BEFORE THE SUPERINTENDENT OF PUBLIC INSTRUCTION

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

I. BACKGROUND

On August 11, 2025, the Oregon Department of Education (the Department) received a special education complaint (Complaint) from a Parent (Parent) regarding the special education of a Student (Student] who resides within the Three Rivers School District (District). The Parent alleged that the District had violated one or more provisions of the Individuals with Disabilities Education Act (IDEA). The Department conducted a special education complaint investigation pursuant to Oregon Administrative Rule (OAR) 581-015-2030.

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 Parent 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 21, 2025, the Investigator sent a *Request for Response* to the District identifying the Parent's allegations of IDEA violations and requesting a narrative response and specified documents to be submitted to the Investigator by September 5, 2025.

On September 5, 2025, the District submitted a timely *Response* denying all allegations in the Complaint. The District submitted the following documents in support of its position:

1. Narrative *Response*
2. Table of Contents
3. November 12, 2024 ASD Eligibility and Evaluation Reports
4. September 24, 2024 Consent to Evaluate
5. September 3, 2024 Enrollment Prior Written Notice (PWN)
6. November 12, 2024 IEP and Placement Page
7. March 19, 2025 Placement Page, PWN, and Meeting Notice
8. February 11, 2025 Placement Page, PWN, Meeting Minutes and Meeting Notice
9. November 12, 2024 Progress Report
10. March 28, 2025 PWN
11. November 14, 2023 PWN, Meeting Minutes, and. Meeting Notice
12. October 30, 2024 PWN, Student Success Plan (SSP) Update, and Meeting Notice
13. November 12, 2024 PWNs, Meeting Minutes, and Meeting Notice

[1] OAR 581-015-2030(12) and 34 CFR § 300.152(a)
[2] OAR 581-015-2030(12) and 34 CFR § 300.152(b)

14. September 10, 2024 Meeting Notice
15. Phone Log
16. August 25, 2025 Placement Meeting
17. August 11, 2024 to August 11, 2025 Email correspondence

The Parent did not submit a *Reply* to the *Response* and did not provide any documents to the Investigator.

The Department's Complaint Investigator (Investigator) spoke by phone with the Parent on August 20, 2025, seeking clarification about the allegations in the Complaint. The Investigator spoke with the Parent again on September 10, 2025, inquiring about whether the Parent had received the District's *Response* and whether the Parent intended to submit a reply. The Parent had not read the *Response*. The Investigator encouraged the Parent to read the *Response* and to submit a reply with any disagreement or supplementary documents. The Parent did not submit a reply. On September 19, 2025, the Investigator interviewed the Special Education Director and the Case Manager. The Complaint Investigator reviewed and considered all of these documents, interviews, and exhibits in identifying facts, applying the relevant IDEA provisions, and reaching the conclusions in this order.

II. Allegations and Conclusions[3]

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 12, 2024 to the filing of this Complaint on August 11, 2025.

Allegations	Conclusions
1. Charter Schools The Parent alleges that the District violated the IDEA by not serving the Student in the same manner as the District serves children with disabilities in other district schools. Specifically, the Parent alleges that:	**Not Substantiated**
(a) the District did not replace special education staff who left the Charter School mid-year, leaving students with	No staff members who needed to deliver Specially Designed Instruction (SDI) left in the middle of the school year.

[3] Investigation of special education complaints is limited to alleged violations of the IDEA during the one-year complaint period. The 100-page complaint in this case includes numerous allegations that do not state a violation of the IDEA. The Parent has been directed to other potential avenues of redress for non-IDEA concerns.

