BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of Phoenix-Talent School District 4	))))	FINDINGS OF FACT, CONCLUSIONS, AND FINAL ORDER Case No. 25-054-067

I. BACKGROUND

On October 21, 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 Phoenix-Talent 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 October 28, 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 November 11, 2025. The District requested, and the Department granted, a brief extension to submit the *Response*. On November 12, 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 Attendance Data
3. Parent IDEA Complaint
4. Parent Letter to District, 10/14/25
5. Parent Letter to District, 10/10/25
6. Email: Another IEP from SMHS, 9/17/25
7. Email: Fwd: Formal Notice: Enforcement of Stay-Put Protections (IDEA 34 C.F.R. § 300.518), 10/16/25
8. Email: I received this from MSD, 9/17/25
9. Email: IEPs for Enrollment – [Student] and [Student], 8/18/25
10. Email: [Students],10/13/25

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

11. Email: [Student], 8/18/25
12. Email: Meeting Next Tuesday, 9/23/25
13. Email: Partnering for Full IEP Implementation: [Student] & [Student], 9/19/25
14. Email: Re: Another records request, 9/3/25
15. Email: Re: Records Request, 9/3/25
16. Email: * Address Update - ** Mailing Address for [Parent], 10/10/25
17. Email: Address, 10/14/25
18. Email: Cancelled event with note: [Student] IEP Meeting @ Tues Sep 30, 2025 3:30pm – 5pm (PDT)…,9/30/25
19. Email: Formal Demand for Corrective Action: IDEA, Section 504, and ADA Noncompliance, 10/1/25
20. Email: Formal Non-Consent & Stay-Put Notice –[Student], 10/14/25
21. Email: Fwd: Attendance Update – [Student] and [Student], 10/16/25
22. Email: Fwd: Follow-up on [Student] and [Student] IEP Implementation and Support Needs, 9/12/25
23. Email: Fwd: IEPs for Enrollment – [Student] and [Student], 8/18/25
24. Email: Immediate SDI Compliance Required – Week 4 and Still No Instruction, 9/22/25
25. Email: Interdistrict Transfer Request, 8/14/25
26. Email: Invitation: [Student] IEP Meeting @ Tue Sep 30, 2025 4pm – 5pm (PDT)…, 9/22/25
27. Email: Invitation: [Student] IEP @ Fri Oct 10, 2025, 3pm-4pm (PDT)…, 9/30/25
28. Email: Invitation: [Student] IEP @ Fri Oct 10, 2025, 4pm-5pm (PDT)…, 9/30/25
29. Email : Partnering for Full IEP implementation: [Student] & [Student], 9/19/25
30. Email: Password for Protected Attachments—[Student] and [Student]
31. Email: Provision of Specially Designed Instruction, 11/10/25
32. Email: Quick Reference: New [School] Students with IEPs, 10/15/25
33. Email: Request for Prior Written Notice Before Proceeding with IEP meeting, 9/30/25
34. Email: Request for Safeguards, PWN, and Meeting Notice, 9/29/25
35. Email: Response Attached, 10/8/25
36. Email: Rooms/Powerschool Access and FERPA Compliance, 10/21/25
37. Email: SDI Attendance/Stay-Put Reassertion/PWN Request, 11/9/25
38. Email: SDI Attendance/Stay-Put Reassertion, 10/27/25
39. Emai: State Complaint-[Student] & [Student]-Phoenix Talent SD/[School], 10/21/25
40. Email: Updated invitation with note: [Student] IEP Meeting @ Tue Sep 30, 2025 3:30pm-4:30pm…, 9/23/25
41. Email: URGENT: Please Receipt: Formal Confirmation: Meeting Not Authorized to Proceed, 10/10/25
42. Email: Confidential, 10/14/25
43. Re: District Response to October 1, 2025, Formal Demand for Corrective Action, 10/8/25
44. Student Data
45. Procedure for Move-In Special Education Students
46. Student Transcript
47. Student Test Data
48. Contact Records for [Student]

49. Special Education Notice of Team Meeting, 9/30/25
50. Special Education Notice of Team Meeting, 9/24/25
51. Student IEP, 10/10/25
52. Special Education Notice of Team Meeting, 9/30/25
53. Prior Notice of Special Education Action, 10/10/25
54. IEP Team Meeting Notes, 10/10/25
55. Student IEP Snapshot
56. Student IEP, 12/2/24
57. IEP Progress Report, 3/31/25
58. Special Education Placement Determination, 12/2/24
59. Prior Written Notice, 12/2/24
60. Permission to Obtain and Release Information, 11/8/24
61. Meeting Attendance/Summary, 12/2/24
62. Notice of Team Meeting, 11/8/24
63. Permission to Obtain and Release Information, 11/8/24
64. Email: IEP Confirmation & Release of Information [Student], 11/8/25
65. Prior Written Notice, 5/27/25
66. Eligibility Summary Statement, 1/8/24
67. Statement of Eligibility for Special Education, 1/8/24
68. Statement of Eligibility for Special Education, 1/8/24
69. Eligibility Summary Statement, 1/8/24
70. Special Education Placement Determination, 1/8/24
71. Statement of Eligibility for Special Education, 1/29/18
72. Multidisciplinary Evaluation Report, 1/29/18
73. School flyer: Special Education

Following the submission of the Complaint, the Department's Complaint Investigator exchanged emails with the Parent regarding aspects of this matter. On October 30, 2025, the Parent submitted written comments and additional documents in lieu of a formal interview with the Department's Complaint Investigator. On November 4, 2025, the Department's Complaint Investigator interviewed the District's Director of Special Education, and Special Education Teacher, 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 October 22, 2024, to the filing of this Complaint on October 21, 2025.

Allegations	Conclusions
Parent Participation It is alleged that the District violated the IDEA when it: 1. Failed to issue a Prior Written Notice (PWN) of its intended or announced changes, and or reductions to the Student's IEP, and in response to the Parent's request, ahead of the October 10, 2025, IEP team meeting; 2. Scheduled the Student's IEP team meetings consecutively with the Student's sibling thereby limiting the length of the Student's IEP team meeting; 3. Unilaterally rescheduled IEP team meetings from September 30, 2025, to October 10, 2025, without conferring with the Parent about their availability; and, 4. Held IEP team meetings without the Parent in attendance. (OAR 581-015-2190; 34 CFR § 300.500, 300.327, & 300.501(b))	**Not Substantiated** The scenario outlined in the allegation is not one which requires the District to send PWN. The IDEA does not restrict consecutive meetings, rather it requires collaboration with the Parent on scheduling meeting dates. In this case the Parent announced their intent not to attend any meeting scheduled by the District. A district may convene a meeting without the parents in attendance.
Content of the Individualized Education Program (IEP) It is alleged that the District violated the IDEA when it developed an IEP for the Student that lacked measurable goals, and included goals that did not meet the Student's needs resulting from their disability. (OAR 581-015-2200; 34 CFR § 300.320)	**Not Substantiated** The Student's IEP team formulated goals based on the Student's testing and academics performance during the current academic year and included a measurable goal.
IEP Team Considerations and Special Factors It is alleged that the District did not consider existing evaluation data when the IEP team decreased or eliminated the Student's specially designed instruction (SDI), specifically the Student's SDI time in reading and study skills. (OAR 581-015-2205; 34 CFR § 300.320, 300.324(a)(1) & (2) & (b)(2))	**Not Substantiated** On October 10, 2025, the District sent the Parent PWN, documenting the comparison of current evaluation data with comparison to prior evaluation data. Meeting Minutes also support that the team reviewed the Student's progress in reading over time.

