**BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION**

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| In the Matter of | ) | FINDINGS OF FACT, |
| Klamath County School District | ) | CONCLUSIONS, |
| | ) | AND FINAL ORDER |
| | ) | Case No. 25-054-059 |

## I. BACKGROUND

On September 8, 2025, the Oregon Department of Education (the Department) received a written request for a special education complaint (Complaint) from the parents (Parents) of a student (Student) residing in the Klamath County School District (District). The Parents requested that the Department conduct a special education investigation under OAR 581-015-2030. The Department confirmed receipt of this Complaint and forwarded the request to the District.

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

On September 15, 2025, the Department's Complaint Investigator sent a *Request for Response (RFR)* to the District identifying specific allegations in the Complaint to be investigated and establishing a *Response* due date of September 29, 2025. The District requested, and the Department granted, a brief extension to submit the response. On October 3, 2025, the District submitted a *Response*, disputing the allegations described in the Complaint. The District submitted the following relevant items:

1. District *Response*
2. Student Psychology Diagnostic Review, 6/19/2024
3. Student Psychologist Encounter Note, 6/19/2024
4. Prior Written Notice, 10/31/2024
5. Occupational Therapy Assessment, 11/18/2024
6. Written Agreement between the Parent and the District, 12/6/2024
7. Student Special Education Placement Determination, 9/27/2024
8. Student IEP, 9/27/2024
9. Student IEP Snapshot 2024
10. Notice of Team Meeting, 8/26/2025
11. Special Education Placement Determination, 8/29/2025

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

12. Prior Notice of Special Education Action, 9/8/2025
13. Student IEP, 8/29/2025
14. Student IEP Snapshot, 2025
15. Community Neuropsychologist Report, 8/20/2025
16. School Age Special Education Program, 6/6/2023
17. Student IEP, 5/31/2024
18. Notice of Team Meeting, 5/13/2024
19. Prior Notice of Special Education Action, 5/31/2024
20. Written Agreement between the Parent and the District, 5/31/2024
21. Student IEP, 6/6/2023
22. Notice of Team Meeting, 5/4/2023
23. Prior Notice of Special Education Action, 6/6/2023
24. Psychological Evaluation, 5/10/2023
25. Speech and Language Evaluation Report, 5/25/2023
26. Prior Notice of Special Education Action, 6/6/2023
27. Individualized COVID-19 Recovery Services Review, 6/6/2023
28. Special Education Meeting Notes and Summary, 6/6/2023
29. Prior Notice of Special Education Action, 1/3/2023
30. Notice of Team Meeting, 1/3/2023
31. Student IEP (Initial), 1/28/2022
32. Speech and Language Evaluation Report, 1/25/2022
33. Notice of Team Meeting, 1/26/2022
34. Prior Notice about Evaluation/Consent for Evaluation, 1/11/2022
35. Notice of Team Meeting, 1/11/2022
36. Referral for Special Education (5-21), 1/11/2022
37. Email: FW: [Student] i-ready, 6/3/2025
38. Email: [Student's] Psychological evaluation.pdf, 6/3/2025
39. Email: FW: [Student's] OT eval, 8/11/2025
40. Email: [Non-KCSD Email] –[Student], 8/22/2025
41. Email: [Non-KCSD Email] –[Student], 8/25/2025
42. Email: Meeting Notice, 8/28/2025
43. Email: [Non-KCSD Email] –, 8/29/2025
44. Email: Copy of [Student] IEP, 8/30/2025
45. Email: FW: [Non-KCSD Email] –[Student] IEP, 9/11/2025
46. Email: [Non-KCSD Email] –[Student] IEP, 9/5/2025
47. Email: [Non-KCSD Email] –[Student] IEP file, 9/9/2025
48. Email: [Non-KCSD Email] –Re: [Non-KCSD Email] [Student] IEP, 9/5/2025
49. Email: [Non-KCSD Email] –[Student] IEP, 9/5/2025
50. Email: [Non-KCSD Email] –Re: [Non-KCSD Email] [Student] IEP, 9/5/2025
51. Email: [Non-KCSD Email] –[Student] IEP, 9/9/2025
52. Email: [Non-KCSD Email] –Request for Clarification in a Written Document, 9/10/2025
53. Email: [Non-KCSD Email] –[Student] IEP file, 9/15/2025
54. Email: [Non-KCSD Email] –Re: [Non-KCSD Email] [Student] IEP, 9/15/2025
55. Email: files, 9/15/2025