Allegations	Conclusions
disabilities without on-site staff needed to implement their IEPs, and (b) the District required all Charter School students with disabilities to go to the District office to receive two hours of special education services every Friday, when District schools were otherwise closed. (OAR 581-015-2075; 34 CFR § 300.209)	In addition to the 195 minutes/week SDI in a pull-out setting at the Charter School, the District offered Friday morning services to enable the Student receive all the SDI the IEP provided for while also ensuring that the Student could participate with nondisabled peers at the Charter School at the level required by the IEP.
2. Review and Revision of IEPs The Parent alleges that the District violated the IDEA by not convening an IEP meeting at the Parent's request to address concerns about the adequacy or implementation of necessary services at the Charter School. Specifically, the Parent alleges that the District refused to convene a meeting about this topic because a decision had already been made that the Student would not be allowed to return to the Charter School. (OAR 581-015-2225 (1)(a) & (b); 34 CFR § 300.324(b))	**Not Substantiated** During the Complaint period, the District convened several team meetings. The Parent was notified of these meetings. None of the documentation provided to the Investigator includes any request for an additional IEP meeting or any District refusal to convene an IEP meeting.

REQUESTED CORRECTIVE ACTION
I request that the Oregon Department of Education: • Investigate the denial of FAPE and failure to follow IDEA procedures by Woodland Charter School. • Require the charter school and/or sponsoring district to immediately schedule and hold an IEP meeting with appropriate personnel. • Provide compensatory education and/or services to remedy the disruption in my child's access to FAPE. • Require corrective action and training for the school on their obligations under IDEA and Oregon law.

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 Investigation does not consider facts before or after the Complaint period. However, facts outside of the Complaint period may be included to provide context necessary to understand the circumstances surrounding this Complaint.

1. The Student was 12 years old and in 6th grade during the Complaint period.

2. The Student was evaluated and found eligible for special education as a child with autism spectrum disorder (ASD) in early elementary school in another state.

3. The Student moved to Oregon and enrolled in a District charter school (Charter School). The Parent chose the Charter School because it offered schooling grounded in the Waldorf education philosophy, which focuses on "the whole child" and in which academic instruction is integrated with nature and the arts.

4. In November 2021, the District reevaluated the Student under Oregon eligibility standards and found the student eligible for special education as a child with ASD.

5. The Student's IEP, dated November 12, 2023, was developed when the Student was in 5th grade at the Charter School. This IEP remained in in effect through the first three months of the Complaint period. Minutes from the November 12, 2023 IEP meeting describe the Student's good memory and verbal processing as well as progress made during occupational therapy (OT) and speech language therapy (SLP). The Student had met all current IEP goals, and the team determined that direct SLP services were no longer needed. The team also agreed that the then-current placement at the Charter School was appropriate.

6. At the end of fifth grade, the Student left the Charter School. The parties view the impetus for this move differently. The Parent told the Investigator that District staff "persuaded" them to enroll the Student in the District Middle School (Middle School). District staff recall that the Student and Parent were unhappy with a teacher at the Charter School, whom they perceived as punitive. No documentation supports either explanation for the Student's departure from the Charter School.

7. On September 3, 2024, the District gave the Parent Prior Written Notice (PWN), which states that the Student has enrolled in the Middle School from the Charter School "with current special education documents". The PWN indicates no specific reason for the move but indicates that "School records, student information, and special education documents were all deciding factors for this action". The school change was made without a team meeting because "minor IEP changes could be made with signed parent Agreement Statement and verbal permission if needed."

8. Three months into the Student's sixth grade year, the District conducted an extensive three-year reevaluation and determined that the Student continued to be eligible for special education as a child with ASD. The evaluation included a review of existing information, standardized ASD assessment, social communication assessment, parent and teacher interviews, classroom observations, speech-language (SL) evaluation, and occupational therapy evaluation. The team determined that the Student continued to be eligible for special education.

9. On October 30, 2024, the Student's IEP Team met to discuss the Student's SSP, which describes:

    a. The Student's numerous personal and academic strengths
    b. The Student's struggles with work refusal, elopement from designated areas, sensory input seeking, which appear to be associated with non-preferred tasks and classes

10. Strategies for addressing the Student's struggles, including:

    a. Validating the Student's feelings and providing opportunity for the Student to explain
    b. Listen to audiobooks and podcasts
    c. Preferential seating near the [Educational Assistant (EA)]
    d. Scribe or use of computer to type
    e. Age-appropriate "chewy tools", oral motor breaks, movement breaks

11. The District gave the Parent PWN of its proposal to "partner with parents, staff, and teachers to ensure [the Student's] successful transition to [the Middle School]. The PWN states that the IEP team "meets, reviews the current success plan, reviews the data, answers questions or concerns, and determines if the success plan needs updated [*sic*]." The PWN indicates that the team would meet again in six weeks.

