility, Functional Communication, and Academic Readiness. The plan also included specific amounts of SDI, related services, and support for school personnel to help Student 13 succeed. Additionally, the team added accommodations, along with a modified curriculum and an alternate version of the districtwide assessment for Student 13's grade level.

89. Student 13's IEP, dated November 19, 2024, indicated:
    a. Student 13 is eligible for special education services under the category of VI.
    b. Present levels of performance:
        i. Orientation and Mobility: It was written Student 13 was able to "explore" and "travel" in the classroom, but was unable to "travel within the classroom safely" or travel independently on campus. It was noted Student 13 had difficulty walking in a straight line, navigating stairs independently, and walking five steps independently without falling. Therefore, Student 13 required a sighted guide for navigating their educational environment.
        ii. Adaptive: Student 13 needed "adult's assistance" during meals at school for tasks such as opening cereal packaging and pouring milk into a sippy cup. Student 13 also required staff to help them navigate during arrival and departure routines.
        iii. Functional Academic: Staff read books in Braille with tactile pictures to Student 13.
        iv. Functional Communication: Student 13 had and used a communication device; however, they continued to require staff to model its use. Additionally, Student 13 required an adult's assistance to access the bathroom and complete a toileting/pull-up changing routine.
    c. Special factors for IEP development:
        i. Student 13 required English language development instructions embedded in the classroom.
        ii. Student 13 is considered blind, with no functional vision or light perception. It was written, "Due to limited language, literacy, attending, and auditory comprehension skills, formal braille training is not recommended at this time. Pre-braille skills are targeted in goals."
        iii. Student 13 required goals, accommodations, and services to address communication needs.
        iv. Student 13 required low technology supports with tactile components to support communication.
    d. For Assessment Participation in ELPA, Student 13 would receive:
        i. One-to-one administration in a quiet environment;
        ii. Breaks as needed; and

iii. Extended time.

e. For Assessment Participation in reading and math, Student 13 would take District alternate assessments because Student 13 has no functional vision and needs an accessible assessment medium to provide an accurate representation of their skills. During the alternate assessment, Student 13 would receive:
    i. One-to-one administration in a quiet environment;
    ii. Breaks as needed; and
    iii. Extended time.
f. SDI, from the Special Education Teacher, from November 19, 2024 through November 18, 2025, in the following areas:
    i. Adaptive/Self Management, school-wide, for 60 minutes per week;
    ii. Orientation and Mobility, school-wide, for 150 minutes per week;
    iii. Functional Communication, in the special education classroom, for 150 minutes per week; and
    iv. Academic Readiness, in the special education classroom, for 60 minutes per week.
g. Related Services in the following areas:
    i. Transportation services at home/community/school location, for 60 minutes per day;
    ii. Speech/Language Services provided by the SLP, school-wide, for 60 minutes per month;
    iii. Vision services provided by the Regional Vision Specialist, school-wide, for 120 minutes per month; and
    iv. Orientation and Mobility services by a regional provider, school-wide, for 90 minutes per month.
h. Accommodations school-wide from the Special Education Teacher in the following areas:
    i. Object schedule for 20 minutes daily;
    ii. Use of name or touch cues for 30 minutes daily;
    iii. Use of real objects or tactile cues for 60 minutes daily;
    iv. "Adult support for orientation and mobility, safety, academic, bathroom, and meal times" for 250 minutes daily;
    v. Tactile cues for augmentative communication for 20 minutes daily;
    vi. Braille labels for name for 20 minutes daily;
    vii. Hand-under-hand for physical modeling for 60 minutes per day;
    viii. Access to an AAC device for 300 minutes daily;
    ix. Finished work bucket/container for 10 minutes daily; and
    x. Shoes on for transitions outside of the classroom for 60 minutes daily.
i. Modifications in the special education classroom from the Special Education Teacher in the area of modified curriculum at Student 13's functional level in all subject areas.
j. Supports for school personnel as follows:
    i. Consultation between the Physical Therapist and school staff for 60 minutes per year;
    ii. Consultation between the SLP and school staff for 30 minutes per month;

iii. Consultation between the Orientation and Mobility Specialist and school staff for 120 minutes per year; and
iv. Consultation between the AAC Specialist and school staff for 90 minutes per year.

k. The IEP team determined Student 13 would be away from their typical peers for "the majority of the school day" (more than 60% of the school day) in the special education classroom. Student 13 would receive more intensive small-group and individualized instruction at their skill level to address their needs.
l. The IEP was amended on April 14, 2025 based on a meeting to discuss ESY held on April 11, 2025.
    i. ESY: "Current data shows regression and/or recoupment of skills." Services were provided by the special education teacher from July 1, 2025 through July 24, 2025 in the following areas:
        1. Adaptive/Self Management, school-wide for 20 minutes per week;
        2. Functional Communication, in the special education classroom for 60 minutes per week;
        3. Academic Readiness, in the special education classroom for 20 minutes per week; and
        4. Orientation and Mobility, school-wide for 60 minutes per week.

90. Student 13's IEP Progress Report, dated March 12, 2025, contained information about their annual goals. The report provided progress codes for the following goals:
    a. Orientation and Mobility
        i. "By the next annual IEP, [Student 13] will demonstrate the ability to travel safely inside the classroom environment and develop pre-cane technique as evidenced by mastery in the [listed] short-term objectives."
            1. December 6, 2024 - code 0;
            2. March 12, 2025 - code 3; and
            3. June 13, 2025 - code 4.
        ii. "By the next annual IEP, [Student 13] will demonstrate an improvement in the awareness of the body, including body parts, functions, and movements as evidenced by mastery of the [listed] objectives."
            1. December 6, 2024 - code 0;
            2. March 12, 2025 - code 3; and
            3. June 13, 2025 - code 4.
    b. Functional Communication
        i. "Given access to multiple communication modalities (e.g. sign, object cues, voice output system, etc), [Student 13] with appropriate modification/adaptations for students with blindness, adult modeling, and opportunities to practice, [Student 13] will engage in purposeful communication for the following functions, each in at least 70% of opportunities across no less than 2 out of 3 data probes: request or ask for more, make simple choices, reject/protest or communicate 'all done,' [and] get help or communicate with others to meet in-the-moment needs (water, bathroom, etc.)."
            1. December 6, 2024 - code 0;

2. March 12, 2025 - code 3; and
3. June 13, 2025 - code 3.

ii. "Given access to multiple communication modalities (sign, object cues, voice output system(s), etc) with appropriate modifications/adaptations for students with blindness, adult modeling, and opportunities to practice, [Student 13] will demonstrate understanding of common vocabulary through actions (e.g. hold foot out for shoe, reaches for cup) and/or anticipatory behaviors (e.g. smiles for preferred activity, verbalizes 'hungry,' etc.) for the following categories:
   1. Common functional vocabulary words (e.g., shoe, pull up, cup, table) at least 20 recognized.
   2. Familiar routines (bathroom, lunchtime, recess, library, etc.) at least 5 recognized."
      a. December 6, 2024 - code 0;
      b. March 12, 2025 - code 3; and
      c. June 13, 2025 - code 3 with a note stating Student 13 was not yet showing consistent, observable recognition of a wide variety of vocabulary words.

iii. "By next annual IEP, given 8 basic classroom commands verbally with adult support (e.g., walk to the table, sit at the table, etc.), [Student 13] will respond to the commands as instructed 4 out of 4 learning opportunities."
   1. December 6, 2024 - code 0;
   2. March 12, 2025 - code 3; and
   3. June 13, 2025 - code 3 with a note stating staff typically gave verbal commands and monitored or guided Student 13 for what was asked.

c. Academic Readiness
   i. "Given specially designed instruction, adult support, and opportunities to practice, [Student 13] will engage in fine motor classroom activities to increase pre-academic skills in 4 out of 5 opportunities."
      1. December 6, 2024 - code 0;
      2. March 12, 2025 - code 3; and
      3. June 13, 2025 - code 4.

d. Adaptive/Self Management
   i. "Given specially designed instruction, adult support, access to [an] AAC device, and opportunities to practice, [Student 13] will increase participation in the following daily classroom routines":
      1. Arrival routine (e.g., walk to the classroom, find cubby, put backpack in cubby, etc);
      2. Mealtime routine;
      3. Bathroom routine (e.g., pull pants down, take diaper off, sit on the toilet, flush the toilet, etc); and
      4. Departure routine (e.g., find cubby and get backpack, find place in line, walk to the bus).
         a. December 6, 2024 - code 0;

b. March 12, 2025 - code 3; and
c. June 13, 2025 - code 4.

91. Based on attendance data from September 2024 to June 2025, Student 13 had 16 days with absences (10 unexcused, six excused) and seven days with tardies (all unexcused). The absences were a mix of full and half-day absences.

