BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of Fossil School District 21J	)	FINDINGS OF FACT,
	)	CONCLUSIONS,
	)	AND FINAL ORDER
	)	Case No. 25-054-079

I. BACKGROUND

On November 4, 2025, the Oregon Department of Education (Department) received a written request for a special education complaint investigation from the parents (Parents) of a student (Student) residing in the Fossil School District 21J (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 Parents and the District agree to the extension in order to engage in mediation or local resolution or for exceptional circumstances related to the complaint.[2]

On November 10, 2025, the Department's Complaint Investigator sent a *Request for Response (RFR)* to the District identifying the specific allegations in the Complaint to be investigated and establishing a *Response* due date of November 25, 2025.

The District submitted a *Response* on December 4, 2025 denying three of the allegations, providing an explanation, and submitting documents supporting the District's position. Additionally, the District did not contest two of the allegations. The District submitted the following relevant items:

1. District's Written *Response* to Complaint, dated 11/21/25 (*Sent on 12/4/25*)
2. Individualized Education Program (IEP) AMENDMENT, 05/19/25
3. IEP, 05/19/25
4. Special Education Placement Determination, 05/19/25
5. Behavior Goals, no date
6. Provider Absences and Scheduled Services, 12/03/24-05/29/25
7. Daily Attendance Totals, 08/19/24-06/04/25
8. Daily Attendance Totals, 08/18/25-11/22/25
9. Service Tracking Log - English Language Arts (ELA), 08/18/25-11/20/25

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

10. Service Tracking Log - Math, 08/18/25-11/20/25
11. Service Tracking Log - Pull out but SPED Director/Teacher, 08/18/25-11/13/25
12. Service Tracking Log - SEL, 08/19/25-11/12/25
13. Service Tracking Log - Speech, 08/27/25-11/19/25
14. Incident Log, 09/04/25-10/29/25
15. Conference Outline, 10/31/25
16. Report Card, 2024-25 School Year
17. Emails between the parties, 5/19/25 through 11/4/25
18. Meeting Attendance/Summary, 11/19/25
19. IEP Progress Report, 08/18/25-10/23/25
20. Email, re: Choice Works Support, 11/12/25
21. Prior Written Notice, 11/05/25
22. Prior Written Notice, 11/21/25
23. Email, re: [the Student] - IEP Snapshot, 11/06/25-11/10/25

The Parents submitted documents with the complaint on November 4, 2025. The Parents submitted the following relevant items:

1. Email, re: [the Student] Things, 09/24/25-09/25/25
2. Email, re: [the Student] SEL, 09/04/25

The Parents did not respond to the Complaint Investigator's invitation to interview. On December 2, 2025, the Complaint Investigator interviewed District personnel. The Complaint Investigator reviewed and considered all 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 Parents' 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 November 5, 2024, to the filing of this Complaint on November 4, 2025.

Allegations	Conclusions
When IEPs Must Be In Effect The Parents alleged that the District failed to implement the Student's IEP as written by not providing the required accommodations or the 2025-26 first-quarter progress report. Furthermore, they claim the District failed to ensure the IEP was accessible to all the Student's teachers and service providers, and failed to inform those staff	**Not Contested** The District did not contest this allegation.

Allegations	Conclusions
members of their specific responsibilities for implementing the IEP. (OAR 581-015-2220(1)(3); 34 CFR § 300.323(a)(d))	
Review and Revision of IEPs The Parents alleged the District recognized the Student's need for social-emotional support at recess but failed to revise the IEP to include social-emotional support or services. (OAR 581-015-2225(1); 34 CFR § 300.324(b))	**Substantiated** The District failed to revise the IEP to include social-emotional support or services.
Parent Participation The Parents alleged the District denied them meaningful participation in the Student's educational planning and IEP implementation by minimizing their concerns, delaying corrective measures, and discouraging their advocacy for the Student. (OAR 581-015-2190(1-3), OAR 581-015-2195(1-2), OAR 581-015-2205 (1)(b); 34 CFR §§ 300.322(a)(b)(1)(c), 300.501(b), 300.324 (a)(1)(iv))	**Substantiated** The District denied the Parents meaningful participation in the Student's educational planning and IEP implementation by minimizing their concerns, delaying corrective measures, and discouraging their advocacy for the Student.
Prior Written Notice (PWN) The Parents alleged the District failed to provide PWN, granting or denying their request to add IEP supplementary aids or services to address the Student's social-emotional and communication needs at recess. (OAR 581-015-2310(2-4); 34 CFR § 300.503(a)(b))	**Not Contested** The District did not contest this allegation.
Free Appropriate Public Education (FAPE) The Parents alleged the District denied the Student a FAPE by not implementing the IEP as written, not providing needed social-emotional support, not ensuring the Student's IEP was accessible to all their teachers and service providers, and failing to inform those staff members of their responsibilities for implementing the IEP. (OAR 581-015-2040(1); 34 CFR § § 300.17, 300.101(a)(c))	**Substantiated** The District denied the Student a FAPE by not implementing the IEP as written, not providing needed social-emotional support, not ensuring the Student's IEP was accessible to all their teachers and service providers, and failing to inform those staff members of their responsibilities for implementing the IEP.