12. An IEP Progress Report dated 11/12/2024, based on the annual goals in the November 12, 2023 IEP includes no progress data but refers to the IEP developed on that date and notes "looking at previous progress scores, [the Student] not reaching goals may be related to [the] change of location."

13. The District convened an IEP meeting on November 12, 2024. The IEP meeting was held remotely via video conference. Participants included the District Representative, the Case Manager, the Autism Consultant, the Occupational Therapist [OT], the Special Education Teacher, three speech language pathologists [SLPs], and four general education teachers. The notice of this meeting wad dated September 10, 2024. The Parent did not attend.

14. The November 12, 2024 IEP includes the following content relevant to this Complaint:

15. Present levels of academic achievement:

    a. The Student had not met annual goals in Behavior, Writing, Reading Comprehension, or Math.

16. Present levels of developmental and functional performance

    a. Information from the Case Manager indicated that the Student was "overwhelmed when presented with a large amount of information". The Student needed consistency with directions and "begins to question or refuse to work" when directions change. (D54)
    b. Information from the Student's History Teacher indicated that the Student "does very well with listening comprehension and reading in social studies". The Student could become frustrated when expected to complete multiple tasks during a single class period and could be rude and defiant.
    c. Information from the OT evaluation indicated that the Student's fine motor coordination fell within the normal range but upper limb coordination was below average. The Student's behavior during the evaluation "suggested underlying sensory processing difficulties … [which] may be impacting [the Student's] ability to maintain focus and effort in non-preferred tasks."
    d. Information from an SLP described the Student as "vibrant, chatty, and hardworking". The Student's Core Language score was average. The Student communicated efficiently for a wide variety of social purposes in the evaluation setting". The Student's receptive and expressive language were judged "high average". The Student displayed "significant weakness" in communicating in social contexts, with particular difficulty in using and understanding nonverbal communication.

17. Special Factors. The IEP team identified the following special factors to be addressed in the IEP:

    a. Behavior that impedes the Student's learning or that of other others
    b. Communication needs
    c. Assistive technology needs

18. Measurable Annual Goals.

    a. Behavior goal: By November 2025, the Student will improve social interactions by maintaining appropriate personal space and using active listening during conversations or group activities with no more than one prompt in 4 out of 5 observed opportunities.

b. Writing goal: By November 2025, [the Student] will use assistive technology to independently type or dictate a 1-2 sentence response to questions in all academic subjects with 80% accuracy across 4 out of 5 trials.
c. Reading comprehension goal: By November 2025, [the Student] will improve reading comprehension skills by identifying the main theme, inferencing, key characters, and the sequence of events (beginning, middle, and end) in a preferred 6th-grade level audiobook, book, or text, achieving 80% accuracy across three consecutive sessions.
d. Math goal: By November 2025, [the Student] will increase math stamina by independently completing five math problems and showing … work (asking for teachers to demonstrate the problem when frustrated) before requesting a break and returning to complete additional tasks after break, in 4 out of 5 opportunities.
e. Reading goal: By November 2025, [the Student] will increase participation in daily reading activities by are assigned by staff member for a minimum of 15 minutes, with no more than one prompt, in 4 out of 5 opportunities.

19. SDI, "Separate Setting/General Ed."

    a. Writing, 30 min/week
    b. Behavior, 120 min/week
    c. Reading, 30 min/week
    d. Reading, 60 min/week
    e. Math, 60 min/week

20. Related services. The IEP team decided that related services were not needed.

21. Supplementary Aids/Services: Accommodations, all to be provided 30 min/week by "Special Ed Teacher/Provider" in "all school settings."