Student 14

92. Student 14 is a rising second grader in the Developmental K-2 Classroom in the District. Student 14 enjoys P.E. time and can participate in group activities when regulated. (**D2001**)

93. Student 14's IEP, dated January 8, 2024, indicated:
    a. Student 14 is eligible for special education services under the category of ASD
    b. Present levels of performance:
        i. Adaptive: Student 14 was typically asleep upon arrival at school and needed adult assistance to get off the bus and enter the building. While they followed the arrival routine and classroom schedule with minimal cueing, Student 14 was not toilet-trained, wore pull-ups, and needed verbal or visual prompts for hand-washing routines.
    c. Special factors for IEP development:
        i. Student 14 required services from an SLP to address communication needs.
    d. SDI in the special education classroom, from the Special Education Teacher, from January 9, 2024 through January 7, 2025 in the following areas:
        i. Reading/Language Arts for 125 minutes per week;
        ii. Written Language for 100 minutes per week;
        iii. Mathematics for 125 minutes per week; and
        iv. Communication for 90 minutes per month.
    e. Related Services in the following areas:
        i. Transportation services by bus for 30 minutes round-trip.
    f. Accommodations school-wide from the special education teacher in the following areas:
        i. Adult assistance with toileting for 360 minutes throughout the day;
        ii. Frequent breaks for 360 minutes throughout the day;
        iii. Use of manipulatives for 360 minutes throughout the day;
        iv. Warning before transitions for 360 minutes throughout the day;
        v. Access to visual supports for 360 minutes throughout the day;
        vi. Directions given in a variety of ways for 360 minutes throughout the day;
        vii. Access to sensory supports for 360 minutes throughout the day;
        viii. Increased verbal response time for 360 minutes throughout the day;
        ix. Model correct sound production for 360 minutes throughout the day; and
        x. Alternative seating (cube chair, wobble stool, Ikea chair, ball chair) for 360 minutes throughout the day.

g. Supports for school personnel as follows:
    i. Autism consultation with special education and/or general education staff, 180 minutes per year;
    ii. Consultation between the SLP and special education staff, 60 minutes per year; and
    iii. Special education consultation with general education staff, 60 minutes per year.
h. The IEP team determined Student 14 would be away from their typical peers for 5 out of 6.5 hours per day. Student 14 required the support of a self-contained special education classroom to support their academic, communication, social-emotional, and adaptive needs.
i. The IEP was amended on April 14, 2024 updating ESY services: "Current data shows regression and/or recoupment of skills." ESY service time was added for mathematics for 40 minutes per week in the special education classroom for 40 minutes per week from July 1, 2024 through July 25, 2024.
j. The IEP was amended on May 2, 2024 to add a District-provided high-tech AAC device for 360 minutes throughout the day, adult modeling of the AAC for 20 minutes per week, and consultation from the AAC Specialist as a support to school staff for 90 minutes per year from May 2, 2024 through January 7, 2025.

94. Student 14's IEP Progress Report, dated December 6, 2024, contained information about their annual goals. The report provided progress codes for the following goals:
    a. Reading/Language Arts
        i. "By January 2025, when presented with 10 sight words laid out on a table, [Student 14] will either expressively or receptively identify each word with 80% accuracy, in 3 out of 4 trials."
            1. March 21, 2024 - code 3;
            2. June 14, 2024 - code 3; and
            3. December 6, 2024 - code 4.
    b. Mathematics
        i. "By January 2025, given manipulatives and/or visual supports, [Student 14] will add with sums less than 10 with 80% accuracy, in 4 out of 5 trials."
            1. March 21, 2024 - code 3;
            2. June 14, 2024 - code 5; and
            3. December 6, 2024 - code 4, noting it was unclear if Student 14 truly understood the concept of addition, although they could get to the answer with an adult prompting them to count manipulatives or pictures.
    c. Written Language
        i. "By January 2025, when given a model of uppercase and lowercase letters, [Student 14] will copy each letter with correct letter formation with 80% accuracy, for 4 out of 5 trials."
            1. March 21, 2024 - code 1;
            2. June 14, 2024 - code 5; and

3. December 6, 2024 - code 4 noting Student 14 was still working on correct letter formation, but could copy most of the letters with good to excellent accuracy.

d. Communication
    i. "Given specially designed instruction and fading cues, [Student 14] will expand [their] expressive language by using any combination of communication modalities to produce an average [Mean Length of Utterance] MLU of 4.0, as measured by a 25+ utterance language sample, by January 2025."
        1. March 21, 2024 - code 4;
        2. June 14, 2024 - code 3; and
        3. December 6, 2024 - code 2 noting Student 14 often attempted to express themself, although with low intelligibility.
    ii. "Given specially designed instruction and fading cues, [Student 14] will use any combination of communication modalities to independently produce 5+ words from 5+ categories/parts of speech (e.g., school items, describing words, emotions, action words, etc.) by January 2025."
        1. March 21, 2024 - code 3;
        2. June 14, 2024 - code 5; and
        3. December 6, 2024 - code 3 noting Student 14 did not prefer structured activities designed to assess vocabulary knowledge and might shut down, ignore adults, or refuse to participate. It was also noted, "It is likely that this goal has been met and that [Student 14] does not perform to [their] full capability when [Student 14] feels pressured to produce a response."

95. Student 14's IEP, dated January 10, 2025, indicated:
    a. Present levels of performance:
        i. Adaptive: Student 14 is an independent student who arrives at school and follows routines with minimal cueing. They are fully independent in navigating the School, using the bathroom, and managing mealtimes, only requiring occasional help with food packaging.
    b. Special factors for IEP development:
        i. Student 14 is identified as an English language learner.
        ii. Student 14 required services from an SLP/AAC specialist to address communication needs.
        iii. Student 14 required a District-provided high-tech AAC device and consultation from the AAC specialist as a support to school staff.
    c. For Assessment Participation in ELPA, reading, math, and music, Student 14 would receive:
        i. Access to a quiet, alternate testing location;
        ii. Reinforcement system;
        iii. Access to an AAC device;
        iv. Breaks; and
        v. Testing broken up into shorter sessions.

d. SDI in the special education classroom from the special education teacher, from January 13, 2025 through January 9, 2026 in the following areas:
    i. Study Skills for 60 minutes per week;
    ii. Self-Regulation, school-wide, for 60 minutes per week;
    iii. Reading/Language Arts for 125 minutes per week;
    iv. Written Language for 100 minutes per week;
    v. Mathematics for 125 minutes per week; and
    vi. Communication for 80 minutes per week.
e. Related Services in the following areas:
    i. Transportation services by bus for 30 minutes round-trip; and
    ii. Speech/Language Services provided by the SLP, school-wide, for 90 minutes per month.
f. Accommodations school-wide from the Special Education Teacher in the following areas:
    i. Access to breaks for self-regulation for five minutes throughout the day;
    ii. Use of manipulatives, number line, and visual support during math for 60 minutes daily;
    iii. Warning before transitions to non-preferred activities for five minutes daily;
    iv. Visual supports (e.g., visual timer, social story, etc.) for 30 minutes throughout the day;
    v. Directions given in a variety of ways for 10 minutes throughout the day;
    vi. Access to sensory supports (e.g., headphones during times when noise level is high) for 360 minutes throughout the day;
    vii. Increased verbal response time for 10 minutes throughout the day;
    viii. Model correct sound production for 15 minutes throughout the day;
    ix. Alternative seating (cube chair, wobble stool, Ikea chair, ball chair) for 200 minutes throughout the day;
    x. AAC device for 360 minutes throughout the day; and
    xi. Adult modeling of the AAC device for 20 minutes per week.
g. Supports for school personnel as follows:
    i. Special education consultation with general education staff for 60 minutes per year;
    ii. Consultation between the SLP and special education staff for 60 minutes per year;
    iii. Autism consultation with special education and/or general education staff for 180 minutes per year; and
    iv. Consultation between the AAC Specialist and school staff to support device programming, maintenance, and training for 90 minutes per year.
h. The IEP team determined Student 14 would be away from their typical peers for "the majority of the school day" (more than 60% of the school day) in the special education classroom. Student 14 required the support of a self-contained special education classroom to support their academic, communication, social-emotional, and adaptive needs.
i. The IEP was amended on April 14, 2025 updating ESY services: "Current data shows no regression and/or recoupment of skills."

j. The IEP was amended on June 5, 2025 to reflect Student 14's placement for the following school year as access to a self-contained special education classroom outside of the general education setting for more than 60% of the day to start September 2, 2025.

96. Student 14's IEP Progress Report, dated March 17, 2025 through June 11, 2025, contained information about their annual goals. The report provided progress codes for the following goals:
    a. Reading/Language Arts
        i. "By January 2026, given a list of 10 grade-level, regularly spelled, one-syllable CVC words (e.g., bat, fog, cop), [Student 14] will verbally sound out each phoneme and then blend to read each word aloud using self-selected reading strategy (e.g., letter/word tiles, elkonin boxes), for 8 out of 10 words, on 3 out of 4 progress monitoring assessments."
            1. March 13, 2025 - code 3; and
            2. June 13, 2025 - code 4.
        ii. "By January 2026, when presented with [the] Dolch pre-primer list, [Student 14] will either expressively or receptively identify each word with 80% accuracy, in 3 out of 4 trials."
            1. March 13, 2025 - code 3; and
            2. June 13, 2025 - code 4.
        iii. "By January 2026, after a read-aloud of an instructional level literary text with illustrations and given a wh- or how question about key details from a small section of the text, [Student 14] will state the answer to the question, for 3 out of 4 questions, on 3 out of 4 progress monitoring assessments."
            1. March 13, 2025 - code 4; and
            2. June 13, 2025 - code 4.
    b. Mathematics
        i. "By January 2026, given manipulatives and/or visual supports, [Student 14] will add and subtract with sums less than 50 with 80% accuracy, in 4 out of 5 trials."
            1. March 13, 2025 - code 3; and
            2. June 13, 2025 - code 4, noting the focus had been on addition within 20.
    c. Written Language
        i. "By January 2026, when given the name or the sound that the letter makes, [Student 14] will write each letter with 80% accuracy, for 4 out of 5 trials."
            1. March 13, 2025 - code 3; and
            2. June 13, 2025 - code 4.
    d. Communication
        i. "Given specially designed instruction and fading cues, [Student 14] will expand [their] expressive language by using any combination of communication modalities to produce an average MLU of 4.0, as measured by a 25+ utterance language sample, by January 2026."