56. Email: [Non-KCSD Email] –Re: files, 8/16/2025
57. Email: IEP, 9/16/2025
58. Email: [Non-KCSD Email] –Re: [Non-KCSD Email] [Student] IEP, 9/24/2025
59. Email: Re: email communication, 9/24/2025
60. Email: [Non-KCSD Email] –Re: [Non-KCSD Email] [Student] IEP file, 9/15/2025

On October 11, 2025, the Department's Complaint Investigator interviewed the Parents. On October 15, 2025, the Department's Complaint Investigator interviewed the District's Director of Special Education, School Psychologist, Evaluation Coordinator, and Special Programs Administrator regarding the allegations in this matter. The Complaint Investigator reviewed and considered all these documents, interviews, and exhibits in reaching the findings of fact and conclusions of law contained in this order. This order is timely.

## II. ALLEGATIONS AND CONCLUSIONS

The Department has jurisdiction to resolve this Complaint under 34 CFR §§ 300.151-153 and OAR 581-015-2030. The Parent'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 September 9, 2024, to the filing of this Complaint on September 8, 2025.

| Allegations | Conclusions |
|---|---|
| **General Evaluation and Reevaluation Procedures**<br><br>It is alleged that the District violated the IDEA when it did not use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the Student; specifically, information provided by the Parents in the form of an outside evaluation.<br><br>(OAR 581-015-2110; 34 CFR §§ 300.304 & 300.305) | **Not Substantiated**<br><br>The record supports that the District did utilize the outside evaluation provided by the Parents in the creation of the August 29, 2025 IEP. |
| **IEP Team Considerations and Special Factors**<br><br>It is alleged that the District violated the IDEA when developing, reviewing, and revising the Student's IEP, it did not consider the concerns of the Parents for enhancing the education of their child. Specifically, it is alleged that the Parents provided the District with additional evaluation data potentially relevant to the Student's special education identification and placement, which was not considered by | **Not Substantiated**<br><br>The record supports that the Student's IEP team discussed the Student's placement at the August 29, 2025, IEP team meeting, and that Parents requested the District consider additional special education |

| Allegations | Conclusions |
|---|---|
| the IEP team before making decisions on placement and identification.<br><br>(OAR 581-015-2205; 34 CFR §§ 300.320, & 343.151) | eligibility categories on September 5, 2025, and that the District responded with a PWN on September 8, 2025, agreeing to consider additional eligibility categories. |
| **Parent Participation**<br><br>It is alleged that the District violated the IDEA when it did not provide the Parents with copies of the draft IEP prior to the Student's most recent IEP team meeting. It is also alleged that the Parents were not provided copies during the meeting, despite other IEP team members discussing the draft and making decisions about the Student's special educational placement based on the draft. The Parents allege that they were not afforded an opportunity to fully participate because this information was withheld from them during the meeting.<br><br>(OAR 581-015-2190; 34 CFR § 300.500, 300.327, & 300501(b), and OAR 581-015-2250; 34 CFR § 300.116 & 300.327) | **Not Substantiated**<br><br>The record supports that the Parents were afforded an opportunity to participate in the August 29, 2025, IEP team meeting, and that all members of the team had equal access to a draft of the Student's IEP. |

**REQUESTED CORRECTIVE ACTION**

The Parent requests that the District:

- Convene an IEP team meeting to review the outside evaluation provided by the Parents and update the Student's special education eligibility accordingly.
- Provide a compensatory education plan for services that would have been implemented in light of the recommendations in the outside evaluation at the start of the 2025-26 school year.
- Provide draft documents to the Parents at least 24 hours in advance of a meeting to assist their participation with following meeting agendas and meeting discussions.
- Provide training to District staff on IDEA requirements.

