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. 25-054-072

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. Procedure for Move-In Special Education Students

49. Student Transcript
50. Student Test Data
51. Special Education Notice of Team Meeting, 9/23/25
52. Student IEP, 10/10/25
53. Special Education Notice of Team Meeting, 9/30/25
54. Prior Notice of Special Education Action, 10/10/25
55. IEP Team Meeting Notes, 10/10/25
56. Student IEP Snapshot
57. Contact Records for Student
58. Student IEP, 1/30/2025
59. Three-Year Reevaluation, 1/28/2025
60. Permission to Obtain and Release Information, 1/15/25
61. Prior Written Notice, 1/30/25
62. Meeting Attendance/Summary, 1/30/25
63. Parent/Guardian Consent for Individual Evaluation, 11/21/24
64. Notice of Team Meeting, 1/15/25
65. Permission to Obtain and Release Information, 1/15/24
66. Email: ROI – IEP Confirmation for [Student], 1/15/25
67. Prior Written Notice, 5/27/25
68. 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) 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 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 academic 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 removed the Student's SDI in math, reduced their social emotional goals, and related services times. (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 goals and significant progress at the Student's new school.

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 a 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 the Student's SDI from the start of the 2025-26 school year through October 10, 2025.	**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
(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 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.
Notice of Procedural Safeguards It is alleged that the District did not provide procedural safeguards to the Parent in response to the Parent's	**Not Substantiated** The record supports that the District did provide the Parent

Allegations	Conclusions
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. (OAR 581-015-2315; 34 CFR § 300.504)	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 general 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. It is alleged that these actions denied the Student a FAPE. (OAR 581-015-2040; 34 CFR § 300.101)	**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.

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 15 years of age and attends the tenth grade in a District charter school. The Student is eligible for special education under the category of Autism Spectrum Disorder (ASD).

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 January 30, 2025, IEP indicated that the Student enjoys art, social studies, writing, and physical education. The Student excels at storytelling and enjoys various hobbies such as cooking and being outdoors. The Student is interested in film related careers and has a passion for drawing and creating. The Student prefers to sit in the back of the classroom and feels they can benefit from additional support in science, English, and math. Shortened assignments

assist the Student to feel successful and manage their workload more effectively.

3. The Student's January 30, 2025 IEP indicated that the Student was then attending and completing all general education classes and doing all the work that neurotypical peers were doing, and that the Student was able to pass all their classes. The Student did display needs in mathematics and the IEP included Specially Designed Instruction (SDI) in math. The Student also displayed social-emotional needs, such as developing the ability to understand sarcasm, tone of voice, and proper responses in a variety of social situations.

4. The Student's January 30, 2025 IEP included SDI to address social/emotional needs. The Student's IEP goal in this area envisioned that by "the end of the IEP cycle in a school setting, [the Student would] be able to develop and demonstrate skills for initiating conversations, responding to questions and participating in group activities tailored to the student's unique needs and abilities." The social/emotional goal also included assisting the Student to "develop and demonstrate positive strategies in being diplomatic to others should the need arise to address the behaviors or attitudes of people working around [them] [*sic*] 80% accuracy as measured by teacher observations and teacher data." The Student's IEP included 3,640 minutes yearly of specially designed social-emotional instruction.

5. The Student's January 30, 2025 IEP included SDI to address needs in math. The IEP did not include a specific math goal but provided 1820 minutes yearly of SDI in math.

6. The Student's January 30, 2025 IEP included additional supplementary aids and services including access to a calming space; allowance for wearing headphones to provide calm space with music; allowance for personal breaks; modeling of tasks and expectations; shortened assignments; breaking tasks into small steps, including teacher assistance with physically altering parts of assignments; preferential seating; extended time to complete assignments/tasks/projects; testing in a separate setting; repetition, simplification, or clarification of directions; and, access to charts, math, tools, and calculator.

7. 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.

8. 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.

9. 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.

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

11. 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.

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

13. 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 not [*sic*] 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 they are struggling, and why the Student was not "receiving individualized instruction focused on accessing the actual curriculum [they are] expected to understand and complete?"

14. 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.

15. 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.

16. 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.

17. 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.

18. 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 any proposals regarding the Student's IEP.

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

20. 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.

21. 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.

22. 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 [*sic*] refused actions related to [the Student's] IEP."

23. 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."

24. 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.

25. 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 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.

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

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

28. 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.

29. 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, but was performing well academically. At the time of the meeting the Student was passing all their classes, and displayed needs in the areas of social skills and study skills. The meeting also included a discussion of transition needs based on the Student's future professional interests.

30. 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 noted that the Student then had some of the highest grades of any student in their classes. The Student was demonstrating good self-advocacy. The Student was engaging with peers and making friends. The Student voiced interest in receiving additional support in science, English, and math.

31. The Student's October 10, 2025, IEP included SDI to address social-emotional needs. The Student's social-emotional goal envisioned that, by the end of the school year, when in classroom or group settings, the Student would independently access the social context, and determine whether it is appropriate to speak aloud, reducing instances of blurting or self-narration to one or fewer prompts per class period, as measured by teacher observation. Progress toward the goal would be reported with the Student's usual grade reports.

32. The Student's October 10, 2025, IEP also included supplementary aids and services including: access to charts, math tools, and a calculator; clarify directions when needed; transition support; extended time for assignments; chunking assignments when needed for longer assignments; provide visual cues or modeling when giving instructions for a new task; allow personal breaks; allow Student to wear noise-cancelling headphones to provide a calm space; allow fidgets; and, allow physical movement when needed in class.