1. March 13, 2025 - code 3; and
2. June 13, 2025 - code 3.

ii. "Given access to multiple modalities (verbal, gesture, picture supports, AAC system(s), etc.), adult modeling, visual supports in the moment, and
1. practice opportunities, [Student 14] will successfully recognize and attempt to repair communication breakdowns by choosing an appropriate strategy (slowed rate and verbal repetition, use of augmentative communication, use of visual cues, showing, etc.) in 4/5 opportunities across no less than 2 [out of] 3 data probes."
2. March 13, 2025 - code 3; and
3. June 13, 2025 - code 3 noting Student 14 did not yet employ a variety of repair strategies on their own and often became frustrated when not understood and unable to respond to adult attempts to help them use their communication device.

iii. "Given specially designed instruction, adult modeling, and opportunities to practice, [Student 14] will improve verbal intelligibility via engaging in structured practice activities targeting the following articulation skills:
a) Produce final sounds in VC and/or CVC words and medial consonants in CVCV words correctly following a direct model in 4 [out of] 5 opportunities b) Produce simple fricative sounds (/s, z, f, v/) in isolation and in VC and CV syllables following a direct model in 4 [out of] 5 opportunities."
2. March 13, 2025 - code 3; and
3. June 13, 2025 - code 3.

e. Self-Regulation
i. "Given specially-designed instruction and opportunity to practice, when [Student 14] is frustrated or angry and needs a break, [they] will communicate using multi-modal communication (e.g., point to picture of a break, gesture toward the break area, verbally, etc.) and return to classroom activity after 5 minutes, as measured by observation and data collection."
1. March 13, 2025 - code 3; and
2. June 13, 2025 - code 4.

f. Study Skills
i. "Given specially designed instruction and visual support, [Student 14] will come to the table and start assigned work given no more than 2 prompts, sustain on task behavior for at least 5 minutes or until the completion of the activity/work in 4 out of 5 opportunities as measured by observation and data collection."
1. March 13, 2025 - code 3; and
2. June 13, 2025 - code 4.

97. According to an Attendance Profile for the 2024-25 school year, Student 14 had accumulated a total of 13 unexcused absences and one excused absence, with each absence recorded as 0.5 days.

98. A PWN document dated July 10, 2024 indicated Student 14 was found eligible for ESY services and was scheduled to receive services four days a week for three hours from July 1, 2024 through July 25, 2024.

Student 15

99. Student 15 is a rising third grader in the Developmental K-2 Classroom in the District. Student 15 enjoys music, movement, and free play.

100. An Eligibility Summary Statement, dated October 29, 2024, indicated Student 15 had been eligible for special education services under the category of ASD.

101. Student 15's IEP, dated October 29, 2024, indicated:
    a. In the Writing part of the present levels section, it was stated Student 15 traced their name with adult prompting and "hand-over-hand" support, but pulled away when an adult attempted to assist them with their writing.
    b. The Adaptive/Self-Help section stated Student 15 could walk down the hall next to an adult, and transitions inside and outside the classroom needed to be facilitated by an adult. It was reported Student 15 would use a "chewy" if cued repeatedly by an adult, and Student 15 still needed assistance with wiping during their bathroom routine.
    c. The Accommodations and Modifications in the present levels section stated, "Additional adult assistance = toileting needs, sensory breaks, transitions, remaining on tasks, and safety issues."
    d. For Assessment Participation in reading and math, Student 15 needed assessments that were presented in a different format and at their functional level. They would receive:
        i. "Sensory routine prior to assessing";
        ii. "1:1 with an adult";
        iii. "Reinforcement system"; and
        iv. "AAC or alternate response option."
    e. SDI school wide and in the special education classroom, from the special education teacher, from October 29, 2024 through October 28, 2025, in the following areas:
        i. Self-Regulation, 30 minutes per week;
        ii. Academic Readiness, 300 minutes per week;
        iii. Social Communication, 30 minutes per week; and
        iv. Functional Communication, 60 minutes per week.
    f. Related Services from October 29, 2024 through October 28, 2025, in the following area:
        i. Communication services offered by the SLP, school wide, for 60 minutes per month.

g. Supplementary Aids/Services school wide, from the Special Education Teacher, from October 29, 2024 through October 28, 2025, in the following areas:
    i. Scheduled regulation breaks for 30 minutes per day;
    ii. Alternative ways to assess knowledge for 30 minutes per session;
    iii. Adult assistance for wiping, sensory breaks, transitions, engaging in activities and staying on tasks, and safety issues for 360 minutes per day;
    iv. Visual supports paired with verbal directions for 180 minutes per day;
    v. Sensory supports and activities for 200 minutes per day;
    vi. Calming strategies and a quiet area inside or outside of the classroom to regulate as needed for 90 minutes per day;
    vii. First/then visuals for 30 minutes per day;
    viii. Timer for showing how long the Student 15 needed to stay with an activity for 30 minutes per day;
    ix. Preferential seat, rocking chair, cube chair, or alternate position on the floor for 200 minutes per day;
    x. Limited language directives and expectations with visual supports for 360 minutes per day; and
    xi. Access to AAC system(s) for 360 minutes per day.

h. The IEP team determined Student 15 would be removed from general education for 300 out of the 360 minutes of the school day to receive special education services in a self-contained classroom with access to general education peers as appropriate. A PWN from October 29, 2024 summarized the information detailed in the aforementioned IEP.

102. Student 15's IEP was revised on April 14, 2025 and included the following changes:
    a. SDI, school wide and in the special education classroom, provided by the special education teacher, from July 1, 2025 through July 25, 2025, in the following areas:
        i. Self-Regulation, 20 minutes per week;
        ii. Academic Readiness, 100 minutes per week;
        iii. Social Communication, 10 minutes per week; and
        iv. Functional Communication, 20 minutes per week.

103. Relevant Information from a Conference Summary, dated April 15, 2025, indicated:
    a. Student 15 needed adult guidance and prompting for engagement to occur. It also stated, "No regression noted over typical weekends and such."

104. Student 15's IEP Progress Reports, from December 6, 2024, March 12, 2025, and June 12, 2025, contained information about their annual goals. The report provided progress codes for the following goals:
    a. Academic Readiness
        i. "Given an adult-directed or structured activity, [Student 15] will engage for at least 3 minutes with 2 additional prompts in 4 out of 5 (80%) over a grading period."
            1. December 6, 2024 - code 3;
            2. March 12, 2025 - code 3; and

3. June 12, 2025 - code 3.

ii. "Given specially designed instruction and opportunities to practice, [Student 15] will interact with a variety of school tools to increase engagement in pre-writing activities."
    1. December 6, 2024 - code 3;
    2. March 12, 2025 - code 3; and
    3. June 12, 2025 - code 4.

iii. "Given a structured, highly reinforcing activity, [Student 15] will demonstrate understanding of pre-mathematical concepts in 4 out of 5 activities."
    1. December 6, 2024 - code 3;
    2. March 12, 2025 - code 3; and
    3. June 12, 2025 - code 3.

iv. A short-term objective/benchmark which stated, "'Give me,' point to, or otherwise identify 5 different colors."
    1. December 6, 2024 - code 3;
    2. March 12, 2025 - code 3; and
    3. June 12, 2025 - code 4.

v. A short-term objective/benchmark which stated, "'Give me,' point to, or otherwise identify 5 different shapes."
    1. December 6, 2024 - code 3;
    2. March 12, 2025 - code 3; and
    3. June 12, 2025 - code 3.

vi. A short-term objective/benchmark which stated, "'Give me,' point to, or otherwise identify written number 1-5."
    1. December 6, 2024 - code 3;
    2. March 12, 2025 - code 3; and
    3. June 12, 2025 - code 3.

vii. "Given specially designed instruction and visual support, [Student 15] will point to 5 pictures in a simple picture book when named in 4 out of 5 opportunities."
    1. December 6, 2024 - code 3;
    2. March 12, 2025 - code 3; and
    3. June 12, 2025 - code 3.

viii. A short-term objective/benchmark which stated, "Given specially designed instruction and visual support, [Student 15] will match 5 pictures in a simple picture book in 4 out of 5 opportunities."
    1. December 6, 2024 - code 3;
    2. March 12, 2025 - code 3; and
    3. June 12, 2025 - code 4.

b. Self-Regulation

i. "Given specially designed instruction and opportunities to practice, [Student 15] will follow a teacher-directed sensory routine to support regulation throughout the school day with no more than two prompts 70% [*sic*] accuracy over a grading period."
    1. December 6, 2024 - code 3;

2. March 12, 2025 - code 3; and
3. June 12, 2025 - code 4.

c. Functional Communication
    i. "Given access to multiple modalities (verbal, gesture, sign, picture cues, AAC system(s), etc.), adult modeling, and opportunities to practice, [Student 15] will direct purposeful communication at others for the following functions: a) request or make a choice b) protest or reject (ex. no, stop) c) state a need or get help in the moment d) comment or label according to interest."
        1. December 6, 2024 - code 3;
        2. March 12, 2025 - code 3; and
        3. June 12, 2025 - code 3.
    ii. "Given specially designed instruction and visual supports (gesture and/or picture cue), [Student 15] will follow 1-2 step routine-based directions in all school environments with 80% accuracy across no less than 2/3 data probes."
        1. December 6, 2024 - code 3;
        2. March 12, 2025 - code 3; and
        3. June 12, 2025 - code 4.
d. Social Communication
    i. "Given access to multiple modalities (verbal, gesture, sign, picture cues, AAC system(s), etc.), adult modeling, and opportunities to practice, [Student 15] will appropriately acknowledge an interaction initiated by an (a) adult; then (b) peer and sustain a state of shared attention and engagement as measured by observable interactive behaviors for 3 minutes across 3 data probes. Observable behaviors to track: smiling, anticipating, moving closer, re-initiating for more of liked activity, eye gaze, expressing joy through body movements, facial expressions, words."
        1. December 6, 2024 - code 3;
        2. March 12, 2025 - code 3; and
        3. June 12, 2025 - code 3.

105. A Daily Attendance Profile for the 2024-25 school year indicated Student 15 had 26 excused absences and three unexcused tardies between September 6, 2024 and June 6, 2025.

Materials

106. On August 20, 2024, the Developmental Kindergarten Teacher emailed the Complainant and stated Student 12 "... would need additional adult support at all times for supervision and safety."

107. Instructional Assistant 5, who had been hired as a special program instructional assistant (SPIA) at the School, emailed the Classified Staffing Specialist on August 28,

2024 and requested 17 school days off for the 2024-25 school year, due to pre-hire vacation plans.