Allegations	Conclusions
IEP Team It is alleged that the District violated the IDEA when the District convened an IEP team for the Student without the required members; specifically, that the individual acting as the District's Special Education Coordinator was not a licensed educator or not appropriately licensed. (OAR 581-015-2210; 34 CFR § 300.344, 300.321, & 300.324(a)(3) & (b)(3))	**Not Substantiated** The record supports that the team member in question was appropriately licensed during the relevant time period.
When IEPs Must Be In Effect It is alleged that the District violated the IDEA when: 1. The District did not implement the services, specially designed instruction (SDI), and accommodations in the Student's IEP from September 2, 2025 through October 20, 2025; 2. The Student's teachers did not have access to the Student's IEP or were not accessible to the Student's teachers, and that the Student's teachers were not informed of their responsibilities for implementing the IEP; 3. The District did not produce or maintain service logs or progress data, or maintain service logs of IEP services delivered between September 2, 2025, through October 20, 2025; 4. The Student's teachers and administrators failed to provide updates regarding the Student's progress toward IEP goals, during the period September 29, 2025, through October 20, 2025, in contravention of the Student's IEP; and 5. The District did not provide the transportation service outlined in the Student's IEP. (OAR 581-015-2220; 34 CFR § 300.323 & 300.324)	**Not Substantiated** The record supports that the District provided SDI and accommodations during the time alleged. The record supports that teachers had access to the Student's IEP. The Student's IEP did not include a provision to create service log or progress data in the manner alleged. The Student's IEP did not include a provision to provide updates to the Parent in the manner alleged. The Student's IEP did not include transportation as related service.
Transfer Students It is alleged that the District violated the IDEA when after the Student transferred to the District, it did not implement the Student's IEP prior to developing a new IEP for the Student. It is alleged that the District did not deliver	**Not Substantiated** The delivery of SDI to the Student was comparable to that described in the Student's IEP from the prior school district.

Allegations	Conclusions
the Student's SDI from the start of the 2025-26 school year through October 10, 2025. (OAR 581-015-2230; 34 CFR § 300.323)	
Requirement for Least Restrictive Environment (LRE) It is alleged that the District did not individualize the Student's placement and instead delivered the Student's SDI as a block of instruction with all other students in the school who received SDI as part of an IEP. It is alleged that this is a more restrictive placement because it required the student to receive SDI in an environment with no general education peers and no general education instruction. (OAR 581-015-2240; 34 CFR § 300.114)	**Not Substantiated** The weekly schedule utilized by the Charter School allows the Student to participate fully with their general education peers, and does not require any removal from the general education environment.
Access to Student Education Records It is alleged that the District made decisions to reduce the Student's SDI times ahead of scheduled IEP team meetings and did not provide the Parent with copies or access to the Student's education records related to the identification, evaluation, and educational placement of the Student. Specifically, it is alleged that the information relied upon by the District to determine reductions in IEP services, SDI service times, and placement decisions in the fall of 2025, were not provided to the Parent following their request. (OAR 581-015-2300; 34 CFR § 300.503)	**Not Substantiated** The record supports that the records requested by the Parent did not exist for the District to provide.
Prior Written Notice (PWN) It is alleged that the District violated the IDEA when on September 29, 2025, in response to the District's announcement that the Student's IEP services and SDI times would have to change, the District did not provide the Parent with PWN of this intended change. The Parent further alleges that the District did not provide PWN in response to the Parent's request that the District document these proposed changes to the Student's IEP. (OAR 581-015-2310, OAR 581-015-2110(2)(b); 34 CFR § 300.503 and 34 CFR § 300.304 & § 300.305)	**Not Substantiated** The dates highlighted by the Parent were not events where the District is required to provide PWN.

Allegations	Conclusions
Notice of Procedural Safeguards It is alleged that the District did not provide procedural safeguards to the Parent in response to the Parent's request, not when the Parent filed for a due process hearing. The Parent alleges that they requested a copy of the procedural safeguards on September 9, 2025, and filed for a due process hearing in October 2025. (OAR 581-015-2315; 34 CFR § 300.504)	**Not Substantiated** The record supports that the District did provide the Parent with a copy of the procedural safeguards on September 29, 2025, following the Parent's request. There is no evidence that the Parent filed for a due process hearing.
Placement of the Child It is alleged that the District violated the IDEA when it determined the Student's educational placement in a way that was not individualized but rather determined by the District's schedule for delivering SDI in blocks. It is alleged that this method predetermined the Student's educational placement, rather than determining the Student's placement through a group, including the Parent, and person knowledgeable about the Student, their evaluation data and placement options. It is alleged that the Student's placement was determined on or about October 15, 2025 (OAR 581-015-2250; 34 CFR § 300.116 & 300.327)	**Not Substantiated** The Student's educational placement was determined by the Student's IEP team on October 10, 2025. The school schedule allots time for the delivery of SDI on a day separate from the delivery of generally education curriculum.
Free Appropriate Public Education (Denial of FAPE) It is alleged that the District violated the IDEA when it: 1. Failed to provide the Parent with PWN of its intent to reduce the Student's IEP service times at the end of September 2025, and in response to the Parent's request to issue PWN in response to the District's announcement of its intent to reduce the Student's IEP services; 2. Did not implement the Student's IEP services as described above, and as outlined in the Student's IEP; and, 3. Conditioned continued enrollment on the Parent's acceptance of the District's changes to the Student's IEP, reduction in SDI, and changes to the delivery of IEP services, without the Parent's input.	**Not Substantiated** The record supports that the District provided the parent with PWN at the appropriate times. The record supports that the District implemented services comparable to those in the IEP from the Student's previous school district. There is no evidence in the record that the District placed any conditions on enrollment.