REQUESTED CORRECTIVE ACTION

- The district must immediately ensure that all staff who implement the IEP (teachers, aides, specialists, recess staff) have direct access to the current IEP and are informed in writing of their specific responsibilities for accommodations, modifications, and supports.
- The district must provide documentation to the Department and the Parents showing when and how each staff member received access and training.
- The district must develop and submit to the Department a written systemic plan to ensure IEP accessibility and staff notification for all students with disabilities going forward.
- Require the district SPED Director to participate in a training to ensure they are proficient in understanding and applying:
    - Parent communication under IDEA
    - Non-retaliation obligations
    - Professional standards of conduct
- The district must issue a PWN that addresses the September 4, 2025 request, including a clear explanation of its proposal or refusal and the reasons.
- The district must train relevant special education administrators and case managers on PWN requirements under IDEA and OAR 581-015-2310 to prevent recurrence.
- The district must review and, if appropriate, revise the IEP to include recess or social problem-solving supports consistent with the student's needs.
- The district must provide the missing progress report immediately for the applicable quarter(s).
- The district must submit evidence to the Department that progress reports are now being provided as described in the student's IEP.
- The district must train special education staff on timely and accurate IEP progress reporting procedures.
- The district must review all students' IEPs to ensure progress reporting obligations are being met consistently.

III. FINDINGS OF FACT

IDEA regulations limit complaint investigation to alleged violations occurring no more than one year before the Department's receipt of the special education complaint. This Complaint Investigation did not consider any IDEA violations alleged to have occurred before November 5, 2024. Any facts listed below relating to circumstances or incidents earlier than that date are included solely to provide the context necessary to understand the Student's disability and special education history.

1. The Student is eight years old and attends the elementary school in the District.

2. The Student is eligible for services under the IDEA for an Intellectual Disability (ID), Other Health Impairment (OHI), and Autism Spectrum Disorder (ASD).

3. The Student is resilient, enjoys helping others, and is interested in animals.

4. The Student's May 19, 2025 IEP included the following relevant information:
   a. Ten people were present at the meeting, including all required IEP team members.
   b. Present Levels of Academic Achievement and Functional Performance included notes on academic and functional performance, strengths, learning preferences, behavioral concerns, educational skills practiced at home, and hobbies and interests.
      i. Behavioral concerns for "completing work, respecting personal space, and managing frustration" were noted.
      ii. Parent concerns included concern about tantrums and whining, along with "the need for improved social awareness and reading foundation skills."
   c. Special Factors for IEP development indicated that the Student exhibited behavior that impeded their learning or the learning of others and had communication needs.
   d. Testing accommodations for Districtwide Assessments were listed as "chunking test into smaller sections," "separate testing area if needed," and "adult proximity if needed."
   e. Progress for goals was to be reported to the Parents in writing during the School's regular report time.
   f. Goals for Social/Emotional/Behavioral were as follows:
      i. "By May 2026, [the Student] will demonstrate the ability to identify and respect personal space by maintaining an appropriate distance of at least one arm's length from peers and adults in 4 out of 5 observed interactions, as measured by teacher observations and checklists."
      ii. "By the end of the school year, [the Student] will be able to identify and verbalize when a peer is expressing 'no' in a social situation and demonstrate understanding by stopping the activity or conversation in 3 out of 5 observed opportunities during structured play activities, as recorded by the teacher."
   g. Goals for Reading were as follows:
      i. "By May 2026, [the Student] will accurately read and decode words containing common vowel teams (such as "ai," "ea," "ee," "oa," and "ou") in grade-level texts with 80% accuracy across three consecutive trials, as measured by teacher observation and reading assessments."
   h. Goals for Math were as follows:
      i. "By May 2026, [the Student] will independently solve addition and subtraction problems within 20, achieving 80% accuracy in 4 out of 5 trials, as measured by teacher observation and math assessments."
   i. Goals for Communication were as follows:
      i. "By May 2026, after being shown a picture of an object, [the Student] will describe the object by stating at least three different characteristics with no more than one verbal or visual prompt/cue and 80% accuracy or better over three consecutive sessions."
   j. Goals for Writing were as follows:

i. "By the end of the 2026 school year, provided a prompt, [the Student] will write one complete sentence independently with at least 5 words with 100% accurate articles and conventions in 4 out of 5 attempts."

k. Goals for Language were as follows:
   i. "By May 2026, [the Student] will form and use grammatically correct sentences for a variety of pragmatic functions."

l. Specially Designed Instruction (SDI) from May 19, 2025 to May 18, 2026 was as follows:
   i. Speech Language, provided by an Education Service District (ESD), in the resource room for 700 minutes per year.
   ii. Written Language, Mathematics, and Reading, provided by a general education teacher, in the general education classroom for 15 minutes each per day.
   iii. Written Language, Mathematics, and Reading, provided by a special education teacher (if not already delivered by a general education teacher), in the general education classroom for Writing and Mathematics and a resource room for Reading, 15 minutes each for Writing and Reading and 20 minutes for Mathematics per day.
   iv. Behavior/Social Skills, provided by a counselor, in the general education classroom, 10 minutes per week.
   v. Behavior/Social Skills, provided by a special education teacher, in the resource room for 5 minutes per day.