108. The Complainant emailed the Principal, Assistant Principal, and the Special Education Teacher on August 29, 2024. They stated Student 12 required adult assistance most of the day and needed one-to-one support. The Complainant asked if they could add more support to their room. The Principal stated another staff member would support the Complainant that week.

109. The Coordinator of Student Services emailed the Budget and Fiscal Analyst on September 3, 2024 and asked if Student 12 had had an instructional assistant assigned to them during the 2023-24 school year. The Budget and Fiscal Analyst explained there was not an instructional assistant assigned to Student 12 last school year, and it usually meant the needed support was provided through existing classroom staff.

110. The Special Education Teacher emailed the Coordinator of Student Services on September 5, 2024 and said, "This is the third instance in less than a week that my [case managers] … have been asked to decrease minutes and hold amendments."

111. The Complainant emailed the Principal on September 10, 2024 and explained they "fell short all day" in helping their visually impaired students. They said, "Is it possible to get 2 more people for the day?" The Complainant emailed the Principal and Assistant Principal the same day with concerns about Students 12 and 13. They stated both students were visually impaired and had accommodations in their IEPs which required adult assistance at all times throughout the day. The Complainant said, "I would love to have the adult assistance both of their IEPs state is required in their accommodations. However, without a person assigned and the needs of my other students, this is not possible at this time. I have 13 other students that need bathrooming support, behavioral support and need small groups for learning. We need to be able to keep them safe, support their hygiene needs and meet their SDI minutes in their IEPs as well." The Complainant indicated they had Student 13 with them during their lunch and prep time, and had to work with Student 13 during their lunch.

112. The Complainant emailed the Safety Officer for Acute Behavioral Health on September 12, 2024 and said "... students [12] and [13] … have 1:1 adult assistance minutes in their IEP [accommodations]. … I have 5 staff members and 13 other students that need small group, if not 1:1 for their learning, hygiene and safety needs. … We do not have 1:1 for [Student 12].

113. The Special Education Teacher emailed several District staff, including the Principal, Assistant Principal, and the Coordinator of Student Services on September 12, 2024 and explained that for the 2024-25 school year, Student 10's "... 156 daily SDI minutes have the expectation to continue to be covered by LRC and SLP. The adult support needs will primarily be supported by LRC- teachers and IAs- [*sic*] but may need to be assisted by building staff … . The [Developmental K-2 Classroom] can be accessed for strategic instruction/practice opportunities relating to [Student 10's] IEP goals." The Special

Education Teacher emailed the same group the next day and explained the LRC staff was spending around 365 minutes of the 390-minute school day with Student 10, and maintaining that level of support from the LRC was unsustainable.

114. On September 13, 2024, the Principal forwarded an email from the Complainant to the Coordinator of Student Services. In the original email the Complainant stated their concerns about not being able to support the students' needs and meet their IEP requirements. The Coordinator of Student Services said, "I am aware of the need for additional staffing and am working to find a solution[,] I know this is vague, but just know that I am working to find a solution that will support your team and students."

115. The Coordinator of Student Services emailed the Special Education Teacher, the Complainant, and the Itinerant Special Education Case Manager on September 15, 2024 and said, "Just so you know we have advocated for more adult support in your room for your students with vision needs and hope to have a solution soon on that end as well." (**D2708**) The Coordinator of Services emailed the Director of Elementary Schools on September 16, 2024 and indicated the School was receiving additional staff to support students.

116. The Complainant emailed the Itinerant Special Education Case Manager on October 1, 2024 and explained Student 1 was meeting some of their objectives.

117. The Complainant emailed the Principal and Assistant Principal on October 1, 2024 and October 16, 2024 and stated they were short staffed. The Complainant said, "... we couldn't teach and behaviorally manage the kids and get them through the bathroom without all of our staff here." The Complainant emailed the Principal and Assistant Principal on October 29, 2024, and explained their staff was having difficulty containing the students.

118. On October 7, 2024, the Complainant emailed the Principal, Coordinator of Student Services, and several other District staff, stating they had three students in their classroom who required 1:1 support. They explained they were not fully staffed and were concerned about how to meet all of the students' needs.

119. On October 8, 2024, the Complainant emailed the Autism Consultant, the Itinerant Special Education Case Manager, the Special Education Teacher, the SLP, the Principal, and the Occupational Therapist about a student in their classroom. They said, "... but I am also limited on staff. All of my students are lacking support as we have been down 2-3 staff every single day."

120. The Classified Staffing Specialist emailed District staff on October 9, 2024 and indicated Instructional Assistant 3 had accepted the 6.25 hour temporary to June 11, 2025 SPIA Health position (for Student 13), effective October 21, 2024. On December 13, 2024, Instructional Assistant 3 was approved for leave from November 25, 2024 through December 20, 2024, with a return date of January 6, 2025. An email from the Employee

Relations Specialist on January 14, 2025 indicated Instructional Assistant 3 had been dismissed from their position due to several absences.

121. The Complainant emailed the Occupational Therapist on November 13, 2024 and indicated a fellow staff member wanted Student 12 to walk outside and "feel the weather" during the morning meeting, but that had been inconsistent due to staffing challenges. Another special education teacher replied and stated a new vision specialist would be supporting the Developmental K-2 Classroom.

122. In an email to the Cohort Support Specialist on November 21, 2024, the Complainant indicated their staffing ratio was eight adults with 15 students.

123. On November 26, 2024, a School staff member emailed the Complainant and confirmed they would cover the Developmental K-2 Classroom from December 1-10, 2024.

124. On December 9, 2024, the Director of Elementary Schools emailed several District staff, including the Principal and the Coordinator of Student Services, explaining the Principal had been providing support to the Developmental K-2 Classroom with a substitute teacher and ensuring SPIA coverage was managed, even using other SPIAs to cover when necessary. The Director of Elementary Schools reiterated this response to the Deputy Superintendent and an Oregon Education Association (OEA) staff member via email on December 10 and 11, 2024, respectively.

125. The Classified Staffing Specialist emailed District staff on December 11, 2024 and indicated Instructional Assistant 2 had accepted the 7.5 hour temporary to April 4, 2025 SPIA Developmental K-2 position, effective January 6, 2025. They sent another email on April 17, 2025 indicating Instructional Assistant 2 had accepted the same position until May 6, 2025, effective April 18, 2025.

126. On December 20, 2024, the Director of Elementary Schools emailed District staff about transferring one instructional assistant out of the School and keeping another instructional assistant to support the Developmental K-2 Classroom. They suggested increasing the latter's instructional assistant hours because "... current teacher is not going to be at [the School] in January and that program will need supports to stay strong. … I am a bit worried about [the School's] program with no teacher."

127. On February 7, 2025, the Classified Staffing Specialist emailed District staff and stated Instructional Assistant 1 had accepted the 6.25 hour temporary SPIA AA Health position (for Students 12 and 13), effective February 25, 2025 and lasting until June 11, 2025.

128. On February 17, 2025, the Autism Consultant emailed the Special Education Teacher and asked if it was possible to get extra support for the Developmental K-2 Classroom to meet the needs listed in Student 11's IEP. The Coordinator of Student Services replied to the Special Education Teacher and stated they had given the classroom an additional FTE staff member and probably could not get another person.

129. On February 26, 2025, Student 12's Parent completed a submission form to the Superintendent, explaining that the day before, Student 12 fell down three cement steps at school. The Parent believed there was "insufficient supervision."

130. There was an email exchange between the Autism Consultant, SLP, and the Itinerant Special Education Case Manager, from April 1-4, 2025 about Student 5. They discussed using a communication notebook to share information with the Parents, but the Itinerant Special Education Case Manager was concerned about consistency due to staff absences.

131. The Special Education Teacher emailed School staff on April 11, 2025 and advised them to be cautious with offering Student 4 side-by-side support. They said, "[Student 4] also doesn't have safety behaviors which would warrant a continuous side-by-side adult."

132. On April 18, 2025, the Building Representative emailed the president of the Association of Salem Keizer Education Support Professionals (ASK ESP) and two representatives of the OEA about their concerns regarding the Developmental K-2 Classroom and inadequate staffing. They said, "Our [Developmental K-2 Classroom] has been without a full-time teacher since mid-November … . The problems arise from inadequate staffing and absences. There are supposed to be 7 SPIAs in that class, but rarely are they all there. It was estimated that since November, there have been only a handful of days that all 7 were there, and there have been only 2-3 of the 7 there on some days. … Academics and IEP service minutes are not happening like they should. When this classroom is fully staffed, there is about an hour of academics in a day. Without adequate staff, that number goes down to maybe 15 minutes, and sometimes there is none at all. Obviously, IEP service minutes are not happening like their goals state. Someone did some figuring and determined that it would take around 10 people to actually accomplish the IEP goals of all the students. … There has been talk of district staff coming in to help with this, but that has only happened a couple of times, and none since the beginning of January. The question was raised about the legality of consistently not meeting IEP goals."
    a. An instructional assistant replied the same day and stated it was their understanding that the previous day, the Developmental K-2 Classroom was missing four people and no additional help was provided.
    b. The Assistant Director of Student Services emailed the Deputy Superintendent on April 21, 2025 and stated they would deploy paraprofessional support to the Developmental K-2 Classroom, and would talk to the Coordinator of Student Services and the Principal to determine what additional support they might require.

133. The Coordinator of Student Services emailed the Behavior Intervention Trainer on May 8, 2025 and asked them to make supporting the Developmental K-2 Classroom a priority. The Behavior Intervention Trainer replied the next day and explained what they were doing to learn from the staff and what help they needed. Starting the following Monday, they would be in the Developmental K-2 Classroom "the whole time supporting."

134. On May 22, 2025, the Principal emailed the staff for the Developmental K-2 Classroom and said, "... we are not assigning specific students to individual staff members. Our approach is collaborative: we are all working together to support every student. The entire team shares responsibility for all students."