Allegations	Conclusions
It is alleged that these actions denied the Student a FAPE. (OAR 581-015-2040; 34 CFR 300.101)	

REQUESTED CORRECTIVE ACTION

The Parent requests that the District:

- Reinstate all service and placement from the last agreed-upon IEP's from the Student's prior school district, including SDI, transportation, accommodations, and placement;
- Provide compensatory education for all missed SDI minutes, accommodations, and services since the start of the 2025-26 school year;
- Include compensatory time for all services delivered by unlicensed personnel prior to September 16, 2025;
- Issue a Prior Written Notice (PWN) for all proposed or refused actions going forward;
- Not schedule any IEP meetings until the Parents has received and reviewed the PWN with sufficient notice;
- Correct the Student's IEP to include individualized services aligned to the Student's unique needs, with accurate present levels and baselines, measurable annual goals and appropriate accommodations, and accurate documentation of services, placement, and implementation;
- Provide special education transportation for any off-site services or related services to the Student's primary campus to ensure full access to FAPE;
- Disclose all service logs, progress monitoring data, staffing credentials, transportation records, and other related documentation within legal timelines;
- Maintain and provide documentation in a transparent, ongoing manner;
- Train staff on PWN and stay-put protections, SDI vs. general education instruction, placement justification and LRE;
- Provide the Parent with access to all school communication platforms to ensure academic updates are accessible;
- Establish and enforce a formal communication protocol with defined timelines for responding to parental inquiries; and,
- Remove or correct any attendance records tied to disability-related absences.

III. FINDINGS OF FACT

1. The Student in this matter is 17 years of age and attends the eleventh grade in a district charter school. The Student is eligible for special education under the category of Autism Spectrum Disorder (ASD) and Specific Learning Disability (SLD).

2. The Student enrolled in the District in the fall of 2025. The Student came to the District with an IEP from another Oregon school district. The Student's December 2, 2024, IEP

indicated that the Student is often engaged, eager to be involved, and shares their views with confidence. The Student enjoys working independently or with a preferred peer group. The Parent expressed concerns that the Student may get overwhelmed and shut down, but that the Student was doing much better during the 2024-25 school year.

3. The Student's December 2, 2024, IEP provided 3000 minutes of specially designed instruction (SDI) per year in mathematics delivered in a special education setting. The IEP also provided 2000 minutes of SDI per year in reading, delivered in a special education setting. The Student's math goal indicated that by "the end of the IEP cycle, [the Student] can understand statistics use to gain information about a population by sampling 75% accuracy as measured by curriculum-based measures or student work sample." The Student's reading goal envisioned that "[b]y the end of the IEP cycle, [the Student] can determine figurative and connotative meanings of words; analyze tone in 2 out of 3 opportunities as measured by curriculum-based measures or student work samples."

4. The December 2, 2024 IEP indicated that progress toward IEP goals would be reported on at the same time as the Student's report card.

5. The Student's December 2, 2024 IEP also included a number of supplementary aids and services including: encouraging the student to ask for clarification and to advocate for specific needs; extended time to complete assignments/tests/quizzes; repeating, clarifying or simplifying directions; frequent reminders to remain on task; preferential seating; testing provided in a small group setting; access to calculator/multiplication chart; permission to use earplugs/earbuds to limit sensory stimulation; text to speech for reading tasks; access to word processor, word prediction, spell check; pair auditory information with visual supports; instructor use of slow speech; brain breaks as needed in loud environments; and, alternative ways to demonstrate knowledge as arranged with teacher.

6. The Student's December 2, 2024, IEP included removing the Student from the general education setting to the special education setting for the 3000 minutes per year of SDI in math, and an additional 2000 minutes of SDI in reading. The IEP also included related services with 1900 minutes yearly for study skills, and 540 minutes yearly for transition support.

7. On March 31, 2025, the Student's former district produced an IEP progress report for the Student. At the time, the Student was making adequate progress toward their IEP goals.

8. On August 18, 2025, the Parent sent an email to the District seeking information on the status of their application to enroll the Student in the Charter School. Included with the email were copies of the Student's current IEP.

9. On August 21, 2025, the District responded to the Parent's inquiries about enrolling the Student in the Charter School observing that District provided some of the special education services at one of the District's high schools.

10. On September 12, 2025, the Parent sent an email to the District with questions asking for clarification about "how SDI is currently being delivered across the week to meet…IEP minutes and goals;" "how SDI minutes are logged", inquiring whether teachers had access to the Student's IEP and understood how to deliver SDI in various settings, and how the IEP team would communicate with the Parent regarding IEP implementation and progress toward goals.

11. On September 17, 2025, the District received a copy of the Student's IEP from the Student's previous school district.

12. On September 19, 2025, the Parent sent an email to the District alleging in part that Teacher 1 had stated, "As we talked about before your interviews, in order for the [Student] to attend [The Charter School], their IEP service minutes will need to be reduced. [The Charter School] is a charter school and IEP services look different than in a regular public school. Right now, the only time SDI (Specially Designed Instruction) is offered for [The Charter School] students is at [the District] High School on Monday mornings. If we don't make those adjustments to service times, they wouldn't be eligible for enrollment at [The Charter School]." The Parent went on to describe their concerns regarding this alleged statement.

13. On September 22, 2025, the District sent the Parent a meeting invitation for an IEP team meeting scheduled for September 30, 2025.

14. On September 22, 2025, the Parent sent an email to the District addressing that the Student was "directed to complete an [online platform used by students for academic practice and progress monitoring] during their entire designated SDI block…" The Parent went on to report that the District had placed the Student "in a single block for just over an hour and a half including breakfast, only once per week with no direct instruction, no individualized curriculum and no active teaching." The Parent objected to this manner of delivering SDI. The Parent went on to ask why the Student was not being supported in areas where they were struggling, such as "with grade level reading assignments" and why the Student was not "receiving individualized instruction focused on accessing the actual curriculum [they are] expected to understand and complete?"

15. On September 22, 2025, the Charter School, responding to the Parent's September 19, 2025, email, thanked them for expressing their concerns and assured the Parent that the school was then working with the District on the issues raised.

16. On September 22, 2025, the District sent an email to the Charter School, suggesting scheduling a meeting with the Parent to discuss the delivery of SDI for the Student to

ensure compliance with the Student's IEP service times.

17. On September 22, 2025, Teacher 1 observed, by email, that they were then providing 110 minutes of SDI weekly, nearly all of what was called for in the Student's IEP.

18. On September 23, 2025, the Parent sent an email to the District asking for clarification regarding how the District implements the IEP from the Student's former school district, expressing concerns regarding the District's model of service delivery, and asserting a variety of deficiencies in the District's implementation of the Student's IEP. The meeting invitation was updated with a note that additional time was added to ensure sufficient time for discussion.

19. On September 24, 2025, the District, responding to the Parent's concerns, invited the Parent to an IEP team meeting. On the same date, the District responded in part observing that the Student's previous school district specified IEP service minutes in terms of "annual service minutes, and [that the District was] following that format until the IEP team meets to review and, if appropriate, revise the [IEP]…" The District also asserted that Teacher 1 was appropriately licensed, in response to the Parent's assertion to the contrary. The District also reported that PWN "is required when the district proposes or refuses to initiate or change the identification, evaluation, or educational placement of a student…" and that the District had yet to make or refuse any proposals regarding the Student's IEP.