m. Accommodations were anticipated to be in the classroom and/or resource room and provided by a general and/or special education teacher, from May 19, 2025 through May 18, 2026, as follows:
   i. Math manipulatives available, 50 minutes per day.
   ii. Frequent opportunities for movement and breaks, 10 minutes per day.
   iii. Calming sensory strategies and tools (examples provided), 10 minutes per year.
   iv. Verbal or non-verbal cues to prompt for correction of spoken grammar errors, 5 minutes per day.
   v. Preferential seating towards the front of the classroom, 5 minutes per day.
   vi. Organizational "check-in" time to prepare for the day, 5 minutes per day.
   vii. Structured daily routines with support for changes in routine, 60 minutes per day.
   viii. Visual schedule and cues, 30 minutes with no frequency listed.
   ix. Shorter testing sessions with breaks and access to visual aids and manipulatives, 10 minutes per day.
   x. Ear buds for music and/or noise-cancelling headphones, 10 minutes per day.
   xi. Clear instructions with eye contact when instructions are given with the Student repeating instructions to demonstrate understanding, 5 minutes per day.
   xii. Alternate seating (with examples), 300 minutes per day.
   xiii. Visual supports/tools for self-regulation and a pre-determined menu of sensory strategies, 5 minutes per day in all school environments.
   xiv. Sensory input and check-in prior to known stressors, 10 minutes per day.
   xv. Pre-teach and reteach concepts, 20 minutes per day.

n. Supports for School Personnel were for the duration of the IEP as follows:
   i. Consultation services for teachers and instructional assistants, provided by the District, 30 minutes per month.

ii. ASD specialist consultation for a "special education teacher, classroom teacher, and educational assistants [EA]," provided by a regional autism consultant. This service was 40 minutes per month on the May 19, 2025 IEP, and then changed to 150 minutes per year in the November 19, 2025 revision.

o. The IEP team determined the Student would be removed from the regular classroom for 80 minutes per month for communication services and up to 15 minutes each for reading and writing, up to 30 minutes for math, and up to 5 minutes for "sensory/social/emotional skills." It was also noted this instruction would be "in a 1:1 setting to ensure [the Student] is learning the foundation skills to help [them] progress toward grade-level curriculum" and "IEP services will not be made up for student absences, scheduled school breaks, parties, classroom celebrations, field trips, school wide events and assemblies, etc."

5. In a May 19, 2025 Special Education Placement Determination, the Student was placed "80% or more of the day in regular class."

6. In a May 19, 2025 email to the Occupational Therapist (OT), Case Manager 1 reported the Student's current struggles were "physical proximity with peers and 'getting into their business.' Some social stories and role-play are in [the Student's] future." The OT replied the same day asking Case Manager 1 to call them.

7. In an undated document authored by Case Manager 1, they noted for the 2024-25 school year, "Every day that both [the] Student and Provider were present, [the] Student received SDI in the [General Education] GE setting in Math and ELA[,] along with pull out services from [Case Manager 1] to bolster thinking and language skills." A list of provider absences and scheduled services followed.

8. A Daily Attendance Totals report from November 21, 2024 through June 4, 2025 indicated the Student was absent for half of a day each on November 21, 2024 and April 29, 2025. The Student was absent for a full day on March 17, April 15, and April 10, 2025. The Student's total absences for the school year were eight and total days of attendance were 152.

9. The Student's report card for the 2024-25 school year indicated improvement or maintenance of all scores across the four quarters, for every content area and all learning objectives.

10. In an August 28, 2025 email to Case Manager 1, one of the Parents suggested that transitioning from recess to ELA could be "hard" for the Student. They added the EA "mentioned [the Student] often is struggle [*sic*] at recess to understand kiddos boundaries about if they are wanting to play or not and so I could see it being something that's stressing [the Student] out." This email was part of a chain of emails between teachers, Case Manager 1, and the Parents regarding the "reappearance of self-stimulation" by the Student.

    On September 27, 2025, Case Manager 1 replied in the same email chain and included staff members the Complaint Investigator identified as those who supported the Student and the Parents. The email started with a check-in on the Student's self-stimulation and then went

over appropriate replacement behaviors and how to accommodate this. Additionally, Case Manager 1 concluded the email with "I have a draft of a [Behavior Intervention Plan] BIP for this, and friend conflicts, if, as a team, something more formal is needed."

11. In a September 4, 2025 email to Case Manager 1 with a subject line "[the Student] things," one of the Parents expressed concern about the Student's SEL skills in the recess and Physical Education (PE) settings and stated, "[The Student] has been in tears at home, school, and now acting out physically." The Parents inquired about the possibility of an autism specialist or behavioral interventionist coming once a week to help. The Parents asked "Do I need to request an IEP meeting to get this ball rolling? Or is this something we can add without doing that? Not sure what the easiest process is for you, so please let me know!" The Parents added another idea of using the Speech Language Pathologist (SLP) as a resource "to do something like this."

    As part of this series of emails in a September 4, 2025 email to the School Counselor, Case Manager 1 requested "phrases or role-play scripts" to use with the Student. They added, "The autism specialist won't come out here often. [The ESD] may have a behavior interventionist, but it would take considerable convincing. I'd rather spend my energy trying someone in-house working with [the Student] than push papers to get nowhere."

    The School Counselor replied on September 9, 2025 and indicated they had some cards that would work for the role-play scripts.