    a. Additional processing time
    b. Break assignments into smaller chunks
    c. Positive behavior supports (points sheet, positive feedback)
    d. Quality vs. Quantity
    e. First/Then
    f. Flexible time limits to complete all assignments
    g. Frequent breaks and access to sensory supports
    h. Preferential seating
    i. Allow timed breaks as needed/student request
    j. Daily point chart and picture schedule
    k. Speech-to-text, text-to-speech, typing
    l. Give directions in an alternative format (written, picture, verbal, etc.)
    m. Audiobooks

n. Checks for understanding: Give direct feedback on your perceptions when speaking with [the Student]

22. Supplementary Aids/Services: Modifications, to be provided 60 min/week by "Special Ed Teacher/Provider" in "all school settings."

    a. Modify the curriculum for all subjects, assignments, and assessments for all academic areas to their academic grade level

23. Supports for School Personnel.

    a. Speech Pathologist Consultation, 60 min/year
    b. Occupational Therapy Consultation, 120 min/year
    c. Special Education Consult, 60 min/year
    d. General Education Teacher, 60 min/year
    e. Autism Consultation, 120 min/year

24. Statement of Non-Participation Justification.

    a. "[The Student] is removed to a special education setting for Specifically [*sic*] Designed Instruction in behavior, math, writing, and reading for a total of 270 minutes per week"

25. The Student's IEP team selected a placement on November 12, 2024. The same team members who participated in IEP development are identified as participating in the placement decision. The Parent received notice of this meeting on but did not attend. The team considered three placement options:

    a. General education setting for 80% or more of the school day
        i. Benefits: Full curriculum taught, however content may be adapted to student need
        ii. Possible harmful effects: Provision of specialized instruction in this setting adversely impacts the learning of other students
        iii. Selected because "best meet student's needs"

    b. General education setting for 40-79% of the school day
        i. Benefits: Student would benefit from specialized instruction
        ii. Possible harmful effects: Student would have reduced access to non-disabled peers, socially or vocationally
        iii. Rejected because "Student does not require this level of service"

    c. General education setting for less than 40% of the school day
        i. Benefits: Student would benefit from specialized instruction

ii. Possible harmful effects: Student would have reduced access to non-disabled peers, socially or vocationally
iii. Rejected because "Student does not require this level of service"

26. November 12, 2024 IEP Meeting Minutes are sparse but indicate in relevant part:

    a. The Case Manager reported that the Parent agreed that the IEP team could meet without the Parent present.

    b. The Team reviewed the triennial evaluation and agreed that the Student continued to qualify for services.

    c. The Case Manager stated that "there isn't much data to demonstrate if the student has met many of the goals. The staff and student are still getting to know each other. All goals will be worked on by the student/staff. The student has been building relationships with the adults. As a result, the trust level has increased with the adults. This trust will continue to allow the adults to gather the needed data as the child works towards [the IEP] goals".

27. In early January 2025, the Student reenrolled at the Charter School. On January 27, 2025, the Parent called the Student's Case Manager to say that the Student had enrolled in the Charter School.

28. On February 11, 2025, the District convened a team meeting to determine the Student's placement. Participants included the Parent, the District Representative, the OT, the Case Manager, a Person Knowledgeable about Placement Options, a Charter School teacher, and the Charter School Education Director. The team considered two options:

    a. General education setting for 80% or more of the school day.
        i. In this placement scenario, the Student would receive 195 minutes/week SDI in a pull-out setting at the Charter School. The Student would also receive 420 minutes/month SDI in a small group at the District office on Friday mornings.
        ii. Benefits: "The Student would have access to his preferred social group"
        iii. Possible harmful effects: "Bases on current skill level, [the Student] would experience frustration in the General Ed curriculum."
        iv. Modifications/Supplementary aides and services needed: Scheduling accommodations to provide SDI as written in [the Student's] IEP would require additional time and staff to implement."
        v. Selected because "The team agreed to meet parent request. The team will review placement success in 4 weeks."

    b. General education setting for 80% or more of the school day.

i. In this placement scenario, the Student would receive SDI at the Middle School through push-in and pull-out services with special education staff, including 120 minutes/week for social-emotional learning (SEL), 90 minutes/week reading, 60 minutes/week math, and 30 minutes per week writing.
ii. Benefits: "[The Student] would have access to a quiet environment in the [self-contained classroom] with less distractions to take breaks and receive SDI throughout the day. [The Student] benefits from direct small group instruction for [Social-Emotional Learning (SEL)]. [The Student] benefits from push-in support to facilitate executive functioning in general education classrooms. [The Student] would have an appropriate peer group for academics as well as social emotional learning."
iii. Possible harmful effects: [The Student] will miss class time, would have reduced access to non-disabled peers, socially or vocationally
iv. Modifications needed: "Additional opportunity given to make up missed instruction and class work with direct support in the resource room each week, including SKI [*sic*] to support task management."
v. Rejected because "Parent request not to attend [the Middle School]."