135. A Classified Support Roster for the 2024-25 school year showed there were two instructional assistants listed for the Developmental K-2 Classroom. The roster showed the first instructional assistant had .625 FTE, and the second had .325 FTE for one student, and .3 FTE for a second student.

136. An undated screenshot of an email from the Principal, in which they described coverage provided for the Developmental K-2 Classroom. They explained the Assistant Principal provided support in the classroom from August 2024 through March 2025, and another administrator from March 2025 through June 2025.

137. Screenshots regarding coverage for the Development K-2 Classroom indicated:
    a. September 8, 2024 - The Principal emailed the Assistant Principal and said, "One of us will cover the last 20 minutes of [the Complainant's] class on [September 24, 2024]."
    b. The Principal emailed the Complainant and other staff on September 11, 2024, and included a schedule of coverage for the classroom from 9 a.m. to 2 p.m. They stated they would support recess and lunch because several instructional assistants were gone.
    c. The Principal emailed a staff member on November 6, 2024 asking if one of their instructional assistants could support the classroom because they were short-staffed, and they replied it could be done. The Principal emailed this staff member again on December 17, 2024 and stated they would need another of their staff in the classroom that day.
    d. The Principal emailed a staff member on November 20, 2024 and asked if they could support the classroom for part of the day.
    e. The Foundational Skills Specialist emailed the Assistant Principal on December 10, 2024 and indicated two substitutes would be in the classroom all day, but two other instructional assistants were out.
    f. On December 17, 2024, the Principal emailed a schedule of staff coverage for the classroom from 11 a.m. to 1:00 p.m., and the Itinerant Special Education Case Manager agreed to go there in the afternoon.
    g. On January 8, 2025, the Principal emailed a staff member asking for coverage for the classroom because they were short-staffed.
    h. On January 27, 2025, the Principal emailed the Assistant Principal and explained they were moving another staff member into the classroom because they were "down several people."
    i. A screenshot of an email, dated March 20, 2025, showed the schedule of staff coverage for the classroom from 8 a.m. to 1:30 p.m. A similar email was sent the following day by the Principal.

j. On April 4, 2025, the Principal sent two emails asking for instructional assistant support in the classroom.
k. The Principal emailed the Coordinator of Student Services on April 28, 2025 and asked for paraprofessional coverage on May 1, 2025; May 15, 2025; and June 2, 2025.
l. The Principal emailed School staff on June 2, 2025 and asked for more coverage because four instructional assistants were gone.

138. Chat messages between the Complainant and the Principal indicated:
a. September 9, 2024 - The Complainant asked for extra support at dismissal, and the Principal replied help was on the way.
b. November 21, 2024 - The Complainant indicated none of their staff was documenting Student 11's behavior, when it should happen three times per day.

139. Employee absentee reports from August 28, 2024 through June 11, 2025 indicated:
a. Instructional Assistant 1 had 10 absences.
b. Instructional Assistant 2 had 12 absences.
c. Instructional Assistant 3 had six absences.
d. Instructional Assistant 4 had 37 absences.
e. Instructional Assistant 6 had 30 absences.
f. Instructional Assistant 7 had 102 absences.
g. Instructional Assistant 8 had 60 absences.
h. Instructional Assistant 9 had 44 absences.
i. Instructional Assistant 10 had 26 absences.

140. Relevant information from a document titled "Timeline of Support for Spring" indicated:
a. January 6, 2025 through present: "Secured consistent licensed substitute. Will substitute ten days in a row, take the 11th day off, and repeat."
b. As Needed: "When no sub or short IAs, admin. [*sic*] fill vacancies with support … ."
c. Often/As Needed: "Greet Dev[elopmental] K-2 students at the front door, walk individuals who need support to class as needed" and "Provide extra support at student lunch/IA breaks[.]"
d. April 10, [2025]: Met with District special education team to request support.
e. April 15, [2025]: Administration prep student work materials for the Development K-2 Classroom.
f. April 18, [2025]: Supported Developmental K-2 Classroom students in getting organized for a field trip.
g. April 21, [2025]: Transported Student 11 to and from class. Supported students with badminton practice.
h. April 22, [2025]: Ordered materials for Developmental K-2 team to help with providing small group instruction.
i. April 23, [2025]: Provided team with ten days of name writing practice, sound sorting, and number work to match IEP goals and decrease teacher prep demands. Provided support for student lunch/instructional assistant breaks.

j. April 24, [2025]: Administration supported instructional assistants so they could take a break and supported lunch time.
k. April 29, [2025]: Support Developmental K-2 breakfast. Administration in Developmental K-2 until 10 a.m. when the instructional assistant arrived, and supported from 11:30 a.m. to 1 p.m. with student behavior. Administration obtained extra instructional assistant support for the day.
l. April 30, [2025]: District Autism Specialist and Autism Assistant came to Developmental K-2 classroom to teach staff, and assist in integrating plan with students.
m. May 1, [2025]: Coordinator of Student Services supported the classroom after the substitute left. Administration supported by ensuring students had activities and learning materials for the day.
n. May 5, [2025]: Added LRC instructional assistant to support until 10:30 a.m., and there was administrative support for behavior.
o. May 6, [2025]: Provided morning support for student behavior, and there was support from the District special education team.
p. May 7, [2025]: There was instructional assistant coverage from 9:45 a.m. through 1 p.m.
q. May 9, [2025]: Supported the classroom with school staff due to the substitute not being able to come.
r. May 12, [2025]: School staff and administration offered classroom support.
s. May 13, [2025]: Supported classroom in leaving for the field trip and arranged for 1:1 support for one student.

141. The Complainant stated they had worked as a special education teacher in the Developmental K-2 Classroom in the District.

142. The Complainant explained several students in the Developmental K-2 Classroom required adult assistance and there were not enough adults available to provide it. They said, "... a very basic example of this … it was challenging even to safely get them from the bus into the classroom … because the classroom contained two students that were blind and they have to have site guided assistance walking. But then there's also students who had such significant impacts that perhaps they didn't know how to socialize, so they were trying to attack a peer rather than play with them in an age appropriate manner." The Complainant perceived these types of situations kept the adult staff's focus on safety issues rather than helping with learning and instruction.

143. The Complainant indicated there were supposed to be seven instructional assistants assigned to the classroom. They explained at the start of the 2024-25 school year, the District had hired six instructional assistants and were working on hiring a seventh. They also indicated one of the instructional assistants was gone for more than three weeks at a time. The Complainant said, "There was [*sic*] two [instructional assistants] who missed three weeks at a time and no subs were ever found. … Another staff member ended up leaving … . So then we were down two and only had five. … the absences between the five that were there were so frequent that most of the time I only had three adults present to help staff the room when we were supposed to have seven. … And at this

point I'm no longer able to teach them. I'm just trying to help keep their basic needs of safety being met."

144. The Complainant stated there were 16 students in the classroom by the end of the 2024-25 school year.

145. The Complainant explained they emailed the School administration a few times at the beginning of the 2024-25 school year about multiple staff absences and student safety issues, but never received a reply. When asked how School administration responded to their concerns about staffing and students not receiving their IEP services, the Complainant said, "... initially [the Principal] came up with some creative out of the box ideas that [they] shared with me in person. [The Principal] didn't put any of them in email." The Complainant explained School administration told them they could have some of the instructional assistants from the LRC help in the Developmental K-2 Classroom. They indicated this did not happen.

146. When asked what they meant by "creative", "out of the box" solutions, the Complainant said, "... [the Principal] was talking about possibly shuffling the [instructional assistants] around. So [instructional assistants] with more consistent attendance would be in this classroom where the students have a higher need and the [instructional assistants] who have … not the greatest attendance, they would be out and say possibly an LRC position … ." The Complainant perceived this did not happen.

147. The Complainant stated they were responsible for providing the students' SDI in the Developmental K-2 Classroom. After their injury in November 2024, they believed there was not a consistent substitute until January 2025, and stated there was a long-term substitute after that, along with possibly additional substitutes.

148. The Complainant explained they could not provide the students' SDI on most days because they spent more time keeping students safe rather than teaching them. They described the students would fight and pinch each other. The Complainant perceived they could not implement the type of classroom structure or routine necessary to teach when they had to deal with student safety issues first. The Complainant described the classroom as being "chaos all the time" and indicated having more adult staff members would have made it possible to, "... help provide the structure and routine that these students so greatly struggled with following … ."

149. The Complainant indicated they did not know what was happening in the Developmental K-2 Classroom after their injury in November 2024. They continued to receive messages from parents about what was happening in the classroom.

150. The Complainant indicated the IEP team had decided it was best for Student 15 to receive their academic readiness skills one-to-one. They said, "[Student 15] would have a sensory break routine. [Student 15] would then go with a staff member and do this instruction and then return back with the rest of the class. I was never able to do that. I put it on a staff schedule with intentions of doing it, but due to the safety issues that

came up with all of the other students and not having enough adults, we were never able to do it while I was there."

151. The Complainant indicated they had four students in the Developmental K-2 Classroom who had adult assistance identified in their IEPs – students 3, 12, 13, and 15. They indicated one person could not provide adult assistance to four students who had high needs.

152. The Principal stated the Developmental K-2 Classroom had been part of the School for four years. The Principal explained they would learn about absences in the Developmental K-2 Classroom in the morning, and then check in with the teacher with how many instructional assistants and students were absent. They indicated they had a team of people who would support the classroom if necessary. The Principal indicated that, after talking with the teacher, they agreed to provide support and had "... a list of [instructional assistants] and teachers, like specialists … that would come in and support throughout the day." The Principal stated they would make a schedule based on who could cover for however many hours, and send it out. They indicated they would also put themselves into the rotation when necessary.

153. The Principal stated there were a couple of days when there was less than ideal coverage in the classroom, but it was only in 15-minute increments because some staff lunches overlapped with others.