    Case Manager 1 replied within minutes, asking if the School Counselor saw "my BIP draft," to which the School Counselor replied they were reviewing it "right now."

    Case Manager 1 replied to the Parents the same day and stated, "I doubt the ASD specialist would come out regularly. I am unsure if [the ESD] has a behavior interventionist who comes out to this area. I can put energy into getting those people, or I can put energy into finding local people to support, role-play, etc. I will start with local and move to outside help as needed."

12. In an undated, untitled document believed to be the draft BIP, the following was outlined as a "plan [that] should aim to enhance [the Student's] communication and coping skills in a supportive and understanding environment":
    a. The goal for the intervention was to "empower [the Student] to seek adult assistance when facing conflicts at school and to express [their] feelings of being overwhelmed in a timely and constructive manner."
    b. The objectives to reach the goal were "within one month, [the Student] will identify at least two trusted adults …," "[The Student] will learn and practice at least three verbal or non-verbal strategies to express when [they feel] overwhelmed by the end of the first two weeks," and "Increase [the Student's] utilization of adult support during conflicts … over the next three months."

c. Behavior intervention strategies to address the behaviors of concern included "social stories and role playing," "emotion regulation skills," and "safe space." Each strategy included a description.
d. Suggested replacement behaviors to replace the behaviors of concern included "asking for help" and "expressing feelings." Each replacement behavior included a description.
e. Reinforcement strategies to encourage positive behavior were "positive reinforcement" and "praise and acknowledgement." Each strategy included a description.
f. A process for monitoring and evaluating the plan's effectiveness were weekly check-ins, behavior tracking, and "review and adjust." Each process included a description.
g. Roles and responsibilities included the School Counselor and Case Manager 1 (with resources from the OT, the SLP, and the Autism Consultant) for social stories, Case Manager 1 and EAs for emotional regulation skills, Case Manager 1 for safe space, "staff, recess EAs" for "asking for help," the School Counselor and Case Manager 1 for expressing feelings, the PBIS system for reinforcement, and the internal behavior referral system for behavior tracking.

13. In a September 9, 2025 email to Case Manager 1, the Autism Consultant proposed setting up a meeting regarding the Student "to discuss your concerns and what support I can provide." They added they would be "out your way next week and would like to drop in to see how I can support you in person."

14. In a September 22, 2025 email to the Parents and Case Manager 1, the Autism Consultant stated they enjoyed meeting the Student "last week" and shared some "resources and tools we discussed." They invited the Parents and Case Manager 1 to share the resources with the Student's teachers and to reach out if they needed to problem-solve or if they had questions or concerns. They added they were hoping to "get out there [again] … some time [*sic*] in October."

15. In a September 24, 2025 email to Case Manager 1 with the subject "[the Student] things", one of the Parents recalled a conversation with the Math Teacher who "asked me if it was autism [the Student] was diagnosed with. I said yes, and asked [them] if [they] had looked at what [the Student's] testing accommodations were, and if [the Math Teacher] had been able to look at [the Student's] diagnosis in the IEP. [The Math Teacher] said [they] hadn't received any info on [the Student] at all, and didn't know what [they were] supposed to be doing." The same Parent requested Case Manager 1 to "get [the Math Teacher] a copy of the IEP/accommodations."

    Case Manager 1 replied the same day, "I am keeping my head above water, but yes, I will get on it." One of the Parents immediately replied, "... if none of us know what accommodations we are supposed to do for students in our class, what is the point of having an IEP or 504 for them?" Case Manager 1 replied within the hour and requested the same Parent, "Please back down," and then noted the challenges with "pulling accommodations" in the current system and prioritizing pull-out time for the Student. They added, "or you can trust that I am doing all I can to help each student every day at the expense of my personal time." They continued explaining their challenges with the system and concluded the email by repeating one of the

Parents' statements about not knowing accommodations and questioning the point of an IEP or 504, and stated, "let that statement sink back in." Case Manager 1 replied hours later and assured the same Parent they would "endeavor to solidify a system for communicating all the information … This has been my goal from the beginning. I have experienced setbacks both within my power, but mainly outside my power."

One of the Parents replied the next day with a reflection and noted, as a classroom teacher, it had been seven weeks and they did not have accommodations for their students. They also added a reflection as a parent and shared they were "frustrated that [the Student's] teachers that are new to [them] haven't been given [the Student's] list of accommodations because it is impacting [the Student] for testing." They indicated the Math Teacher came to them with testing concerns for the Student and the Parents felt "if [the Math Teacher] had the accommodation information for [the Student], the issues could have been avoided all together." They noted the stress on the Student and the desire to set them up for success moving forward.

Case Manager 1 replied within the hour and shared the reasons they had not supplied teachers with accommodations and they were "working to implement a better system." They juxtaposed their time spent serving students and time spent "finishing the system" and concluded they had made "choices about how to use my time." They reported, "putting in that much unpaid time after last year was not going to happen." They asserted their conversation with the Math Teacher was different and "on that day- picture day- the accommodation would not have mattered." They concluded with an assurance they would "communicate more effectively to teachers, which may come at the expense of jumping in to help with urgent needs."

16. A series of emails from late September through early October [2025] detailed Case Manager 1's planning for an assembly for all students (grades K through 12) to "educate our students about disabilities, with a focus on neurodiversity … to help all students learn about their neurodiverse peers and other disabilities." The assembly took place on October 15, 2025.