33. The October 10, 2025, IEP team meeting determined 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 asynchronously 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 LRE, and the Student's social and academic needs.

34. During the October 10, 2025, the IEP team, the team reviewed the Parent concerns which included a preference that the District maintain the Student's IEP from the previous school district. The Team reviewed current information, updated the Student's present levels, and the Student's academic interests and social performance. The District reviewed the Student's performance on IXL testing completed during SDI delivery time, including the Student's reading testing on Lexile levels which suggested that the Student did not need language arts support. In review of the Student's needs, the team determined that the Student required SDI for social-emotional skills and various accommodations.

35. On October 10, 2025, the District sent the Parent a PWN documenting the Student's IEP team's development of a new IEP for the Student which included a change in educational placement from pull-out resource model to full inclusion in the general education classes with supports; discontinuation of SDI in mathematics and discontinuation of the Student's math IEP goal due to their "demonstrated grade-level performance (37th percentile on standardized testing and a current grade of "B" in their math course); continuation of SDI for their social-emotional goals with SDI provided on Mondays at a different location to allow the Student to fully participate in core instruction during the school week. The District documented the IEP team's decision to continue accommodations as outlined in the Student's IEP, including support for special-emotional regulation and access to the general education curriculum. The PWN further

documented that the team's decision was based on the Student's current classroom grades and progress reports; standardized assessment data; teacher observations and input from the general education and special education staff; Student participation and success in the Charter School's education model; Parent input received via email prior to the IEP team meeting; and, review of the Student's previous IEP and placement.

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 practice and 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 Parents'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 Appropriate Public Education);
    d. PWN must be provided after the IEP team proposes or decides on changes to services, eligibility, or placement; and that
    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 written comments and additional materials in support of their Complaint. The Parent explained by email to the Department's Complaint 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 areas of need. Students are also able to use the IXL system to select areas where they may need additional assistance relevant to the 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 with 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 IEPs full inclusion in the general education environment. Were the Monday delivery of SDI not suitable for a student attempting to enroll in 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 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

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

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 the September 30, 2025, date.

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 a 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 the District's position 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 no proposal or refusal to provide the Parent notice of.

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.

[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…"

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 must also include 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, the team members reviewed the Student's progress to date and developed a new IEP for the Student which included a change in educational placement from pull-out resource model to full inclusion in the general education classes with supports. The team discontinued the Student's SDI in math given the Student's demonstrated grade-level performance. The IEP team continued the Student's SDI in support of social-emotional goals. The IEP team documented that these changes were made by reference to teacher observations and input from the general education and special education staff, the Student's participation and success in the Charter School's education model, Parent input received via email prior to the IEP team meeting, and review of the Student's previous IEP and placement. The IEP also included when progress toward the goal would be reported and how progress would be measured.

The Department does not substantiate this allegation.

IEP Team Considerations and Special Factors

It is alleged that the District did not consider existing evaluation data when the IEP team removed the Student's SDI in math, reduced their social emotional goals, and related services times.

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.

[7] OAR 581-015-2200(1)(a)—(1)(c)

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 a 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 math was due to the Student performing at grade level and no longer displaying need for SDI in this area.

The Student's IEP indicated that this decision was based on curriculum measures and previous IEP data, current classroom data, and other data sources. Minutes of the October 10, 2024, IEP team further support that the team reviewed the Student's progress in math 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]

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.

[8] OAR 581-015-2205(1)—(3)
[9] OAR 581-015-2210(1)(a)—(1)(g)
[10] OAR 584-200-030(5)

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 free appropriate public education 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 1,820 minutes (30.3 hours) of SDI per year in mathematics and 3,640 minutes (60.6 hours) of SDI per year, in social-emotional skills. Oregon schools are required to provide 990 hours of instruction per year for students in grades 9-11.[13] The District generally 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 Charter School provides SDI one day a week between 8:30 a.m. to 10:20 a.m. This allows for a maximum of 110 minutes per week for SDI. The record contains emails from the Parent questioning the type of SDI delivered to the student and way it was delivered. On October 27,

[11] OAR 581-015-2230(1)—(3)
[12] OAR 581-015-2230(1)—(3)
[13] OAR 581-022-2320(1)(B)

2025, the Parent announced to the District that the Student would not attend the scheduled SDI sessions. Since that time the Student has not attended scheduled SDI sessions. However, 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 record contains 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, not more frequently. 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 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 FAPE 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]

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

The Charter School utilizes as 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 IEP included SDI in both math and social/emotional. The IEP team determined there was not a need for a measurable annual goal to be developed in math. The Student's prior social-emotional goal was described in terms of social skills the Student would demonstrate over time. The record includes descriptions of the Student making progress toward their social-emotional goals. The record further supports that, 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

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 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

[15] OAR 581-015-2240

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 free appropriate public education 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 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.

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. The 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. The PWN must

[16] OAR 581-015-2300(2)—(3)

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 proposing or refusing changes to the identification, evaluation, or educational placement of the Student, or the provision of a FAPE to the Student 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, IEP meeting. Following the October 10, 2025, IEP team meeting, when they were required to do so because of proposed changes to the Student's IEP, 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 Safeguard, 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 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.

[17] OAR 581-015-2310
[18] OAR 581-015-2315

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 of the IDEA. 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.

Free Appropriate Public Education (Denial of FAPE)

It is alleged that the District violated the IDEA, by failing 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 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

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

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 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

[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)

No corrective action is ordered in this matter.

Dated: this 18 Day of December 2025



_____

Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

Emailed: December 18, 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).)