20. On September 24, 2025, the District sent a formal meeting invitation for the proposed September 30, 2025, IEP team meeting.

21. On September 29, 2025, the Parent sent an email to the District explaining that they were "not refusing a meeting" but rather "requesting [their] safeguards, written response to [their] outstanding questions, Prior Written Notice for any proposed or refused changes to [the Student's IEP] and proper meeting notice." In response, the District provided clarification about the Charter School model for delivery of SDI, explaining that "…the specific schedule for specially designed instruction; providing specially designed instruction at a specific time per week does not implicate the least restrictive environment or placement. To the contrary, providing specially designed instruction on Mondays ensures that children attending [The Charter School] (a) receive the same number of instructional minutes as their general education peers attending the District; and (b) spend a greater amount of time with general education peers." The District asserted that the specific staff person the Parent raised concerns about was properly licensed. The District clarified how the Student's then current IEP from the former District had IEP minutes expressed in minutes per year, and that with only one month of school completed, the District did not agree that the appropriate number of minutes were not provided to the Student**.**

22. On September 29, 2025, Teacher 1 sent an email to the Parent with a link to the

Procedural Safeguards and informing them that they would bring a hard copy to the upcoming IEP team meeting.

23. On September 30, 2025, the Parent sent an email to the District announcing that they could not attend an IEP team meeting "until [they received] a legally compliant Prior Written Notice (PWN) prior to the meeting regarding the proposes refused actions related to [the Student's] IEP."

24. On September 30, 2025, the District sent the Parent a notice for an IEP team meeting scheduled for October 10, 2025. The notice indicated that the purpose of the meeting was to develop or review the Student's IEP and the Student's placement. The notice indicated that the meeting scheduled for October 10, 2025, was the rescheduling of a meeting originally scheduled for September 30, 2025. On the same date, the District sent the Parent an email observing that "[n]o decisions will be made prior to the team meeting, so you will not receive a PWN before that meeting."

25. On October 1, 2025, the Parent sent an email to the District with a list of concerns and suggested corrective action regarding their concerns about the Student's special education.

26. On October 8, 2025, the District sent the Parent a Response to their October 1, 2025, "Formal Demand for Corrective Action." In that correspondence the District explained when Prior Written Notice (PWN) is required and reported to the Parent that no PWN was then required because the District had yet to propose or refuse any action regarding the Student's identification, evaluation, or educational placement.

27. On October 10, 2025, the Parent sent an email to the District reiterating their concerns and asserting stay-put protections.

28. On October 10, 2025, the Student's IEP team met. The Parent and the Student did not attend this meeting.

29. On October 10, 2025, the Parent sent an update to the District regarding their correct mailing address. On the same date, the District confirmed receipt of the information.

30. On October 10, 2025, the District formulated an IEP for the Student. The Student was then on track to earn a regular diploma. The Student was active in class, showed strength in science, worked well with other students, and made friends easily. The Student preferred to work independently, tended to keep to themselves, and was performing well academically. At the time of the meeting, the Student was passing all their classes, and displayed needs in math. The meeting also included a discussion of transition needs based on the Student's professional interests.

31. As part of the October 10, 2025, IEP team meeting, the Student's IEP team reviewed the

Student's grades, socialization, staff interactions, and the Student's future career goals. The team reviewed the Student's social anxiety, academic obstacles, and required accommodations arising from these. At the time of the meeting, the Student was the highest performing student in their English class. The Student was then scoring at the 90% level in social studies, and the 75% level in math. The Student was taking district wide assessments. The team agreed that the Student no longer needed SDI in reading but would continue SDI in mathematics based on the Student's expressed needs and anxiety. The team also discussed other supportive related services to assist the Student.

32. The Student's October 10, 2025, IEP called for 30 minutes weekly of SDI in math. The Student's math goals provided that by "the end of the IEP year, when given multi-step numerical or algebraic expressions that include parentheses, exponents, multiplication, division, addition, and subtraction, [the Student] will apply the order of operations (PEMDAS) to correctly simplify or evaluate the expression with 80% accuracy, as measured by teacher-made tests, classroom assignments, and curriculum-based measurements.

33. The Student's October 10, 2025, IEP also included supplementary aids and services including:

    a. Transition Support: 60 minutes per month in team or personal finance class;
    b. Study Skills: 30 minutes per week during community learning days;
    c. Permission to use headphones to block out sensory stimulus: 1x daily as needed;
    d. Alternative ways to demonstrate knowledge as arranged with the teacher in core content subjects 1x per summative project;
    e. "Brain Breaks" as needed when stressed due to sensory overload: 1x daily as needed;
    f. Text to speech for reading tasks: 1x daily when reading content is above Lexile level;
    g. Preferential seating: 1x per class;
    h. Frequent reminders to remain on task during independent work time: 1x per independent work time;
    i. Repeat, Simplify, or Clarify Direction after whole class instruction: 1x after whole class instruction;
    j. Extended time to complete assignments up to 200%; 1x per assignment;
    k. Checklist or chunking for longer, multi-step assignment: 1x per lengthy, multi-step assignment;
    l. Scaffolding of assignments: 1x daily when student demonstrates inability to complete assignment without;
    m. Calculator or Math Manipulatives: 1x per math class.

34. During the October 10, 2025 IEP meeting, the IEP team determined that that the Student would best be served by full participation in the general education setting with special education instruction and support provided through the Charter School

synchronously on the school's Monday SDI delivery time to provide the required added services and instructional minutes. The team determined that this placement met the Student's need for the LRE, and the Student's social and academic needs.

35. On October 10, 2025, the District sent the Parent PWN documenting the IEP team's development of a new IEP which included a change in educational placement from a pull-out resource model to full inclusion in the general education classes with supports; discontinuation of SDI in reading; continuation of SDI in mathematics; and scheduling SDI on Mondays at a different location to allow the Student to fully participate in core instruction during the school week. The District documented that the decision to remove the Student's SDI in reading was based on a comparison of their Lexile levels, previous IEP data, current classroom data, reading comprehension reports, and other data sources.

36. On October 10, 2025, the Parent sent an email to the District responding to the District's October 8, 2025, letter raising concerns regarding District practices around IEP creation and implementation.

37. On October 14, 2025, the Parent sent an email to the District outlining their concerns with the IEP formulated by the District and communicating that they did not agree with implementing the Student's new IEP.

38. On October 14, 2025, the Parent sent an email to the District expressing their displeasure with the Student's IEP and asserting "stay-put" provisions.

39. On October 14, 2025, the Parent sent an email to the District explaining their disagreement with the October 10, 2025, IEP, and the procedure used by the District to convene the meeting. As part of that email the Parent asked for "all data, records, and documentation used to justify or support the proposed IEP changes, including any meeting notes, assessment, progress data, or correspondence referenced by the IEP team."

40. On October 14, 2025, the District, in response to the Parent's request for records, sent the relevant Student records by email.