154. The Principal stated there were 15 registered students in the Developmental K-2 Classroom, seven instructional assistants, and one teacher.

155. The Principal indicated there was a licensed substitute teacher in the classroom when the teacher was not there. They explained the substitute teacher would have to take a day off on the [eleventh] day of teaching and then return the next day so they could sub ten days at a time. The Principal indicated the District was "covering" the Developmental K-2 Classroom in-house, and the District sent a program assistant every 11 days to help. They explained program assistants were licensed and had a background in special education.

156. The Principal stated their response to the Complainant's communications about not having enough staff to fulfill students' IEP accommodations was to meet with the Complainant and brainstorm ideas on how to support them. The Principal explained they contacted their coordinator and had a meeting to review what the Complainant needed. They indicated this included having specialists come into the classroom, and the Principal would help clarify questions about IEPs. They said, "... whenever [the Complainant] came to us with a concern, we would problem solve how we can support [them]. It was me and another admin[istrator] … that we would meet with [them] and find solutions … ." The Principal indicated the Complainant was responsive to their consultations. They described a time when the Complainant had a student who needed specialized training, and the Principal contacted another district to have staff come and provide services for that student.

157. The Principal stated the Complainant first approached them about staffing issues in mid-September 2024. The Principal perceived the Complainant's staffing concerns were more due to the Complainant being new to the program than a lack of staff.

158. The Principal described a special programs instructional assistant autism specialist team as, a team to provide "... support [for] students with autism … they'll come and observe the student and then help create a support plan for the student."

159. The Principal said, "[The students] were receiving their services through our instructional assistants, guided by the teacher … . Every time I would go in there, they were receiving small group instruction and support."

160. When asked about employing a collaborative approach, the Principal explained they wanted to ensure all the staff were supporting the students because they all had different needs. They indicated staff were not assigned to specific students, but were cross-trained to be able to support each other.

161. The Principal indicated they kept a log of how they were supporting the Developmental K-2 Classroom so they knew where their time was being spent, what was happening, how they supported the students, and when and how often.

162. In an interview with the Complaint Investigator, the Coordinator of Student Services described their role as supporting the elementary schools in the District by answering questions about IEPs, evaluations, and other special education-related topics.

163. The Coordinator of Student Services explained if staff were going to be absent or late, the Principal would send an email stating they were missing people, and then collaborate on ways to send in related service providers or program associates to help in the classroom. They were usually alerted to this by email or a phone call.

164. The Coordinator of Student Services said, "So staffing ratios are determined by student need. … It's dependent on students in the classroom. … So if there's a certain level number of [*sic*] students within the program itself, we will provide [instructional assistants] for that. There's … a band of [instructional assistants] that we provide."

165. When asked about a request for additional staff in the Developmental K-2 Classroom during the 2024-25 school year, the Coordinator of Student Services said, "Last year within the classroom, they had allocated their full staff ratio. At one point, they did ask for additional staffing, and so we did allocate an additional staff through our temporary adult assistance for their students who had visual impairments. … but when they felt like they needed additional staff for the day, we did ask for related service providers to come in. Our PA would come in and … then we would also ask other people to come in and help support when they were down staff … ."

166. The Coordinator of Student Services indicated much of the Developmental K-2 students' SDI was listed as schoolwide support and could be provided in multiple locations.

167. Regarding an email sent from the ASK ESP Building Representative, the Coordinator of Student Services said, "So during that time, we did send … our program associate to come in and help support. … we brought in their principal and their assistant principal came in and helped print out all the IEPs and kind of go through all the goals to make sure that there's clarification on what supports are being provided, go over accommodations, go over SDI minutes, all the goals that students needed at that time. … So they mentioned that the substitute teacher was not a licensed special ed teacher, but our special ed teacher who was managing the IEPs was an itinerant support person who was helping to manage all the IEPs and make sure that the minutes were being provided. So we made sure that [they] [were] monitoring and looking over the IEP and [they] would come in and look at and monitor and check in on those areas. … We also had regular meetings with the related service providers, and then our [program assistant] would coordinate meetings with the [instructional assistants] to make sure everyone was on the same page to see what are the groups, how are kids being supported as far as small groups[.]"

168. The Coordinator of Student Services observed the Principal and Assistant Principal in the Developmental K-2 Classroom multiple times, and observed the Principal helping with transitions and P.E. They indicated another program assistant was in the classroom for a couple of weeks to set up some structures and systems. The Coordinator of Student Services indicated there were a lot of staff absences. They said, "But there was a lot of people coming in to help support. … It just wasn't sustained, which we always want is consistency and long-term supports. But there was a lot of people coming in to try to help support and stabilize the classroom."

169. The Coordinator of Student Services stated the absences of the instructional assistants did not impact the students' ability to receive their SDI because different strategies were used in the classroom. They indicated the absences impacted who was delivering the SDI, but not the SDI itself. They knew the Principal created a plan to fill in the schedule, and ensure the students were getting the support and instruction they required.

170. The Coordinator of Student Services recognized a document written by the Principal and explained it demonstrated how the administration was providing and coordinating the support to come into the Developmental K-2 Classroom. They stated the document showed all of the different supports coming in to provide additional help in the classroom. They described some of these District-level supports included an occupational therapist, an autism specialist, and a student services team.

171. In an interview with the Complaint Investigator, Instructional Assistant 1 stated they were a special program instructional assistant at the School in the Developmental K-2 program from February 2025 to June 2025. Instructional Assistant 1 stated they were hired to support Student 13, who was a blind student.

172. Instructional Assistant 1 described the Developmental K-2 Program as "chaotic" and there were staffing shortages on most days. They explained there were teachers from other classrooms in their classroom supporting at different times, there were only a couple of days the entire school year when all staff were present, and the staff and students stayed in one room because there were not enough staff to allow students to be in the sensory room. Instructional Assistant 1 perceived students were unregulated and demonstrated aggressive behaviors, and those students had to be moved out of the room, resulting in staff shortages in the classroom. They indicated students eloped from the classroom, requiring multiple staff to leave to follow. Instructional Assistant 1 also stated that staff installed door alarms and child locks on the doors, students tried to get into the television cords, and students played in the bathroom. They indicated the Complainant continued to teach even when students were not paying attention. They stated staff were told to ignore when students climbed on desks. Instructional Assistant 1 stated staff and students could not go outside for recess because there were not enough staff to go safely. They explained several students tried to run out of the gate into traffic. They believed there was not enough staff to supervise students safely in the cafeteria because students eloped and left the remaining staff shorthanded.

173. Instructional Assistant 1 stated there was a substitute teacher in the Developmental K-2 Classroom and indicated they did not have a [special education] license, so they worked nine or ten days in a row and then had to be off. Instructional Assistant 1 stated they had people from the building supporting when the Complainant wasn't there.

174. Instructional Assistant 1 stated there were approximately 16 students in the classroom, and there were around 8 staff members. Staffing included one teacher and seven paraprofessionals.

175. Instructional Assistant 1 recalled student IEPs were in a binder and stated they read all the IEPs when they first started, but some were not current. They also shared they were never informed when IEPs were updated.

176. Instructional Assistant 1 recalled they were not given any direction on how to support each of the students they worked with. They stated they didn't have any way to track student goals or how to "implement anything for [the students]." Instructional Assistant 1 explained there were times when they were not able to provide the support to students to which they were assigned. They stated they were assigned to a blind student, but when another student in the group ran off, they had to leave the blind student to "go help another student." They indicated they were unable to provide the support to their assigned students "at least a couple times a week, three times a day." They added the other instructional assistants had the same difficulties.

177. Instructional Assistant 1 indicated the Vision Specialist consulted with them, as did the SLP. They stated the OTs were in the classroom "a couple of times a month." They stated the SLP did not have a regular schedule in the classroom, and Instructional Assistant 1 did not know when they would be there. They indicated the SLP stayed for

half a day on the days they were there. Instructional Assistant 1 stated the Autism Specialist came once a month and spoke directly to the teacher, but consulted with the teacher more than they worked with students.

178. In an interview with the Complaint Investigator, Instructional Assistant 4 stated they had worked as an instructional assistant in the Developmental K-2 Classroom and room 13. They described their duties as assisting the students with their backpacks, preparing them for breakfast, leading small group carpet time, and helping the teacher whenever necessary.

179. Instructional Assistant 4 stated the students' IEPs were inside a binder marked "confidential", and it was easily accessible. They indicated the binder was nearby so they could check an IEP if they had a question. They stated they reviewed the information in the binder when they first started in November 2024.

180. Instructional Assistant 4 explained they were assigned to students, but rotated every month and could help any of the students. They indicated this allowed them to adjust and help with tasks such as bathroom routines, paperwork, and helping the teacher. Instructional Assistant 4 said, "... last school year I was able to help them out when I saw the IEPs and see what [*sic*] if they're allergic to anything, if they need extra support with running and stuff or not running. … We do one-on-one sometime if needed."

181. Instructional Assistant 4 indicated during the 2024-25 school year, there were seven instructional assistants assigned to the Developmental K-2 Classroom, in addition to the teacher. They said, "... if one teacher was on the break, we still had the other, what, six, seven staff in there."

182. When asked how the School handled staff absences, Instructional Assistant 4 explained the administration offered support by calling, and having either a substitute or another instructional assistant come and help.

183. Instructional Assistant 4 indicated they had 3-4 students assigned to them during the 2024-25 school year. They explained they felt they were able to manage, since the staff communicated well and helped one another. They also stated some students were "constantly absent", which helped.

184. Instructional Assistant 4 explained they received training and learned about different behaviors and watched a video about children who experience autism. They stated they had a week-and-a-half of training which included learning how to properly use safety mats and sleeves. They indicated much of it was hands-on training.

185. Instructional Assistant 4 stated that during the 2024-25 school year, they perceived School administration was "on it" when they asked for help. They indicated if it wasn't other instructional assistants who came to help, that administrators would personally come to the classroom.