17. A series of emails between Case Manager 1 and the Superintendent read as follows:
    a. October 15, 2025, Case Manager 1 shared, "[One of the Parents] has brought six panic button issues about [the Student] to me in 8 weeks of school. All of them were either one-off moments (like the fight at PE) or "this thing at school impacted home," which I would argue did not correlate, or a one-time lapse in accommodations that I fixed. Each one is a time and energy drain - like spending a Saturday writing a behavior plan for [the Student] that never needed to be implemented because the outburst was one day long." They noted the Parents "had a tough summer" with the Student, the Student "has been fine," and questioned if one of the Parents was "overwhelmed at home. I am trying to view with a lens of compassion. However, I cannot be the hero nor the villain."

       They noted a "testing situation" they discussed with the Math Teacher "2-3 weeks ago, and I filled [the Math Teacher] in on the accommodations for [the Student]." The Math Teacher reported to Case Manager 1 that "even if [the EA] was there and gave the test

separately, it may not have made a difference, as [the Student] seemed off that day anyway."

They continued, "Sharing this is not an excuse for not having IEPs updated and accommodations in a format that teachers can access more easily. As I explained to [one of the Parents], I have been working on a system. … However, interrupting my workflow with near-weekly panics is triggering and puts me in a state of freeze or 'why should I give a crap' … mode. … I cannot keep jumping when [the Student] has an off day either at school or at home." They mentioned "we paid for" a behavior specialist to work with the Parents and the Student the previous summer and "we have done everything to help [the Student] and [the Parents]." They concluded by noting they "cannot write a behavior plan or call in specialists or start an evaluation for every off-behavior or bad day," and added they don't have "bandwidth for that and it wastes time and resources" and "the insinuation that failing to act on those requests equates to being unresponsive is unfair."

b. The Superintendent replied on October 20, 2025 and noted they would address the points from the first email and have a conversation with the Parents. They requested patience and consistency, offered to listen if Case Manager 1 wanted to "vent," agreed "panic does not solve issues," and stated "I will talk to the teachers about making sure that all interested parties are included when it comes to sharing information or any other requests."
c. Case Manager 1 replied on October 20, 2025 and suggested they provide the Parents with "help at home" like they did in the summer of 2024.

18. An October 31, 2025 Conference Outline document (i.e., a form utilized by teachers to provide progress to parents) indicated the Student's "social skills during less-regulated time, notably recess and PE, need improvement." The outline indicated a plan to offer the Student "explicit instruction and support" in the social skills area. It also mentioned that while the teachers had a visual checklist posted, providing a checklist directly to the Student was proving to be the most effective strategy. Additionally, using a "math sentence stem visual aid" was identified as a new intervention to attempt with the Student.

19. In a November 1, 2025 email to District staff, the SLP detailed the services they recently provided for the Student.

20. A Daily Attendance Totals report from August 18, 2025 through November 22, 2025 indicated the Student was absent for a full day each on October 2, October 6, October 7, and October 8, 2025. The Student's total absences for the 2025-26 school year were four, and total days of enrollment were 56.

21. A service tracking log for ELA indicated 90 minutes of "SDI: Reading/Writing" service delivered on the following dates:
    a. August 18, 19, 20, 21, 25, 26, 27, and 28, 2025.
    b. September 2, 3, 4, 5, 9, 10, 11, 15, 16, 17, 18, 22, 24, 29, and 30, 2025.
    c. October 1, 9, 13, 14, 15, 16, 20, 21, 22, 23, 27, 28, 29, and 30, 2025.
    d. November 3 and 4, 2025.

e. On September 2 and 23, 2025 it was noted the EA was absent with no substitute. On September 25, 2025 it was noted as a "1st/2nd Grade Outdoor School Day." On October 2, 6, 7, and 8, 2025 it was noted the Student was absent.
f. There were 20 entries with comments and it was noted the EA stopped adding comments as of October 8, 2025 due to "[the EA starting their] pre-student teaching and the EA schedule change."

22. A service tracking log for Math indicated 60 minutes of "SDI: Math" service delivered on the following dates:
    a. August 18, 19, 20, 21, 26, 27, and 28, 2025.
    b. September 2, 3, 4, 5, 8, 9, 10, 11, 15, 16, 17, 18, 22, 23, 24, 29, and 30, 2025.
    c. October 1, 9, 13, 14, 15, 16, 20, 21, 22, 23, 27, 28, 29, and 30, 2025.
    d. November 3 and 4, 2025.
    e. On September 2 and 23, 2025 it was noted the EA was absent with no substitute. On September 25, 2025 it was noted as a "1st/2nd Grade Outdoor School Day." On October 2, 6, 7, and 8, 2025 it was noted the Student was absent.
    f. There were 21 entries with comments between August 18, 2025 and October 1, 2025 and no comments after.