41. On October 15, 2025, the District sent an email internally reviewing the process when a Student enrolls in the Charter School. The District noted that it would:

    a. Provide comparable services to the prior IEP immediately upon enrollment;
    b. Within a reasonable time, schedule an IEP meeting to: Adopt the previous IEP, amend it, or develop a new IEP that fits [the Charter School's] instructional model;
    c. If the parent declines to attend after reasonable notice, the team may proceed to avoid a lapse in FAPE (Free and Appropriate Public Education);

d. PWN must be provided after the IEP team proposes or decides on changes to services, eligibility, or placement; and
e. The special education teacher should document all contacts and meeting notices.

42. On October 16, 2025, the Parent sent an email to the District asserting that they had "invoked stay-put protections," reviewing the dates they Parent had asserted these protections, and expressing that the District claimed "…stay-put applies only after due-process filing. That interpretation is legally incorrect…stay-put protections apply immediately upon parental disagreement and invocation not after a due-process complaint."

43. On October 16, 2025, the District inquired among District staff as to whether the District had received notification from the Department of a due process complaint. The District internally reported that there was no notice of a due process filing and directed staff to continue providing special education pursuant to the IEP then in effect.

44. On October 16, 2025, the Parent asked that the Student be excused from school that day.

45. On October 21, 2025, the Parent filed this Complaint.

46. On October 27, 2025, the Parent sent a letter to the District announcing that the Student would not attend a scheduled SDI session, and reiterating previously announced concerns regarding SDI, and stay-put.

47. On October 30, 2025, the Parent submitted a written *Reply* to the District's *Response*, along with supplemental information. The Parent explained by email to the Department's Complainant investigator that they preferred to submit a written response in this matter.

48. On November 10, 2025, the District sent an email to the Parent observing that the Student had not been attending scheduled Monday sessions to receive the SDI reflected in their IEPs.

49. On November 12, 2025, the District submitted its *Response*. As part of the *Response*, the District explained that one of the teachers on the Student's IEP team renewed their license during the 2025-26 school year and was subject to the Oregon Teacher Standards and Practices Commission's 120 day "grace period" to allow for renewal application processing. That teacher holds a valid General Education Teaching License and Conditional Special Education Teaching License effective September 16, 2025.

50. As part of the District's *Response*, it reported that the Student received SDI weekly, and attended those sessions on September 9, September 15, September 29, October 6, and

October 10, 2025. The District reported that, following the filing of this Complaint, the Student ceased attending scheduled SDI sessions.

51. The District reported that the IXL system utilized by the Student during SDI delivery times was the online platform used by students for academic practice and progress monitoring. The District included a flyer communicating that SDI was provided to students on Mondays, from 8:30 a.m. to 10:20 a.m.

52. On December 4, 2025, the Department's Complaint Investigator interviewed the District's Director of Special Education and the Student's Special Education Teacher. Present for the interviews was the District's Legal Counsel. The District utilizes a computer-based curriculum delivery system, IXL, that allows the District to both gauge student progress and tailor focused instruction to address deficiencies or areas of need. Students are also able to use the IXL system to select areas where they may need additional assistance relevant tot eh curriculum for additional academic practice. The District explained that the Student's Special Education Teacher is present during the delivery of the IXL program and is available to answer questions and provide support.

53. District staff reported that the District used the IXL system to gauge student progress which is helpful for IEP teams. Additionally, the District uses other assessment tools to gauge Student progress through the curriculum throughout the year. This data was available to the Student's IEP team for their review as part of the Student's October 10, 2025, IEP team meeting.

54. District staff explained that it is the parents' choice to enroll a student in the Charter School. The District provided the Charter School with the flyer outlying the method of delivering SDI on Mondays at the District high school. The District noted that, if a Student came to the District requiring more time than was generally scheduled for SDI, the District would provide the student with additional time. In this case, the regularly scheduled window for SDI provided comparable SDI services to the Student were the yearly allotment calculated out on a weekly basis.

55. The District reported that it rescheduled the IEP team meeting initially scheduled for September 30, 2025, IEP team meeting, due to the Parent having not received the mailed notice in a timely manner. The District noted that while the hard copy was not received in a timely manner due to mail delivery, the Parent had received the emailed copy and the procedural safeguards. An IEP team meeting was then scheduled for October 10, 2025. The District reports providing written notice to the Parent, and that the District scheduler made calls to the Parent to connect with them about the scheduled meeting. The District proceeded with the meeting once the Parent announced that they would not attend any meeting.

56. As part of the interview with District staff members, the Charter School's schedule and delivery of general education were discussed, with staff noting that the four day school

week allows students with IEP's full inclusion in the general education environment. Were the Monday delivery of SDI not suitable for a student attempting to enroll the Charter School, the IEP team would have that discussion with the parent. The District noted that many students with more SDI time and higher needs successfully enrolled and progressed through the Charter School because the District would offer additional assistance on Monday if needed.

IV. DISCUSSION

Parent Participation

It is alleged that the District violated the IDEA when it failed to issue a PWN of its intended or announced changes and or reductions to the Student's IEP, and in response to the Parent's request, ahead of the October 10, 2025, IEP team meeting; scheduled the Student's IEP team meetings consecutively with the Student's sibling thereby limiting the length of the Student's IEP team meeting; unilaterally rescheduled IEP team meetings from September 30, 2025, to October 10, 2025, without conferring with the Parent about their availability; and, held IEP team meetings without the Parent in attendance.

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.[3]

IEP team meetings should be scheduled at a mutually agreeable time and place.[4] If neither parent can attend, the school district must use other methods to ensure parent participation, including, but not limited to, individual or conference phone calls or home visits. An IEP or placement meeting may be conducted without the parent in attendance, if the school district is unable to convince the parent to attend. In such cases, if the school district proceeds with an IEP meeting without a parent, the district must have a record of its attempts to arrange a mutually agreed-upon time and place, such as: detailed records of telephone calls made or attempted and the results of those calls, copies of correspondence sent to the parent and any responses received, and detailed records of visits made to the parent's home or place of employment and the results of those visits. Finally, when conducting IEP team meetings and placement meetings, the parent of a child with a disability and the school district may agree to

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

use alternative means of meeting participation, such as video conferences and conference calls.[5]

On September 22, 2025, the District sent the Parent an invitation to an IEP team meeting scheduled for September 30, 2025. Following receipt of the meeting invitation, the Parent raised a variety of concerns regarding the District's delivery of SDI to the Student. On September 23, 2025, following receipt of the Parent's concerns for the meeting, the District updated the September 22, 2025 meeting invitation to allow for additional time to discuss the Parent's concerns. On September 24, 2025, responding to the Parent's emails, the District suggested that the Parent address their questions to the District at the scheduled IEP team meeting. The District followed this email with a formal meeting invitation for September 30, 2025.