29. Minutes from the February 11, 2025 placement meeting describe team members' concerns about the Student at both the Middle School and Charter School.

30. Middle School information from the months the Student attended:
    a. Minimal behavior concerns other than work refusal. Data showed "some improvement despite many absences."
    b. The Student had received "quite a bit of support in the special education classrooms."
    c. The Student "liked some of the data tracking but not feeling supported at the Middle School." The Student thought that emotional support at the Charter School would be better.
    d. The Parent was concerned with "communication breakdown in the lack of work completion."

31. Charter School information from the years the Student had attended:
    a. Staff struggled with helping the Student regulate "significant behaviors".
    b. The Student did well in preferred activities but struggled with "handwork, games, music."
    c. A Charter School teacher expressed concern about the Student "being accountable to the things that happen, especially unsafe disruptive behavior."
    d. The Parent was concerned about negative feedback the Student received at the Charter School.
    e. The District Representative proposed that the Student remain in the Charter School with a review of the placement in four weeks.

f. The team developed a tentative schedule that reduced SDI minutes from 300 pullout minutes at the Middle School to 195 pullout minutes per week on-site at the Charter School, to be supplemented with 420 minutes per month small-group SDI at the District office on Fridays.

32. The Student attended the Charter School from January 2025 until April 3, 2025. By virtue of its Waldorf educational philosophy, the Charter School daily schedule was unlike the schedule at the Middle School, as some of the curriculum was implemented in non-traditional contexts such as nature walks, festivals, arts activities, and field trips. For this reason, the Student's SDI could not be provided with the consistency possible at the Middle School. The Student's team, when agreeing to a temporary placement at the Charter School, was initially unable to schedule the same number of hours of SDI as the Student had been accessing at the Middle School. To make up for the reduction of SDI during regular school hours at Charter School, the District offered to provide additional SDI to the Student at the District office on Friday mornings, which was outside of the District's four-day school week. When the Parent informed the District that the Student would not be able to attend the Friday sessions, the District scheduled additional special education support, so the Student could receive all SDI on-site at the Charter School.

33. On February 11, 2025, the District gave the Parent PWN of the decision to change the Student's placement on a trial basis, concluding with a statement: "The Team agreed to a temporary placement at [the Charter School] with a follow-up meeting in 4 weeks to review data to ensure [the Student is accessing [their] education in this setting."

34. A Notice of Team Meeting dated February 11, 2025 invited the Parent to attend a team meeting on March 19, 2025 for the purpose of reviewing placement.

35. Minutes from the March 19, 2025 placement review meeting document team discussion about the Student's experience at the Charter School since the last team meeting. A paraphrased summary of the discussion follows:

    a. The Parent reported that the Student was happier at the Charter School and enjoyed being with friends, struggled with the classroom teacher and with electives, and experienced a lot of stress.
    b. Charter School staff reported that the Student was in the general education setting less than 50% of the time, in part by choice not to be in class. In addition, staff discussed the Student's work refusal, dysregulation, behavior incidents and suspensions, and difficulty in building friendships.
    c. The Case Manager asked the Parent about the Student's mental health and about the Student's need for any other services. The Parent said that the Student was doing well with a therapist and did not need any additional services.
    d. The team discussed the Student not being in the least restrictive environment (LRE) for the time specified in the IEP and thus not progressing in the general

curriculum or meeting IEP goals. The Parent disagreed and asked for time to discuss a change in placement with the Student and to look for another school.

e. Most members of the team agreed that the Middle School was the appropriate placement.