## III. FINDINGS OF FACT

1. The Student in this matter is 12 years of age and attends the sixth grade in a district elementary school. The Student is eligible for special education under the category of Other Health Impairment (OHI). The Student's special education eligibility relates to their diagnosis of ADHD and Depression. At the start of the 2024-25 school year, when

the Student was in the fifth grade, the Student was performing at a first-grade level in reading, a third-grade level for math. By the end of the 2024-25 school year, the Student was performing at a third-grade level in reading, and fourth-grade level for math.

2. The Student is kind, social, enjoys the company of other students, and is eager to greet teachers. The Student enjoys working on the computer, sports, and discusses their interests with enthusiasm.

3. The Student's September 27, 2024, IEP included 60 minutes weekly of Specially Designed Instruction (SDI) weekly in English Language Arts, Behavior/Social Skills, and Mathematics. In addition, the Student received the following supplementary aids, services and accommodations: preferential seating, reteach desired behavior, auditory prompt, skills development, and sensory tools. Additionally, the Student's IEP included 60 minutes yearly of occupational therapy consult to staff, and 30 minutes yearly of occupational therapy consult for the Parents.

4. On August 20, 2025, the Student's Community Psychologist completed a Neuropsychological/Neurodevelopmental report for the Student. The report prepared by a Licensed Psychologist, PsyD., reiterated the Student's diagnosis of Attention Deficit/Hyperactivity Disorder, Combined presentation. This condition manifests in the Student with challenged with attention and concentration, impulsivity, and executive dysfunction in everyday life. As the result of testing the report indicated that the Student shows a pattern of low IQ and low adaptive functioning, suggesting that the Student meets the criteria for Mild Intellectual Disability. The evaluation report suggested that the results be shared with the Student's educational team, and that the team consider Intellectual Disability as an additional eligibility category. The report also indicated that the Student's IEP team should "ensure that [the Student] receives appropriate support that matches [their] intellectual abilities but also utilizes [their] verbal strengths," and whether "any changes should be made as a result of [the] evaluation" that the team should "consider adding an eligibility category of [I]ntellectual Disability and devise a plan around this."

5. On August 22, 2025, the Parents sent the District a copy of the Student's Community prepared neuropsychological report, by email which read, "Here is [the Student's] evaluation."

**6.** On August 26, 2025, the District sent the Parents a Notice of Team Meeting for an IEP team meeting scheduled for August 29, 2025.

7. On August 29, 2025, the Student's IEP team met to review and revise the Student's IEP. As part of the meeting the team discussed the recommendations in the Community Psychologist's report. The IEP team Meeting Notes documented the Parents' preference that the District not conduct further testing, given the testing conducted by the Student's Community Psychologist. The District updated the Student's IEP

accommodations and SDI service times because of the Community Psychologist's report. As part of the meeting the Parents advocated for a change of placement either to a different school, or self-contained classroom for students with special needs. During the meeting, the District expressed concern that these placements would be more restrictive, and not suitable for the Student's needs. The Meeting Notes support that most of the meeting focused on appropriate supports for the Student, and discussion around placement, with the Parents suggesting a more restrictive placement, and the District discussing how that placement may not be appropriate for the Student.

8. The Student's August 29, 2025 IEP includes SDI in English Language Arts, Behavior/Social Skills, and Mathematics. The Student receives 120 minutes of SDI per week in each of these areas.

9. The Student's English Language Arts goal envisions that by August 2026, given instruction in a small group setting in the Resource room, the Student will increase their overall reading comprehension score on the District reading assessment by two full grade levels. The District will monitor progress biweekly using District reading fluency and be assessed three times during the school year.