On September 29, 2025, the Parent sent an email to the District observing that, while they were not refusing to attend the upcoming IEP team meeting, they were requesting procedural safeguards and PWN for any proposed or refused changes to the Student's IEP and proper meeting notice. On September 29, 2025, the District sent the Parent an email with a link to the procedural safeguards. On September 30, 2025, the Parent sent an email explaining that they would not attend any meetings without first receiving PWN. As the result of the Parent's September 30, 2025, email, on September 30, 2025, the District sent the Parent a notice for an IEP team meeting scheduled for October 10, 2025. Following receipt of the September 30, 2025, meeting invitation, the Parent communicated disagreement with the District's procedures thereafter asserting the "stay-put" provisions of Due Process Hearings under the IDEA and OAR 581-015-2345 and OAR 581-015-2360(5)(a).[6]

On September 30, 2025, the District sent the Parent a notice for an IEP team meeting scheduled for October 10, 2025. On September 30, 2025, and October 8, 2025, the District provided written responses to the Parent's concerns and explained why it would not provide PWN ahead of an IEP team meeting. During interviews with the District, District staff further reported that the District's scheduler attempted to contact the Parent by phone to secure their participation in the IEP team meeting. On October 10, 2025, the Student's IEP team met to review the Student's prior IEP and formulate a new IEP for the Student. The Parent did not attend this meeting.

The Parent raised concern that the District did not send PWN ahead of the scheduled IEP team meeting for the Student. A district is required to provide PWN before it proposes, or refuses, to initiate or change the identification, evaluation, or educational placement of the child, or the provision of a FAPE to the child. Here the District informed the Parent that it was improper to send PWN ahead of a meeting because the Student's IEP team had yet to meet, and there was not proposal or refusal to provide the Parent notice of.

[5] OAR 581-015-2195(1)—(3)

[6] OAR 581-015-2345, & OAR 581-015-2360(5)(a): "During the pendency of any due process hearing or judicial appeal, the child must, remain in the present educational placement…"

In this instance, the District scheduled two meetings. The District made efforts to explain the process and respond to the concerns raised by the Parent ahead of the scheduled meetings. After scheduling the October 10, 2025, meeting, the Parent informed the District that they would not attend. The record does not support that the proposed meeting dates were inconvenient for the Parent or conflicted with the Parent's schedule. Rather, the Parent informed the District that they objected to the process and would not attend.

The Department does not substantiate this allegation.

Content of the IEP

It is alleged that the District violated the IDEA when it developed an IEP for the Student that lacked measurable goals, and included goals that did not meet the Student's needs resulting from their disability.

A child's IEP must include a statement of that child's present levels of academic achievement and functional performance, including how the child's disability affects their involvement and progress in the general education curriculum. The IEP also included a statement of measurable annual goals, including academic and functional goals. These goals should be designed to meet the needs resulting from the child's disability to enable them to be involved in and make progress in the general education curriculum. The IEP should also include a statement of how the child's progress toward meeting the annual goals will be measured and when periodic reports on their progress will be provided.[7]

The Student's IEP team met on October 10, 2025, to formulate a new IEP for the Student. During that meeting, team members reviewed the Student's academic and social progress and needs. The Student was then performing at the top of their class in reading, performing well in social studies, and displayed some needs in mathematics. The team created an IEP with 30 minutes weekly of SDI in math. The math goal formulated by the team provided that by "the end of the IEP year, when given multi-step numerical or algebraic expressions that include parentheses, exponents, multiplication, division, addition, and subtraction, [the Student] will apply the order of operations (PEMDAS) to correctly simplify or evaluate the expression with 80% accuracy." The goal included how progress would be measured, with reference to teacher-made tests, classroom assignments, and curriculum-based measurements.

The Department does not substantiate this allegation.

IEP Team Considerations and Special Factors

[7] OAR 581-015-2200(1)(a)—(1)(c)

It is alleged that the District did not consider existing evaluation data when the IEP team decreased or eliminated the Student's SDI, specifically the Student's SDI time in reading and study skills.

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.[8]

On October 10, 2025, the District sent the Parent PWN documenting the comparison of Lexile levels from the prior school district with the Student's current Lexile level. The PWN documented that the decision to remove the Student's SDI in reading was based on a comparison of their Lexile levels, previous IEP data, current classroom data, reading comprehension reports, and other data sources. Minutes of the October 10, 2024, IEP team meeting further support that the team reviewed the Student's progress in social emotional skills and reading over time.

The Department does not substantiate this allegation.

IEP Team

It is alleged that the District violated the IDEA when the District convened an IEP team for the Student without the required members; specifically, that the individual acting as the District's Special Education Coordinator was not a licensed educator or not appropriately licensed.

District must ensure that the IEP team for each child with a disability includes specific participants. Required participants include one or both of the child's parents, the child where appropriate, at least one regular education teacher of the child, and at least one special education teacher or related services provider of the child. The team must also include a representative of the district qualified to provide, or supervise the provision of SDI, knowledgeable about the general education curriculum, district resources, and authorized to commit district resources set out in the IEP. Additionally, the team is required to include an individual who can interpret the instructional implications of the evaluation results. Individuals with special knowledge or expertise about the child may also be invited by the district or the parents.[9]

[8] OAR 581-015-2205(1)—(3)
[9] OAR 581-015-2210(1)(a)—(1)(g)

The Parent alleged that one member of the Student's IEP team was not appropriately licensed by the Oregon Teacher Standards and Practices Commission (TSPC) to serve as a member of the Student's IEP team. The teacher in question holds a valid Preliminary Teaching license and Conditional Special Education License. The Conditional Special Education License was valid as of September 16, 2025. TSPC grants a 120-day grace period to allow for renewal.[10] The teacher in question was appropriately licensed during the relevant period for this Complaint.

The Department does not substantiate this allegation.

When IEPs Must Be In Effect

It is alleged that the District violated the IDEA when the District did not implement the services, SDI, and accommodations in the Student's IEP from September 2, 2025, through October 20, 2025; the Student's teachers did not have access to the Student's IEP or were not accessible to the Student's teachers, and that the Student's teachers were not informed of their responsibilities for implementing the IEP; the District did not produce or maintain service logs or progress data, or maintains service logs of IEP services delivered between September 2, 2025, through October 20, 2025; the Student's teachers and administrators failed to provide updates regarding the Student's progress toward IEP goals, during the period September 29, 2025, through October 20, 2025, in contravention of the Student's IEP; and the District did not provide the transportation service outlined in the Student's IEP.