36. At the March 19, 2025 placement review meeting, the team considered two options described verbatim as follows:

    a. General education setting for 80% of more of the school day.
        i. [The Student] would receive push-in and pull-out services at the Middle School. Special education staff would provide SDI: SEL 120 minutes/week, Reading 90 minutes/week, Math 60 minutes/week, and Writing 30 minutes/week.
        ii. Benefits: [The Student] would have access to a quiet environment in the ERC with less distractions to take breaks and receive SDI throughout [the] day. [The Student] benefits from direct small group instruction for SEL. [The Student] benefits from push-in support to facilitate executive functioning in [the] general education classrooms. [The Student] would have an appropriate peer group for academics as well as Social/Emotional learning.
        iii. Possible harmful effects: [The Student] will miss class time.
        iv. Modifications/Supplementary aids and services needed: Additional opportunity given to make up missed instruction and class work with direct support in the resource room each week, including SDI to support task management.
        v. Selected because: [The Middle School] is able to implement [the Student's] IEP and provide services that support progress on IEP goals and access to general education.

    b. General education for 80% or more of the school day.
        i. [The Student] was scheduled to receive some SDI services at [the Charter school]: (195 minutes/week) in a pull-out setting throughout the week on scheduled times with the remainder of his SDI services (420 minutes/month) in a small group setting on Fridays at the District Office with peers each month.
        ii. Benefits: [The Student] has access to preferred social group.
        iii. Possible harmful effects: [The Student] experienced frustration in the General Education curriculum.
        iv. Modifications/Supplementary aids and services needed: Scheduling accommodations to provide SDI as written in [the Student's] IEP required. [The Student] did not attend either scheduled Friday SDI session at the District Office as planned.
        v. Rejected because: Implementation data demonstrates that [the Student] had a lack of academic and social/emotional growth at [the Charter

School] with increased difficulty accessing and participating [in the] general education curriculum.

37. On the days following the March 19, 2025 placement review meeting, the Parent and District staff communicated by phone and email. The Parent continued to express their disagreement with the District's refusal to change the Student's placement to the Charter School. The Parent informed staff that the Student would not return to the Middle School.

38. On March 22, 2025, the Special Education Director sent the Parent an email suggesting several possible schools the Student might enroll in if they did not choose to return to the Middle School.

39. On March 28, 2025, the Special Education Director sent an email to the Parent stating: "Hello -- In our call today you informed me that you disagreed with the change of placement and that you needed more time to transition [the Student] from [the] Charter. In an effort accommodate your request, we are extending [their] time at [the Charter School] through the 3rd quarter, April 3rd. Please see the attached Prior Written Notice from our placement meeting March 19th as Prior Written Notice that outlines [the Student's] placement and this change in timeline dated today. [The District] stands ready to serve [the Student} at [the Middle School] if at any time you would like to pursue returning [the Student] to [their] home school."

40. On March 28, 2025, the District gave the Parent PWN, which provides as follows:

    DESCRIPTION OF ACTIONS PROPOSED OR REFUSED BY THE DISTRICT: Provision of FAPE
    Per Parent request, the District will allow [the Student] to attend [the Charter School] through the end of the academic quarter, April 3, 2025. [The Student] will not be allowed to return to [the Charter School] after April 3, 2025 as [the Charter School] is not [the] IEP placement.

    Explanation of why the district proposes or refuses to take the action:
    The IEP team met on March 19, 2025, to review [the Student's] data at [the Charter School], including participation in the general education curriculum and access to FAPE in accordance with [the] lEP. The team discussed [the Student's] lack of progress at [the Charter School] and ultimately agreed that [the Student] had more access to general education classroom and progress at [the Middle School].
    On March 28 ,2025, the Parent indicated [disagreement] with placement at [the Middle School] and requested that [the Student] continue to attend [the Charter School] starting Monday, March 31, 2025 as [they] needed more time find a different school to attend.

    Description of each evaluation procedure, assessment, record or report used as a basis for the proposed or refused action:

Classroom data, historical enrollment, disciplinary records, and team input were used as a basis for the proposed action.