10. The Student's Behavior/Social Skills goal envisions that by August 2026, given SDI in behavior and social skills, the Student will respond in an appropriate manner to other peers at least 80% of the time in four out of five opportunities given. The District will monitor progress through teacher observations and behavior tracking sheets, with written progress reports three times during the school year.

11. The Student's Mathematics Goal envisions that by August 2026, given support in a small group setting, the Student will be at grade level in number and operations on the District math assessment. The District will monitor the Student through District math assessment and pathways instruction, with progress monitoring reported three times per year.

12. The Student's August 29, 2025, IEP adjusted the Student's supplementary aids, services and accommodations to include: extended time on academic tasks, preferential seating, testing in quieter areas, handwriting skills development, sensory tools, math manipulatives, pairing of auditory with visual supports, frequent checks for understanding, visual timer, modeling of expectations, breaking tasks into smaller steps, repeating and simplifying directions, organizational aids, tasks completion check list, movement breaks, flexible seating, typed assignments, visual schedules, positive reinforcement, increased academic praise, checklists, and advance notice of schedule changes. The Student's IEP also included 60 minutes yearly of staff consultation time for Occupational Therapy, and 15 minutes of monthly consultation time from the special education teacher to teaching staff.

13. The Student's IEP included placement in the regular education environment with pull-

out support for SDI. The Student's SDI would be delivered in small group settings.

14. On September 5, 2025, the Parents sent an email to the District with concerns regarding the Student's placement, advocating for the addition of related services, requesting more detail in the present levels statements from the Parents' perspective, and asking for the addition of more goals for the Student. The Parents also suggested that the Student's current eligibility category of OHI was not sufficient to communicate to members of the Student's IEP team a clear "understanding of the full scope of [the Student's] disability," and asked whether the team should "consider I[D] as a secondary eligibility?"

15. On September 8, 2025, the Parents filed this Complaint.

16. On September 8, 2025, the District sent the Parents Prior Written Notice (PWN), documenting the Parent's disagreement with the Student's IEP, and the addition of Parent concerns to the Student's IEP related to their disagreement with the August 29, 2025, IEP. These concerns included the addition of "more targeted help to navigate both academic content and social interactions," "more consistent small-group or one-on-one instruction" and that the Student benefit from being around "peers who are at a similar developmental and maturity level." The PWN document further noted that the IEP team intended to reconvene in October to discuss the Parent's concerns about occupational therapy, pragmatic communication, goal review, additional goals, and consider other eligibility categories including Intellectual Disability (ID).

17. On October 11, 2025, the Department's Complaint Investigator interviewed the Parents. The Parents expressed concern that members of the Student's IEP team had not reviewed the Community Psychologist's report ahead of the Student's August 29, 2025, IEP team meeting. The Parents pointed to the School Psychologist asking for a copy of the Psychologist's report during the meeting as evidence that the School Psychologist and perhaps the entire IEP team had not reviewed the report ahead of the meeting. The Parents also voiced concern that, despite the Community Psychologist's report suggesting adding the additional eligibility category of ID, the District responded asking for a medical statement, or additional testing. The Parents rejected the need for additional testing based largely on the extensive testing conducted by the Community Psychologist. The Parents report also having provided the District with three years of prior psychological exams for the Student. The Parents questioned why the District requested the School Psychologist conduct additional testing, or the need for a medical statement, when the Parents had provided the District with a copy of the Community Psychologist's report.

18. The Parents reiterated their hope that the District would place the Student in a self-contained special education classroom. The Parents suggested that the Student would be more comfortable in such a classroom given that they were performing below grade level, and that they would be better suited around students who also performed at a

lower grade level. The Parents reported having not understood why the Student's IEP team suggested the current placement and expressed hope that a new eligibility category would serve to support a change in placement.

19. The Parents also raised concerns regarding the Student's behavioral needs in support of a change in placement. The Parents further raised concern that the draft of the Student's IEP used during the meeting was not provided to them in advance of that meeting. The Parents suggested that the lack of access to the draft in advance of the meeting impeded their ability to participate as members of the Student's IEP team.