186. In an interview with the Complaint Investigator, Instructional Assistant 6 stated their role at the School was as an instructional assistant for special needs.

187. Instructional Assistant 6 described they had access to IEPs during the 2024-25 school year via a folder within a binder that was accessible to everybody to review. They explained they would access said folder normally at the start of the school year or " … when we [had] a concern or question about or learning about the students, we're allowed to go whenever we can and pull it out."

188. Instructional Assistant 6 explained depending on the teacher, they could be assigned to specific students but, " … usually … we're not one-on-one, so we have a lot of roles." They stated they had at times been assigned two students at one time, and shared "I'm flexible. That's how it works. But personally I mean, there's two students with high needs, so it's a lot."

189. Instructional Assistant 6 stated during the 2024-25 school year, they had been assigned to certain students and could only recall one student due to the student's high behaviors. They could not recall the rest of the students.

190. Instructional Assistant 6 stated they had MAT training and UKURU training and their ability to provide supports listed in students' IEPs as, "My ability is 100%."

191. In an interview with the Complaint Investigator, Instructional Assistant 7 stated they had worked in the Developmental K-2 Classroom since 2019.

192. Instructional Assistant 7 described the Developmental K-2 Classroom as serving a variety of students with differing needs. When asked how many students there were, they indicated it was a caseload of 16, but they were usually around 12 students in the classroom, depending on student absences. They explained there were staff changes, but believed the staff consisted of one teacher and six instructional assistants. They said, "... two separate staff that had taken leave throughout the year. … We had had staff that were hired at the beginning of the year and then came for a few weeks and then didn't show up again."

193. Instructional Assistant 7 stated the classroom had a substitute after the Complainant was injured and could not return.

194. When asked how permanent staff absences were filled with substitutes, Instructional Assistant 7 said, "... sometimes positions weren't filled and then staff had to cover just kind of deciding in the morning what schedules, who was going to take. We also got support from the school. They would take some of the instructional assistants from the LRC and bring someone over from there, or we would have licensed staff come in and help us. … the principal might be in there supporting … . We had an instructional mentor from the school that would come in and help. So even if the absences weren't covered at the district level, the principal in the school worked pretty good to make sure they would check in with us in the morning … and make sure that we had enough coverage

for the students we had that day. And if we didn't, they would pull staff from the school to help us."

195. Instructional Assistant 7 indicated the Complainant had a binder with all of the students' IEPs, and it was always accessible.

196. When asked how they supported students, Instructional Assistant 7 said, "We had some students in our class that participated in gen[eral] ed[ucation] activities and needed one-to-one support. … some [instructional assistants] were working one-on-one with students that required one-on-one support. Some [instructional assistants] went out of the classroom and took students where they needed to go if they were going to a gen[eral] ed[ucation] classroom. … So we would assist them down there and if they needed an adult to stay, we would stay, otherwise we would come back to the classroom." They could not recall a time when designated one-on-one support was not provided.

197. Instructional Assistant 7 recalled there were some difficulties in assigning sensory times to students who were supposed to have them because there was not a space set up for it. They explained that with one particular student who required sensory support, this issue happened about once a week from September to December [2024]. Instructional Assistant 7 explained they found alternative sensory support for Student 15 within the classroom, because Student 15 would not transition to a dedicated sensory area.

198. Instructional Assistant 7 stated they were assigned 3-4 students at one time, depending on the day.

199. When asked if they recalled a time when adult staff may have been assigned to work one-on-one with a student and were also assigned to multiple students, Instructional Assistant 7 said, "I think yes, particularly our two students who are vision impaired. I think in their IEPs, they were supposed to have a dedicated [adult], each of them, and there was a little confusion on whether it was, I don't think it was stated in the IEP that it was one-on-one, but it was indicated in their IEP that they couldn't be without adult support. … You couldn't work with two at one time, but there were times that we had to do that. Yeah, because either we didn't have enough staff that were trained for those two students, but those times were far and few because both of their attendance was pretty spotty. And on most days, one would be there and then the other one wouldn't. So it would've been a really rare occasion."

200. Instructional Assistant 7 indicated they received training regarding the two visually impaired students once or twice a week. They also had training from an OT about feeding routines. They explained they met with District level coordinators a few times to review all of the students' IEPs.

201. Instructional Assistant 8 explained they worked in the Developmental K-2 Classroom for two years. They explained that during their first year in the Developmental K-2 Classroom, two separate rooms were used, with some small groups in the larger

classroom. They said, “The next year we had the same two rooms, but … had a different layout where we were teaching the kids to sit at desks independently. So we went from having those round tables where kids were sitting all together … to having just a single desk and their single chair and teaching them to sit at that kind of desk.”

202. Instructional Assistant 8 recalled there were between 11-15 students in the Developmental K-2 Classroom during the 2024-25 school year. When asked about the number of staff, they said, “It depended on any given day and absences, but we would get a sub to fill the position or we would get somebody that worked in the school to fill the position. So we would have one teacher and then we had eight instructional assistants, so it’d be nine adults total.”

203. Instructional Assistant 8 did not recall a time when there was not coverage for staff or teacher absences. They said, “It was either an ERC or an LRC, but they were just down the hall from us … . Both of them would come help us depending on if we were low of one staff or two staff. Sometimes we had both of them if needed. So if we weren’t able to get a sub to cover, we would have somebody in-house from a different special education program come help us.”

204. Instructional Assistant 8 explained during the beginning of the 2024-25 school year, they were assigned to work with the same three or four students in an independent small group. They stated as things changed, they were assigned to different students depending on needs.

205. Instructional Assistant 8 explained the Complainant provided a lot of the instruction and completed all of the tracking. Instructional Assistant 8 described their role as assisting in redirection of student behaviors, assisting with anything the students needed, and helping with tasks that needed to be completed rather than being assigned to a specific student. They said, “... during that instruction time going around and just helping the kids with what they needed in order to try to meet that task that they were given.”

206. Instructional Assistant 8 described having two substitute teachers in the classroom for the remainder of the school year after the Complainant left. They indicated one of the substitutes received advice from the administration on how to run the classroom and tried to follow what the Complainant had been doing, while making necessary adjustments. They said, “That continued to be the same model as when [the Complainant] was there, and essentially it was all their core subjects were still being met … . … then all of the instructional assistants would float around and help as needed with the kids that were at all of those tables. But we weren’t assigned to any specific students.”

207. When asked about students requiring a one-on-one assistant, Instructional Assistant 8 said, “I was told … none of our students qualified for a one-on-one. Not that they wouldn’t necessarily benefit from having one, but that legally within their IEPs, it wasn’t specified that they were qualified for a one-on-one.” They indicated there were two blind students who had a staff member primarily assigned to them, but it later became a

shared responsibility and everyone would take turns working with those students. They stated they had training from different people at the District on how to work with blind students.

208. Instructional Assistant 8 said, “If there was any supports specified within the IEP, those were being followed. Essentially, if there was supports that one kid needed, we were trying to make sure the whole class was getting those supports because if it was in one IEP, we were just trying to follow all of the kids were getting all of the supports.”

209. Regarding additional training, Instructional Assistant 8 explained a physical therapist did trainings with the staff. They indicated the physical therapist also provided toileting training, which included best practices and procedures to get a student on and off the toilet safely.

210. Instructional Assistant 8 said, “... but anytime that I was there, there was coverage … if we were able to get substitutes and if we weren’t able to get substitutes, then it was a team effort from the whole school to make sure that we were getting the coverage that we needed.” They indicated they were absent from work often during the 2024-25 school year, and estimated they had been gone about 3-6 days a month between January and the end of the school year.

211. During an interview with the Complaint Investigator, Instructional Assistant 9 stated they had been a special education instructional assistant in the District for 12 years. The 2024-25 school year was their first in the Developmental K-2 Classroom. Their job duties included “ … academic support. … bathrooming, keeping children safe, transitioning to different areas of the school.”

212. Instructional Assistant 9 described having a “notebook” in the classroom with the students’ IEPs inside for their reference. They claimed this notebook was their only access to the IEPs. They stated they only looked in the notebook a few times because “at one point we were given the consolidated ideas of what the services were that were needed and the minutes that needed to be done.”

213. Instructional Assistant 9 stated they were not officially assigned to any one student and their job particulars changed day to day and throughout the day. However, typical daily duties included “transitioning, supporting at breakfast and at lunch and at recess, transitioning to the specialist PE and library and music, and then doing bathrooming [with] students that had those needs.”

214. Instructional Assistant 9 stated the classroom had “16 or 17” students and was “supposed to have seven IAs”. The believed frequent absences by instructional assistants meant the educational spaces were rarely fully staffed. They stated the District did not always provide substitute instructional assistants, and building staff made attempts at support, but were not always available.

215. Instructional Assistant 9 stated the Developmental K-2 Classroom staff adjusted to the staffing shortages by having more group instructional time and being flexible with job duties. To deal with the shortages, the staff "prioritized safety and basic needs. … keep students safe and protected was the number one thing."

216. Instructional Assistant 9 reported specific training for autism and trauma informed services. They stated, "There's been training throughout the years that I've had, and mostly it's experience."

217. Instructional Assistant 10 stated they are an instructional assistant who assists teachers and their team. They help students with their educational and bodily needs.

218. Instructional Assistant 10 stated the access to student IEPs as, "very accessible." They explained the IEPs were in a binder in a file cabinet that everyone had access to, "And you can read it at any moment, any day, any time of the day." Instructional Assistant 10 accessed the binder in the mornings before work and in the afternoons once the students were dismissed.

219. Instructional Assistant 10 stated they had been assigned to various students at a time and IAs would change the students they were working with and " … just supported the needs of the kids." They shared they had assistance from a "crew" and administration when they supporting multiple students at a time.

220. Instructional Assistant 10 explained that challenges did arise, depending on time and place within the building and at times when understaffed. When this happened, they'd use their resources, call for support, and "figure it out."