Description of other options considered and why those options were rejected:
[A]llowing [the Student] to continue attending [the Charter School], as that is not the placement determined by the IEP team.
The IEP team determined that FAPE could not be provided at [the Charter School]. However, per parent request and in an effort to minimize disruptions to [the Student's] education, the District agrees to allow [the Student] to finish the academic quarter at [the Charter School].

Description of the factors relevant to the actions proposed or refused are:
[The Student] will not be allowed to return to [the Charter School] after April 3, 2025.
[the Student's] current IEP placement is [the Middle School].
The District stands ready to implement [the Student's] IEP at [the Middle School] immediately.

41. On April 2, 2025, the Case Manager called the Parent, and they discussed the Parent's disagreement with the District about the Middle School Placement and the Parent's search for an alternative school for the Student.

42. The documents available to the Investigator include no further communications between the Parent and the District. District staff informed the investigator that they heard nothing more from the Parent until August 11, 2025.

43. On August 11, 2025, the Special Education Director received an email from the Parent that stated as follows:

"I am writing to formally express my deep concern regarding the recent communication that my child [the Student] will not be allowed to return to [the Charter School] due to the school not having the necessary supports to implement their IEP.

It is both alarming and unacceptable that a public charter school would attempt to exclude a student with a disability on the basis of staffing or resource limitations. These are not lawful grounds for removing or refusing to reenroll a student with an IEP.

Furthermore, when I requested an IEP meeting.to discuss my child's needs and how their services would be provided, I was told that the school would not meet with me since they would not allow [my child] to return. This response is a clear violation of my child's and my legal rights under the IDEA, which requires that IEP meetings be convened when requested by a parent.

I am formally requesting the following:
1. Immediate written clarification as to why my child is being denied reenrollment.

2. A date and time for an IEP meeting to be scheduled as soon as possible, with appropriate school personnel and district representation present.
3. Written assurance that my child will not be denied access to education based on their disability or the level of support they require.

I look forward to your prompt response and to working collaboratively to ensure that my child's rights are upheld."

44. On August 11, 2025, the Student's Private Counselor filed this Complaint. A note at the end of the email stated: "This email is sent by the client's case manager .... on behalf of [the Parent], with [their] express permission.".

45. In interviews with the Investigator, District staff said that they had not heard from the Parent since a phone call on April 2, 2025. The Parent had not notified the District about the Student's enrollment in another school. The August 11, 2025 email sent by the counselor on behalf of the Parent was the first contact the District had received since April 2, 2025. The documents that the District provided to the Investigator include no Parent school communication between April 2, 2025 and August 11, 2025.

46. On August 12, 2025, the Special Education Director emailed the Parent, stating, "[The Case Manager] just returned to work today so we were about to look at our calendars and would like to hold an IEP mtg [*sic*] per your request. Do you have an availability on Monday the 25th or Tuesday the 26th around noon?" (D 176)

47. On August 28, 2025, the District convened an IEP meeting. At the meeting, the Team reviewed new information from the Parent and the Student and discussed staffing changes and available therapy supports for the 2025-26 school year. The Team agreed to a Charter School placement, with the placement to be reviewed at the annual IEP meeting scheduled for October.

IV. DISCUSSION

Charter Schools

The Parent alleged that the District violated the IDEA by not replacing special education staff who left the Charter School mid-year and having staff to implement the Student's IEP, and by requiring all Charter School students with disabilities to go to the District office to receive two hours of special education services every Friday, when District schools were otherwise closed.

In Oregon, a school district must serve resident children with disabilities attending public charter schools located in the district in the same manner as the school district serves children with disabilities in other district schools, including:

(a) Identifying, locating, and evaluating students who may need special education;
(b) Implementing each child's IEP; and

(c) Providing supplementary and related services on site at the public charter school to the same extent to which the school district has a policy or practice of providing such services on site to its other public schools.[4]

In this case, the Parent's allegation about the District not replacing staff who were needed to implement the Student's SDI was vague as to when this took place, and the Parent submitted no supporting documentation. The District denied that any staff left the Charter School in the middle of the year. The only known obstacles to delivering all the SDI that the Student's IEP provided for was the Student's persistent work refusal and voluntary time out of class. In addition, the nature of the Charter School curriculum, some of which was based outside of the school or traditional classroom-based contexts, was not consistent with the nature of the SDI that the IEP prescribed. After the Parent made the unilateral choice to reenroll the Student in the Charter School, the District sought to provide FAPE while the Student was at the Charter School through SDI on site at the Charter School and off-site at the District office on Friday.