20. On October 15, 2025, the Department's Complaint Investigator interviewed the District's Director of Special Education, School Psychologist, Evaluation Coordinator, and Special Programs Administrator. The District noted that the Community Psychologist's report did indicate a likely new eligibility category of ID, but that the Community Psychologist was a PsyD., and that the IDEA required that the evaluation used to support the eligibility category of OHI include a medical statement. District staff indicated that both eligibility categories of OHI and ID were discussed, and that there may have been confusion at the meeting over which eligibility category the group discussed.

21. The District also reported that their normal practice was to have a draft IEP on screen during IEP team meetings or project the draft onto a screen during the meeting for those present in-person. The District's response further indicated that the IDEA does not require that a draft IEP be provided to Parents in advance of IEP team meetings. The District reported that they came to consensus about retesting for OHI and ID, and that the Community Psychologist's report would not automatically change the Student's eligibility. The District reported that they understood that there was no request by the Parents to consider ID. The District reported that they would still need additional information to consider ID, and that the team ran out of time at the August meeting to consider eligibility. The District reported that the IEP team would need additional information to understand how the observations in the Community Psychologist's report impacted the Student in the educational environment.

22. The District reported referencing the Community Psychologist's report in the review and revision of the Student's IEP. The District pointed to the doubling of SDI minutes in all areas from 60 minutes weekly to 120 minutes per week. Furthermore, the District reported that it had intended to use technology to display a draft of the Student's IEP during the meeting, but that solution was not in operation during the meeting. The District reported that the Evaluation Coordinator had a copy of the draft IEP which they used to facilitate the meeting. The District also reported that no other member of the IEP team had a copy at the meeting and that, instead, the team discussed each aspect of the IEP during the meeting.

## IV. DISCUSSION

**General Evaluation and Reevaluation Procedures**

It is alleged that the District violated the IDEA when it did not use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the Student; specifically, information provided by the Parents in the form of an outside evaluation.

The district must use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student. This includes information provided by the parent that may assist the district in determining whether the child is a student with a disability, and the content of the student's IEP. Such information would include that related to enabling a student to be involved in and progress in the general education curriculum.[3]

The Parents allege that the Community Psychologist's report was not appropriately considered by the District during the Student's August 29, 2025, IEP team meeting. Specifically, the Parents allege that the District did not consider the Community Psychologist's recommendations for the Student given their suggestion to consider the additional eligibility category of ID. The report indicated the Student met criteria for a Mild Intellectual Disability, and that the team should consider the evaluation when formulating the Student's IEP, especially the Student's strong verbal and reading skills. During interviews with the District, staff indicated that the Community Psychologist's report was reviewed and that the recommendations were considered in formulating additional supports and accommodations for the Student and expanded SDI minutes.

The District reports that the Community Psychologist's report was reviewed ahead of the August 29, 2025, IEP team meeting and that relevant changes were made to the Student's IEP with reference to that report. These changes included additional SDI service minutes and an array of additional supports and accommodations. There is insufficient information in the record to support that the District did not consider the Community Psychologist's report in the review and revision of the Student's IEP.

The Department does not substantiate this allegation.

**IEP Team Considerations and Special Factors**

It is alleged that the District violated the IDEA when, in developing, reviewing, or revising the Student's IEP, it did not consider the concerns of the Parents for enhancing the education of their child. Specifically, it is alleged that the Parents provided the District with additional

[3] OAR 581-015-2110(3)

evaluation data potentially relevant to the Student's special education identification and placement, which was not considered by the IEP team before making decisions on placement and identification.