At the beginning of each school year, a school district must have in effect an IEP for each child with a disability within the district's jurisdiction. School districts must provide special education and related services to a child with a disability in accordance with an IEP. A school district must conduct a meeting to develop an initial IEP within 30 calendar days of a determination that the child needs special education. As soon as possible following development of the IEP, special education and related services must be made available to the child in accordance with the child's IEP. Each school district must ensure that the IEP is accessible to each regular education teacher, special education teacher, related services provider and other service provider who is responsible for implementation of a student's IEP. Each teacher and service provider described in the IEP must be informed of their specific responsibilities for implementing the child's IEP and the specific accommodations, modifications and supports that must be provided for or on behalf of the child in accordance with the IEP.[11] When a child transfers to a new district in Oregon the new school district must provide a FAPE to the child, including services comparable to those described in the child's IEP from the previous district.[12]

Upon enrolling in the District, the Student received SDI weekly. The Student's prior IEP described service minutes in terms of minutes per year. The former IEP provided 3,000 minutes of SDI per year in mathematics and 2,000 minutes of SDI per year in reading. Oregon schools

[10] OAR 584-200-0030(5)
[11] OAR 581-015-2230(1)—(3)
[12] OAR 581-015-2230(1)—(3)

are required to provide 990 hours of instruction per year for students in grades 9-11.[13] The District allots approximately 110 minutes, or 1.8 hours weekly for the provision of a given student's SDI. This schedule provided for 64 hours of SDI in a 36-week school year. The District's Monday schedule delivery of SDI provided sufficient time therefore for the provision of the Student's SDI as formulated by the prior school district.

The record contains emails from the Parent questioning the type of SDI delivered to the Student and way it was delivered. On October 27, 2025, the Parent informed the District that the Student would not attend the scheduled SDI sessions. Since that time, the Student has not attended scheduled SDI sessions. The District provided sufficient time to deliver the SDI minutes outlined in the Student's prior IEP. Though the Parent questioned the way the District provided SDI, there is no evidence in the record that the Student did not receive SDI, or that teachers were not informed of the Student's accommodations.

The Parent alleged that the District did not maintain service logs, progress data, or logs of IEP services delivered. The Student's December 12, 2024, IEP indicated that progress would be reported with the Student's report card, and that progress would be measured by curriculum-based measures or student work samples. The Student's IEP does not require keeping logs of service delivery. The record does contain Parent emails questioning the District's use of IXL software. As part of the Student's SDI, the District utilized its IXL system to deliver academic programs and measure academic progress. The District reported that the IXL system both delivered curriculum tailored to the Student's needs and provided the District with assessment data. The system can provide additional practice time for areas of instruction specific to the Student's individual needs.

The Parent alleged that the Student's teachers and administrators failed to provide updates regarding the Student's progress toward IEP goals. The Student's IEP indicates that the Student's progress toward goals will be reported with the Student's report card. The Student October 10, 2025, IEP team meeting evidenced that the District did maintain data on the Student's academic progress.

Finally, the Parent alleged that the District had not provided transportation services to the Student. The Student's IEP does not contain transportation as a related service.

The Department does not substantiate this allegation.

Transfer Students

It is alleged that the District violated the IDEA when, after the Student transferred to the District, it did not implement the Student's IEP prior to developing a new IEP for the Student. It

[13] OAR 581-022-2320(1)(B)

is alleged that the District did not deliver the Student's SDI from the start of the 2025-26 school year through October 10, 2025.

When a child with a disability transfers to a new district in Oregon and enrolls in a new school within the same school year, the new school district must provide a free appropriate public education to the child, including services comparable to those described in the child's IEP from the previous district. The new district must provide these comparable services until the new district either adopts the child's IEP from the previous district, or develops, adopts, and implements a new IEP for the child.[14]

The Charter School utilizes a schedule whereby student SDI minutes are delivered as a block one day per week. The Student's IEP from the prior school district indicates that the Student would receive a specific number of minutes of SDI per year and does not specify the daily, weekly, or monthly delivery of SDI. The Student's IEP included SDI in math, with the related math goal described in terms of skills, focused on with the Student learning to "understand statistics use to gain information about a population by sampling 75% accuracy as measured by curriculum-based measures or student work sample," and in reading where the Student would "determine figurative and connotative meanings of words…" The record supports that the prior to the development of the October 10, 2025, IEP, the Student attended SDI sessions scheduled by the District.

The Department does not substantiate this allegation.

Requirement for Least Restrictive Environment (LRE)

It is alleged that the District did not individualize the Student's placement and instead delivered the Student's SDI as a block of instruction with all other students in the school who received SDI as part of an IEP. It is alleged that this is a more restrictive placement because it required the student to receive SDI in an environment with no general education peers and no general education instruction.

School districts must ensure that, to the maximum extent appropriate, children with disabilities, including those in public or private institutions or other care facilities, are educated with children who do not have a disability. Furthermore, special classes, separate schooling, or other removal of children with disabilities from the regular educational environment should only happen if the nature or severity of the disability is such that education in regular classes, even with the use of supplementary aids and services, cannot be achieved satisfactorily.[15]

The Charter School utilizes a four-day school week. All the Charter School's general education curriculum is delivered during the four-day school week. On the fifth day, students with IEPs

[14] OAR 581-015-2230(1)(a) & (1)(b)
[15] OAR 581-015-2240

receive their SDI at a separate location. Given the Charter School's general education calendar, the Student participated in the general education curriculum to the maximum extent possible with their general education peers.

The Department does not substantiate this allegation.

Access to Student Education Records

It is alleged that the District made decisions to reduce the Student's SDI times ahead of scheduled IEP team meetings and did not provide the Parent with copies or access to the Student's education records related to the identification, evaluation, and educational placement of the Student. Specifically, it is alleged that the information relied upon by the District to determine reductions in IEP services, SDI service times, and placement decisions in the fall of 2025, were not provided to the Parent following their request.

A district must comply with a parent's request to inspect and review records without unnecessary delay. For children over the age of three, the district must comply with the parent request before any IEP meeting, any due process hearing, or resolution session related to a due process hearing, and in no cases more than 10 business days after the request has been made. This provision includes all education records with respect to the identification, evaluation, and education placement of the child, and the provision of a FAPE to the child.[16]

The Parent request two type of records from the District, those related to the District's decision making ahead of the October 10, 2025, IEP team meeting related to the identification, evaluation, and educational placement of the Student "ahead of the IEP team meeting" and on October 14, 2025, the Parent requested records relied upon and created at the October 10, 2025, IEP team meeting. As part of the District's *Response*, the District denied that any decisions were made regarding the Student's IEP, identification, or educational placement ahead of the October 10, 2025, IEP team meeting. The record does not support that the District created the records described by the Parent, ahead of the October 10, 2024, IEP team meeting.

The Department does not substantiate this allegation.

Prior Written Notice

It is alleged that the District violated the IDEA when on September 29, 2025, in response to the District's announcement that the Student's IEP services and SDI times would have to change, the District did not provide the Parent with PWN of this intended change. The Parent further alleges that the District did not provide PWN in response to the Parent's request that the District document these proposed changes to the Student's IEP.