Nothing in the IDEA requires a District to maintain a Student with a disability in a placement where the IEP cannot be successfully implemented. The IDEA provides that the placement of a student with a disability:

(a) Is determined by a group of persons, including the parents and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options;
(b) Is made in conformity with IDEA Least Restrictive Environment (LRE) provisions; and.
(c) Is based on the child's current IEP. [5]

In selecting the LRE, the team must give consideration to any potential harmful effect on the child or on the quality of services which the child needs.[6]

The November 2024, February 2025, and March 2025 were all compliant with the IDEA. The documents submitted to the Investigator illustrate an effort by the Team to ensure that the Student's IEP could be implemented at the Charter School. District staff collaborated with the Charter School staff to find ways to implement the Student's IEP. At placement meetings, the team carefully analyzed the placement options, with evident commitment to providing the SDI that the Student needed, and to ensure that the Student received SDI in the regular classroom when possible and in pull-out settings when needed. The Team weighed the benefits and potential harmful effects on the Student as the IDEA contemplates. Nothing in the documents provided to the Investigator suggest anything other than awareness of and compliance with the District's obligation to place the Student in an appropriate setting. After repeated efforts during the Complaint period to satisfy the Parent's preference for the Charter School, the Team concluded that the Student needed the structure provided by the Middle School in order to receive FAPE.

[4] OAR 581-015-2075(2)
[5] OAR 581-015-2250(1)
[6] 581-015-2250(4)

The Department does not substantiate this allegation.

Review and Revision of IEPs

The Parent alleged that the District violated the IDEA by refusing to convene an IEP meeting upon request.

The IDEA requires school districts to ensure that IEP teams review each IEP at least once every 365 days to: (a) determine whether a child with a disability is achieving IEP goals, and (b) revise the IEP as appropriate.[7] IEP team review and revision of an IEP is not limited to once per year. Rather, the IEP team must review and revise a child's IEP at any time to address:

1. Any lack of expected progress toward the annual goals and in the general education curriculum;[8]
2. The results of any reevaluation;[9]
3. Information about the child provided to or by the parents;[10]
4. The child's anticipated needs;[11] or
5. Other matters.[12]

In this case, the Parent had concerns about the Student's adjustment to the Middle School, but the Parent's expressed concerns were about placement rather than appropriateness of the IEP. The District convened the IEP team four times during the Complaint period: at the beginning of the 2024 school year to formalize the Student's placement at the Parent's request, in November 2024 for the annual IEP meeting, in February of 2025 to address the Student's unilateral move to the Charter School and to attempt a trial period in the Student's and Parent's preferred school, and finally in March 2025 to review the placement. District staff denied refusing a request for an IEP meeting at any time during the Complaint period. The Investigator was able to find documentation of only one request by the Parent for an IEP meeting, and that request was sent to the District on August 11, 2025, the same date that the Parent filed the Complaint. The District immediately agreed to a meeting of the IEP team. On August 28, 2025, the Team met, reviewed new information, and determined that the Student could receive FAPE at the Charter School.

The Department does not substantiate this allegation.

[7] OAR 581-015-2225(1)
[8] OAR 581-015-2225(1)(b)(A)
[9] OAR 581-015-2225(1)(b)(B)
[10] OAR 581-015-2225(1)(b)(C)
[11] OAR 581-015-2225(1)(b)(D)
[12] OAR 581-015-2225(1)(b)(E)

V. CORRECTIVE ACTION[13]

In the Matter of Three Rivers School District
Case No. 25-054-054

The Department does not order corrective action in this case.

Dated: this 8th Day of October, 2025



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Ramonda Olaloye
Assistant Superintendent

Office of Enhancing Student Opportunities

E-mailing Date: October 8, 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).)

[13] 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))