In the development, review, and revision of a student's IEP, the IEP team must consider a variety of factors including the strengths of the child, the concerns of the parent for enhancing the education of their child, and the results of the initial or most recent evaluation of the child. The IEP team must also consider the child's academic, developmental, and functional needs. The IEP team should also consider the student's communication needs and whether they require assistive technology devices and services. The IEP team must also consider variety of additional special factors that may impact or impede the student's learning.[4]

During interviews with the Parents, they expressed displeasure that the District had not taken the Community Counselor's recommendation to add Intellectual Disability as an additional eligibility category for the Student as part of the August 29, 2025, IEP team meeting. The District reported having not understood that the Parents to have requested the addition of a new eligibility category for the Student, rather that eligibility was discussed generally. The Community Counselor's report indicated that the Student's IEP team should "consider adding an eligibility category of intellectual Disability and devise a plan around this." The District reported that eligibility categories were discussed in a general matter, but that the Parents had not requested the addition of an additional eligibility category at the August 29, 2025, IEP team meeting. On September 5, 2025, the Parents sent an email to the District that included a request for the District to consider the addition of Intellectual Disability as an eligibility category for the Student. On September 8, 2025, the District sent the Parents a PWN documenting the request and scheduling an IEP team meeting in October to discuss the additional eligibility category.

The Parents and District disagree on the extent to which a change to the Student's eligibility categories were discussed at the August 29, 2025, IEP team meeting. The record reflects that the Parents clearly communicated an interest in having the Intellectual Disability considered as an additional eligibility category in their September 5, 2025 email. The District responded to this email on September 8, 2025, with a PWN, and intent to schedule a meeting to consider the Parent's request at a later meeting. The Parents filed this Complaint on the same date.

The Department does not substantiate this allegation.

**Parent Participation**

It is alleged that the District violated the IDEA when it did not provide the Parents with copies of the draft IEP prior to the Student's most recent IEP team meeting. It is also alleged that the Parents were not provided copies during the meeting, despite other IEP team members

[4] OAR 581-015-2205(1)—(3)

discussing the draft and making decisions about the Student's special educational placement based on the draft. The Parents allege that they were not afforded an opportunity to fully participate because this information was withheld from them during the meeting.

School districts must provide one or both parents with an opportunity to participate in meetings with respect to the identification, evaluation, IEP and educational placement of the child. Districts must provide parents with notice of meetings sufficiently in advance to ensure that they have an opportunity to attend. The notice must state the purpose, time, and place of the meeting and who will attend. That notice must also inform the parents that they may invite other individuals whom they believe have knowledge or expertise regarding the child. Furthermore, the district must take whatever action is necessary to ensure that the parent understands the proceedings at a meeting.[5] IEP team meetings should be scheduled at a mutually agreeable time and place.[6]

The Parents allege that they were not provided a full opportunity to participate when the District did not provide them with a copy of the draft IEP for the Student ahead of the August 29, 2025, IEP team meeting. The Parents alleged that they did not have the same opportunity as other members of the team to participate because of this oversight. The District reported that one member of the team had a draft of the IEP which they used to facilitate the meeting, and that no other members of the team had a copy of that draft. The District further reported that each aspect of the Student's IEP was reviewed during the meeting. The District noted that it had intended to display the draft copy of the IEP during the meeting, but ran into technical difficulties in doing so.

The IDEA does not require that District create a draft IEP ahead of IEP team meetings or provide that information to Parents ahead of meetings. Rather it requires that District afford the Parents an opportunity to participate in meetings. Here, the District provided notice of the meeting in advance, and the Parents attended and participated in the meeting. The District reported that it had hoped to use technology to better collaborate on shared documents, was unable to do so due to technical difficulties, but that the entire team did discuss and provide input to the formulation of the Student's IEP.

The Department does not substantiate this allegation.

## VII. CORRECTIVE ACTION

*In the Klamath County School District*
*Case No. 25-054-059*

No corrective action is ordered in this matter.

[5] OAR 581-015-2190(1)—(3)
[6] OAR 581-015-2195(1)(b)

Dated: this 15 Day of November 2025



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Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

Emailed: November 15, 2025

Appeal Rights: Partied may seek judicial review of this Order. Judicial review may be obtained by filing a petition for review within sixty days from the service of this Order with the Marion County Circuit Court or with the Circuit Court for the County in which the party seeking judicial review resides. Judicial review is pursuant to the provision of ORS § 183.484. (OAR 581-015-2030 (14).)