23. A service tracking log for "Pull out but Sp[ecial]Ed[ucation] Director/Teacher" indicated 20 minutes of "SDI: Auditory/Language/Cross-body" service delivered on the following dates:
    i. August 18, 21, 25, 26, 27, and 28, 2025.
    ii. September 2, 3, 4, 5, 8, 9, 10, 11, 15, 16, 17, 18, 22, 23, 24, 29, and 30, 2025.
    iii. October 1, 9, 13, 14, 15, 16, 20, 21, 22, 23, 27, 28, 29, and 30, 2025.
    iv. November 3 and 4, 2025.
    v. On August 19 and 20, 2025 it was noted a provider was absent. On September 25, 2025 it was noted as a "1st/2nd Grade Outdoor School Day." On October 2, 6, 7, and 8, 2025 it was noted the Student was absent.
    vi. There were 34 entries with comments between August 18 and November 4, 2025. The comment entry included the exact same language for each entry.

24. A service tracking log for SEL indicated 5 minutes of "SDI: SEL" service delivered on the following dates in a general education setting:
    a. August 19, 20, 21, 26, 27, and 28, 2025.
    b. September 3, 4, 5, 10, 16, and 18, 2025.
    c. October 1 and 15, 2025.
    d. On September 21, 2025, service was delivered for 60 minutes by a special education provider.
    e. "Consult" was indicated for the following dates and times:
        i. August 19, 2025 for 40 minutes;
        ii. August 28, 2025 for 45 minutes;
        iii. September 4, 2025 for 5 minutes;
        iv. September 7, 2025 for 60 minutes;
        v. September 9, 2025 for 20 minutes;
        vi. September 18, 2025 for 45 minutes;

vii. September 22, 2025 for 20 minutes;
viii. September 27, 2025 for 45 minutes; and
ix. September 29, 2025 for 10 minutes;

f. All entries had unique comments.

25. A service tracking log for Speech indicated 20 minutes of "SDI: Speech" service delivered on the following dates with the SLP:
    a. August 27, 2025.
    b. September 3, 10, 17, and 24, 2025.
    c. October 1, 15, 22, and 29, 2025.
    d. On October 8, 2025, it was noted the Student was absent.
    e. All entries read "Consult [the SLPs] schedule for provider absences (none noted) and amount of time spent on SEL each session."

26. A spreadsheet documented three behavior referrals for the Student on September 4 and 23, and October 29, 2025. Behaviors were "physical fighting," "small time theft," and "intentional shoving, hitting, pushing, kicking." The lagging skill noted for all three was "self-management," with "responsible decision making" being noted as a lagging skill on two of the three referrals. Possible motivation was noted as responding to other students' behavior, to "obtain items/activities, and to "obtain peer attention."

27. On November 4, 2025, the Parents filed this Complaint.

28. A November 5, 2025 PWN outlined a refusal to implement recess and Physical Education (PE) support for the Student "as requested in a [September 4, 2025] email."
    a. Explanation of the refusal stated, "Proactive measures were taken with a request for Zone[s] of Regulation to be addressed during counseling, social stories incorporated into pull-out services, and SEL awareness and communication incorporated into speech services." The PWN mentioned an assembly for the Students' peers "that provided information and shared experiences surrounding students with disabilities, with a focus on neurodiversity." Additionally, "emotional regulation cards were added to the recess folder for use by recess aides" and "behavior data showed minimal (1) recorded behavioral incidents." It was also noted, "Informal observations were increased and one incident was recorded after the request. To gather data on more minor incidents, the reporting form for recess was revised."
    b. "Adding recess or PE support was considered," but "Proactive measures such as integrating [Social Emotional Learning] SEL into already existing services were a measured and reasonable response to the minimal behavior incidents recorded."
    c. Description of factors relevant to the refused action were the Student's "current behavior and the minimal issues documented this school year."

29. A November 5, 2025 IEP Progress report for the Student the following progress was reported representing August 18 through October 23, 2025:
    a. Social Emotional Behavior Annual Goal number one, progress code "3," the Student "has demonstrated significant and consistent progress."

b. Social Emotional Behavior Annual Goal number two, no progress code reported, the Student "has made progress."
c. Social Emotional Behavior Annual Goal number three, no progress code reported, the Student "is actively engaging in the current classroom instruction" and "making excellent progress toward applying decoding skills."
d. Math Annual goal number four, no progress code reported, the Student "is making consistent progress in developing mathematical skills." Communication annual goal number five, no progress code reported, no progress summary reported. Writing annual goal number six, no progress code reported, the Student "is demonstrating clear progress toward [the] goal." Language goal number seven, no progress code reported, no progress summary reported.

30. On November 6, 2025, an "IEP Snapshot" was sent to multiple staff members, including all known teachers and EAs for the Student. The "snapshot" included a summary of the Student's need, it listed the Student's IEP goals, their general accommodations, and their testing accommodations. The email had the Student's complete IEP attached as a PDF document.

31. A November 12, 2025 email to staff members who supported the Student and to the Parent, the SLP noted they went outside with the Student and role-played using a feelings map "if [the Student] becomes frustrated."