[16] OAR 581-015-2300(2)—(3)

A school district must provide PWN to the parent of a child within a reasonable period before a school district proposes, or refuses, to initiate or change the identification, evaluation, or educational placement of the child, or the provision of a FAPE to the child. PWN must include a description of the action proposed or refused by the school district, an explanation of why the district proposes or refuses to take the action, a description of each evaluation procedure, assessment, test, record, or report the school district used as a basis for the proposed or refused action, a statement that the parents of a child with a disability have protection under the procedural safeguards and, if this notice is not an initial referral for evaluation, how a copy of the Notice of Procedural Safeguards may be obtained. PWN must also include sources for parents to contact to obtain assistance in understanding their procedural safeguards, a description of other options that the IEP Team considered, the reasons why those options were rejected, and a description of other factors that are relevant to the agency's proposal or refusal.[17]

The Parent requested PWN from the District on several occasions ahead of the October 10, 2025, IEP team meeting. The Parent, on September 23, September 30, and October 8, 2025, requested that the District send PWN documenting the District's proposed changes to the Student's IEP ahead of schedule IEP team meetings. On September 24, 2025, the District responded that PWN "is required when the district proposes or refuses to initiate or change the identification, evaluation, or educational placement of a student…" and that the District had yet to make any proposals regarding the Student's IEP. The record does not support that the District made decisions regarding the provision of a FAPE, the Student's identification, evaluation, or educational placement before the October 10, 2025, IEP team meeting. As a result, the District was not required to send PWN to the Parent before the October 10, 2025. Following the October 10, 2025, IEP team meeting, where the Student's IEP team did change the provision of FAPE for the Student by adjusting the Student's SDI, the District did send PWN to the parent.

The Department does not substantiate this allegation.

Notice of Procedural Safeguards

It is alleged that the District did not provide procedural safeguards to the Parent in response to the Parent's request, nor when the Parent filed for a due process hearing. The Parent alleges that they requested a copy of the procedural safeguards on September 9, 2025, and filed for a due process hearing in October 2025.

A district must give the parent a copy of the Notice of Procedural Safeguards, at a minimum, once per year. Additionally, the district must give the parent a copy upon initial referral or parent request for evaluation, upon request by the parent, and also to the child, at least a year

[17] OAR 581-015-2310

before their 18th birthday. The procedural safeguards notice must include all the content provided in the Notice of Procedural Safeguards published by the Department. The notice must be written in a language understandable to the general public and provided in the native language or other mode of communication of the parent.[18]

On September 29, 2025, the Parent requested a copy of the procedural safeguards. On the same date, the District, responding to the Parent's email request, sent the Parent a copy of the procedural safeguards. There is no evidence in the record that the Parent filed a due process complaint.

The Department does not substantiate this allegation.

Placement of the Child

It is alleged that the District violated the IDEA when it determined the Student's educational placement in a way that was not individualized but rather determined by the District's schedule for delivering SDI in blocks. It is alleged that this method predetermined the Student's educational placement, rather than determining the Student's placement through a group, including the Parent, and person knowledgeable about the Student, their evaluation data and placement options. It is alleged that the Student's placement was determined on or about October 15, 2025.

The educational placement of a child with disabilities must be determined by a group of persons, including the parents, and others knowledgeable about the child, the evaluation data, and placement options. The child's educational placement must be made in conformity with LRE provisions. The placement must be based on the child's IEP. The placement determination should also consider the potential harmful effects on the child and the quality of services they need.[19] Placement "refers to the provision of special education and related services rather than a specific place, such as a specific classroom or specific school."[20]

The Parent raised concerns with the District regarding the Charter School's schedule which resulted in the delivery of the Student's SDI separate from the hours and location when the Student accessed the general education curriculum. The Charter School utilizes a four-day week. On the fifth day, when the Charter School is not delivering general education curriculum, and classes are not otherwise in session, students with IEPs access SDI in a different building within the District. The record reflects that the District provided the Student's SDI in this location on days when the Charter School was not providing general education curriculum.

The Department does not substantiate this allegation.

[18] OAR 581-015-2315
[19] OAR 581-015-2250(1)—(5)
[20] 71 Fed. Reg. 46540, 46687 (Aug. 14, 2006)

Free Appropriate Public Education (Denial of FAPE)

It is alleged that the District violated the IDEA, by failing to provide the Parent with Prior Written Notice of its intent to reduce the Student's IEP service times at the end of September 2025, and in response to the Parent's request to issue a PWN in response to the District's announcement of its intent to reduce the Student's IEP services; by not implementing the Student's IEP services as described above, and as outlined in the Student's IEP; and by conditioning continued enrollment on the Parent's acceptance of the District's changes to the Student's IEP, reduction in SDI, and changes to the delivery of IEP services, without the Parent's input. It is alleged that these actions denied the Student a FAPE.

School districts must provide a FAPE to all school-age children with disabilities for whom the district is responsible. The IDEA defines FAPE as special education and related services that: (a) are provided at public expense, under public supervision and direction, and without charge; (b) meet the standards of the [state educational agency]; (c) include an appropriate preschool, elementary school, or secondary school education; and, (d) are provided in conformity with an individualized education program (IEP).[21] The IDEA does not articulate the means to determine whether a school district provided FAPE. The US Supreme Court provides guidance through case law, articulating a two-prong FAPE test that includes procedural and substantive elements. The first prong considers procedure, and whether school district complied with IDEA procedural requirements. The second prong examines substantive requirements: whether the IEP was reasonably calculated to enable the child to receive educational benefit.[22] If a school district demonstrates that it has observed IDEA's procedural requirements, the question remains whether the IEP is substantively adequate. In a 2017 decision the US Supreme Court attempted to clarify a substantive standard for educational benefit. The Court held that "[t]o meet its substantive obligation under the IDEA, a school must offer an IEP reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances".[23]

The Parent requested PWN from the District before the District had proposed, or refused, to initiate or change the identification, evaluation, the educational placement, or the provision of a FAPE to the Student. The District responded to the Parent's requests for PWN explaining that there were no proposed changes, or refused actions, to document in PWN at the time. Following the formulation of the Student's IEP on October 10, 2025, the District did send the Parent PWN documenting the proposed change to the Student's provision of FAPE.

As observed above, there is no evidence in the record that the District did not provide SDI to the Student in alignment with the IEP from the previous school district. The Student attended SDI sessions arranged by the District prior to October 10, 2025. Following the development of

[21] 34 CFR § 300.17
[22] Hendrick Hudson Central Sch. Dist. v. Rowley, 458 U.S. 176 (1982)
[23] Endrew F. v. Douglas County Sch Dist RE-1, 137 S.Ct. 988 (2017)

the Student's October 10, 2025, IEP, the Parent informed the District that the Student would not attend sessions where the SDI was delivered.

There is no evidence in the record that the District set conditions for the Student's enrollment in the District.

The Department does not substantiate this allegation.

VII. CORRECTIVE ACTION

In the Phoenix-Talent School District
Case No. 25-054-067

No corrective action is ordered in this matter.

Dated: this 19 Day of December 2025



_____

Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

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).)