221. Instructional Assistant 10 shared they had training in bathroom use, received mandates, and a "UKO" training, and they stated they used the resources they had in order to provide the supports in students' IEPs.

222. On July 31, 2025, the Complainant filed this Complaint.

IV. DISCUSSION

When IEPs Must Be In Effect

The Complaint alleged the District violated the IDEA by failing to provide special education and related services as outlined in the IEPs of students enrolled in the Developmental K-2 classroom at [the Elementary School].

At the beginning of each school year, a school district must have an IEP in effect for every child with a disability within their jurisdiction. School districts must provide special education and related services to a child with a disability in accordance with an IEP. Services need to be provided as soon as possible following development of an IEP. In addition, districts are required

to ensure the IEP is accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation.[3]

The Complainant believed staffing issues negatively impacted their ability, and their staff's ability, to teach and provide services to the students in the Developmental K-2 Classroom because they had to prioritize safety before learning. This perception was shared by Instructional Assistant 1. All of the other instructional assistants confirmed they had access to the students' IEPs. Throughout the interviews with the instructional assistants, a pattern emerged that they acknowledged the staffing issues, recognized they received training on how to support the students in the Developmental K-2 Classroom, and received help when they were short-staffed. Documentation also corroborated some of the instructional assistants had 3-4 students assigned to them at a time, but they were cross-trained to help with various tasks related to all of the students and share responsibilities.

Documentation, emails, and interviews also revealed a pattern of staffing issues in the Developmental K-2 Classroom. The Complainant consistently brought this matter to the attention of administrators between August 2024 and December 2024 and asked for assistance. Documentation showed the administration acknowledged the staffing issues and found ways to provide additional support for the staff. After the Complainant's injury in November 2024, the evidence illustrated the District supported the Developmental K-2 Classroom through the use of substitute teachers, bringing in other staff and specialists, and support from the administration. Evidence also showed between September 2024 and June 2025, the Principal made efforts and plans to ensure coverage for the classroom.

The evidence showed three of the fifteen students were identified as having inconsistencies in the implementation of their services. However, the available information only demonstrated a material failure for Student 12. A material failure is defined as "a failure to implement a provision of the IEP that results in more than a minor or technical discrepancy between the services required and the services provided."[4] Regarding Student 12, having a human guide was a critical component of their IEP because it was a service central to their ability to access their education and achieve their goals; it was not a minor or peripheral service. The human guide was a fundamental and essential support which would help ensure Student 12 could physically and safely access the school environment and participate in the curriculum. Without the consistent use of a guide to help them navigate the school environment, there was an increased possibility of Student 12 being isolated or missing instruction time. While multiple absences may have played a role in their lack of progress, documentation detailed inconsistencies in implementing an integral part of their IEP.

When combined with the high needs of the students in the Developmental K-2 Classroom, it is possible staffing issues could have resulted in a failure to deliver and implement the services written in the students' IEPs. However, there was not conclusive evidence which demonstrated this reached the level of a systemic problem in the Developmental K-2 Classroom.

[3] OAR 581-015-2220; 34 CFR § 300.323
[4] Van Duyn v. Baker School District 5J, United States Court of Appeals for the Ninth Circuit, 502 F.3d 811 (2007)

The Department substantiates this allegation, in part, because issues were found in implementing the services for three of the students, and the inconsistencies in delivering a critical component of Student 12's IEP reached the level of a material failure.

Free Appropriate Public Education (FAPE)

The Complaint alleged the District's failure to implement the special education and related services, as described in the IEPs of the students enrolled in the Developmental K-2 classroom, denied the students a FAPE.

School districts must provide a free appropriate public education to all school-age children with disabilities for whom the district is responsible. "School-age children" are children who have reached five years of age but have not yet reached 21 years of age on or before September 1 of the current school year.[5]

Student 1's progress reports indicated they improved on more than 50% of their goals/benchmarks, and a conference summary from October 16, 2024 included parent comments about an increase in Student 1's speech. In October 2024, the Complainant's emails indicated Student 1 was meeting some of their objectives.

Student 2's IEP described they required adult assistance and their progress reports indicated they maintained progress on their goals; overall, there was not sufficient evidence to show a significant decline in their performance.

Student 3's IEP stated they needed a significant amount of adult assistance. A service log from September 2024 through May 2025 described how staff worked with Student 3. While it is possible staff absences could have impacted support or services, there was not sufficient evidence to demonstrate a negative impact on Student 3.

According to progress reports, Student 4 maintained/made progress on 90% of their goals, and no other information indicated they did not receive services.

Student 5's IEP included a need for adult assistance, and while Student 5's progress varied, there was not direct or supporting information to show they did not receive services.

Student 6 had more varied levels of progress in their reports, but it was noted some of the declines were due to multiple absences. Later evidence indicated Student 6 had progressed overall, including information from an Augmentative and Alternative Communication Evaluation Report and conference summary from January 16, 2025, and parent comments in the IEP.

Documentation showed Student 7 required significant adult support. Student 7's progress report indicated they maintained progress for most of their goals. An email from their Parent

[5] OAR 581-015-2040; 34 C.F.R. § 300.17; 34 C.F.R. § 300.101

detailed concerns Student 7 was falling behind academically; however, there was not sufficient evidence to corroborate this, or demonstrate an overall decline or services were not provided.

Student 8's IEP described they continued to need adult support for activities, but were making progress, performed classroom routines with accuracy, and had "mastered" toilet training. This was reflected in the improvements shown on their progress reports.

Student 9's IEP indicated they required adult assistance; however, there was not substantial documentation to show they did not receive their services.

Student 10's IEP indicated they required significant adult support in several areas. In Student 10's 2024 IEP, the Parent and the grandparent "shared concerns that [Student 10's] IEP may not be followed as it should." This was corroborated by observation notes from the Elementary School OT Team on May 6, 2025 which described Student 10 had not been getting pulled for LRC time, had limited engagement in academics, and required increased adult support. The Special Education Teacher communicated the LRC staff was spending around 365 minutes of the 390-minute school day with Student 10, and maintaining that level of support was unsustainable. While progress codes indicated Student 10 had made progress on their goals, there was documentation to show some challenges in providing services.

Student 11's IEPs indicated they required substantial adult support. While they improved on their goals, evidence demonstrated challenges in providing their services. On November 21, 2024, the Complainant indicated none of their staff were documenting Student 11's behavior, and on February 17, 2025, the Autism Consultant asked about getting extra support to meet the needs listed in Student 11's IEP.

Student 12 was visually impaired and their IEP indicated they required a human guide to ensure their safety and extensive adult support to navigate their environment. They also needed one-to-one assistance during mealtime. Student 12's progress toward some of their goals declined; however, Student 12 was absent 71 days during the 2024-25 school year, which likely also impacted their progress. In August 2024, the Complainant stated they did not have 1:1 support for Student 12 and asked for help; the request was granted by hiring a SPIA to work with students 12 and 13. Months later, an email from the parent indicated Student 12 fell down while at school, which they perceived to be due to a lack of supervision. Instructional Assistant 1 stated they sometimes had to leave Student 12 to help another student. Such lapses in supervision would be a violation of the IEP. This evidence indicated there were inconsistencies in how Student 12's services were provided, and that the IEP was sometimes not followed.

Student 13 was visually impaired and required a sighted guide and adult assistance at mealtime. Instructional Assistant 3 was hired to work with Student 13 and dismissed in January 2025. Instructional Assistant 1 was hired to support Student 13 about a month later. While a change in staffing may have impacted Student 13, there was no direct evidence to indicate or support this.

Student 14's 2024 IEP indicated they required adult assistance, but their 2025 IEP stated they were "fully independent in navigating the school, using the bathroom, and managing mealtimes." Evidence did not show they did not receive services.

Student 15's 2024 IEP indicated they required adult support, but progress reports and notes from the Parent indicated they were progressing. The Complainant indicated the IEP team had decided Student 15 should receive their academic readiness skills one-to-one, but stated they were unable to do this; however, the Complainant was only in the classroom until mid-November 2024. There was no direct evidence to demonstrate this pattern continued after they left, and Instructional Assistant 7 explained they found alternative sensory support for Student 15 within the classroom.

While challenges were identified in implementing some of the services for students 10, 11, and 12, the evidence indicated these issues only rose to the level of a substantive denial of FAPE for Student 12.

The Department substantiates this allegation, in part.

V. CORRECTIVE ACTION[6]

In the Matter of Salem-Keizer SD 24J
Case No. 025-054-052

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

Action Required	**Submissions**	**As Soon As Possible But No Later Than Due Date**
1. The District must provide Student 12 with Compensatory Education to make up for SDI not provided pursuant to Student's IEP. The Compensatory Education to be offered to the Parent shall include at least: ● 60 hours of specially designed instruction in functional communication; ● 45 hours of specially designed instruction in functional skills; ● 45 hours of specially designed	The District shall submit the following: Completed plan for delivery of Compensatory Education developed in IEP meeting with Parent; Evidence showing compensatory education was provided.	 **December 15, 2026** **April 15, 2026**

[6] 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)).

instruction in orientation and mobility; ● 45 hours of specially designed instruction in readiness skills; and ● 45 hours of specially designed instruction in social skills. The District must hold an IEP meeting with the Parent to develop a plan to deliver this SDI.[7]		
2. The District must ensure all District staff responsible for reviewing, revising, developing, and implementing IEPs for Student 12 receive training in each of the following areas: ● IEP Review/Revision; ● IEP Development; and ● IEP Implementation.	Training agenda/materials to ODE for review/approval. Sign-in sheet for training.	**February 15, 2026** **April 15, 2026**

Dated: this 29th Day of October 2025



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Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing Date: October 29, 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).)

[7] The Department provides IEP Facilitation services when it is mutually desired by parents and school districts and is available to support the Student's IEP team in this meeting. If a Facilitated IEP meeting is desired, please email ode.disputeresolution@ode.oregon.gov.