32. November 19, 2025 meeting notes indicated a progress review of the social-emotional interventions for the Student. The following relevant information was recorded:
    a. Social cue recognition and peer interactions. "[The Student] struggles significantly to recognize and respond appropriately to peers' social cues, which leads to repeated unkind interactions and physical incidents such as hitting and kicking other students."
    b. Data collection of behavioral incidents at recess is inconsistent, and the behavior referral system "may not capture the full scope of the problem."
    c. "Discussion included anecdotal examples from staff and [the] Parent[s] regarding the frequency and intensity of social incidents."
    d. Teachers shared they were not consistently using the behavior referral system and provided anecdotal details of incidents not referred, and concluded "the Student consistently experiences similar, negative social interactions with specific peers, despite these incidents rarely being formally documented."
    e. Case Manager 1 "found that the anecdotal information presented by staff and [the] Parents indicated a pattern of concerning, undocumented peer interactions."
    f. There was "insufficient, objective, measurable data to justify a 1:1 [EA] at this time."
    g. "[The] Parents and team members express frustration with the District's refusal to grant one-on-one recess support at initial request[,] but are willing to trial a plan for individual support to gather data and evaluate effectiveness."
    h. A 21-day trial with multiple interventions and opportunities to record data was noted.

33. A November 21, 2025 PWN outlined a proposal to "implement the attached IEP."
    a. Explanation of the proposal was to "implement a 3-week administrative support trial to collect objective behavioral data in the recess environment" and explained Case Manager

2 would oversee the data collection. It was also noted the ASD Consultant minutes were "corrected" to 150 minutes per year.

b. The District refused to "add a permanent, dedicated 1:1 recess aide/teacher to the IEP at this time," and refused to add new social/emotional goals or SDI to the IEP "pending the outcome of the 3-week data collection trial."
c. Regarding the proposed action, "The team discussed anecdotal incidents that support a 3-week assessment period. … [Case Manager 2] was assigned to ensure rigorous oversight of this data collection and to provide high-fidelity monitoring. The correction to the Autism Consultant minutes was a necessary clerical update to align the IEP with actual service delivery."
d. Regarding the refused action, the team reviewed behavioral data that included data from October 24 through November 19, 2025, which "showed zero documented incidents of behavioral escalation or targeting. … Without data substantiating a need for intensive intervention, the addition of a permanent 1:1 aide would be overly restrictive and is not currently supported by the educational record. New goals will be considered only after the 3-week data trial provides a clear baseline of need."
e. Data considered included recess behavior tally sheets, district incident logs, anecdotal staff and parent input, and the current IEP. Tally sheets reported zero behavior incidents from October 24 through November 19, 2025 and incident logs reported three incidents for the first 11 weeks of school. "The team considered the parents' reports of distress at home and staff reports of undocumented social friction. The discrepancy between these anecdotal reports and the objective data logs is the specific basis for proposing the 3-Week Administrative Support Trial to reconcile the difference with high-fidelity monitoring." The current IEP was reviewed to verify current service minutes, "leading to the clerical correction of the Autism Consultant services."
f. The addition of a 1:1 recess aide was rejected because it would be "too restrictive" and the District wanted to collect more data. The addition of new social/emotional goals was rejected because "the team lacked sufficient baseline data on the frequency of social cue misinterpretation in the recess setting to write a measurable, relevant goal."
g. Decisions in this PWN were to be implemented on December 1, 2025.

34. In an interview with the Complaint Investigator, Case Manager 1 explained they were the special education director for the District, as well as a special education teacher and case manager. They stated one of the Parents was also a teacher in the District.

35. Case Manager 1 stated they used IEP management software to write and store IEPs. They explained while the High School used the same management software to access IEPs, the Elementary School staff "have chosen" not to use it. Case Manager 1 said, "... when I realized that they did not have a way to access IEPs, that was a red flag for me." They developed a different system for access to IEPs at the Elementary level. Case Manager 1 stated they attached a draft of the full IEP to any meeting notice, so all team members had a copy. They also emailed IEP "snapshots" to all staff associated with each special education student and verbally reviewed them with teachers upon request. Case Manager 1 explained they had a medical issue at the beginning of the year, which delayed sending out the "snapshots" to all staff until November 6, 2025.

36. Case Manager 1 shared that, due to their medical issue, they were not able to send out a progress report for the Student until November 6, 2025.

37. Case Manager 1 explained that, due to the size of the District, many of the District's service providers were supplied through two different ESDs, one of which was two and a half hours away. The autism specialists and behavioral interventionists came from the further ESD. Therefore, when one of the Parents requested additional social-emotional support for the Student during PE and at recess, Case Manager 1 attempted to "find solutions in-house." They asked the SLP and the School Counselor to address these needs in their existing sessions with the Student. Case Manager 1 stated there had been two documented instances of physical behavior issues for the Student within 12 weeks, and added "it was really hard for me to justify putting someone else out there for PE and recess."

    Case Manager 1 acknowledged they viewed the request for additional social-emotional support as informal, indicating they thought they "could address it other ways and still serve [the Student's] needs." Therefore, they did not issue a PWN or convene an IEP team meeting at the time. When asked about the November PWN sent as a response to the September request, Case Manager 1 stated, "Because in [the Parents'] complaint [to the Department], [they] asked for one. So I made one [with the reasons] why we did not put a person out at recess with [the Student]."

38. Case Manager 1 stated neither they nor the School Counselor had observed any significant behavior concerns with the Student, and the teachers did not report any considerable behavior concerns.

39. Regarding recess support, Case Manager 1 explained two to four staff members were present at each recess. They indicated a maximum of 60 students per recess period, but relayed they were usually in smaller, staggered groups. They believed if there were more significant behavioral issues among students, these would be observed and reported by staff. They reiterated the data did not support adding staff to recess supervision.

40. Regarding an email exchange with one of the Parents on September 24, 2025, Case Manager 1 perceived the conversation as from "the collegial relationship, not the parent relationship." They shared the same Parent questioned the School staff's access to IEPs and indicated none of the staff had accurate or up-to-date information. They explained they replied to that Parent as a colleague, not a parent, and asked them to "trust" they were doing what they could to help all students.

41. Case Manager 1 stated to the best of their knowledge, all services, accommodations and SDI were being provided to the Student as written in their IEP. They acknowledged one lapse in in-class support when EAs were absent for three days and the School was not able to find substitutes. Case Manager 1 stated those minutes were made up when the EAs returned.

IV. DISCUSSION

When IEPs Must Be In Effect

The Parents alleged that the District failed to implement the Student's IEP as written by not providing the required accommodations or the 2025-26 first-quarter progress report. Furthermore, they claim the District failed to ensure the IEP was accessible to all the Student's teachers and service providers, and failed to inform those staff members of their specific responsibilities for implementing the 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. School districts must ensure that the IEP is accessible to each regular education teacher, special education teacher, related service provider and other service provider who is responsible for its implementation. School districts must inform each teacher and provider of his or her 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.[3] For each measurable annual goal in the IEP, the IEP team must include A description of how the child's progress toward meeting the annual goals will be measured and when periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided.[4] School districts are responsible for ensuring that progress is reported consistent with the format and schedule required by the IEP.

The District did not contest this allegation.

The Department does not make a substantive determination on the allegations of the Complaint.

Review and Revision of IEPs

The Parents alleged the District recognized the Student's need for social-emotional support at recess, but failed to revise the IEP to include social-emotional support or services.

Each school district must ensure that the IEP Team reviews the child's IEP periodically, but at least once every 365 days, to determine whether the annual goals for the child are being achieved and revise the IEP, as appropriate, to address any lack of expected progress toward the annual goals and in the general education curriculum. The IEP Team must also meet to review if appropriate, the results of any reevaluation information about the child provided to, or by, the parents, the child's anticipated needs, or other matters.[5]

[3] OAR 581-015-2220(1)(3); 34 CFR § 300.323(a)(d)
[4] OAR 581-015-2200(1)(c); 34 CFR § 300.320(a)(3)
[5] OAR 581-015-2225(1); 34 CFR § 300.324(b)

The evidence indicates a clear recognition by both the Parents and District staff that the Student struggled with social-emotional regulation and peer boundaries during less-structured times. The May 19, 2025 IEP identified behavioral concerns regarding "respecting personal space" and "managing frustration." Case Manager 1 explicitly noted in May 2025 that the Student struggled with physical proximity and "getting into [peers'] business." In early September 2025, the Parents reported the Student was "acting out physically" and was in tears due to stress at recess and PE. Case Manager 1 drafted a BIP in September 2025 to address "friend conflicts," and the October conference outline stated the Student's social skills at recess and PE "need improvement" and required "explicit instruction and support." A behavior spreadsheet recorded three referrals between September and October 2025 for "physical fighting" and "intentional shoving, hitting, pushing, kicking," with the lagging skill identified as "self-management." Further behavioral concerns may have existed that were not adequately documented in the District's systems, providing additional corroboration that the Student was exhibiting behaviors of concern resulting in a need to review and revise the IEP.

Despite these needs, the District did not formally revise the IEP. On September 4, 2025, one of the Parents specifically asked if an IEP meeting was necessary to add support from an autism specialist or behavioral interventionist. Case Manager 1 unilaterally rejected the Parent's request, noting it as "informal," and believing they could address the needs through existing SLP and Counselor sessions without a meeting or PWN. Case Manager 1 acknowledged not convening the IEP team or issuing a PWN in response to the September request, only doing so later as a reaction to the formal Complaint submitted to the Department.

While the District attempted "in-house" solutions—such as drafting a BIP and requesting role-play scripts—these supports were not formalized in the IEP. Case Manager 1 cited the distance of ESD specialists (two and a half hours away) and a lack of "bandwidth" as reasons for not pursuing formal external support. However, administrative convenience or resource constraints do not alleviate the District's obligation to review and revise the IEP when a student's behavior impedes their learning or that of others. While Case Manager 1 argued the data did not support adding staff for recess, their own internal documentation (the BIP draft and behavior referrals) acknowledged a need for intervention in those specific settings.

The Department substantiates this allegation.

Parent Participation

The Parents alleged the District denied them meaningful participation in the Student's educational planning and IEP implementation by minimizing their concerns, delaying corrective measures, and discouraging their advocacy for the Student.

School districts must provide parents with a written notice of the meeting sufficiently in advance to ensure that one or both parents will have an opportunity to attend. The written notice must state the purpose, time and place of the meeting and who will attend, inform the parent that they may invite other individuals whom they believe have knowledge or special expertise regarding the child, and tell the parent that the team may proceed with the meeting

even if the parent is not in attendance. Additionally, the meeting notice must inform the parent of whom to contact before the meeting to provide information if they are unable to attend. The school district must take whatever action is necessary to ensure that the parent understands the proceedings at a meeting, including arranging for an interpreter for parents who are deaf or whose native language is other than English.[6]

School districts must take steps to ensure that one or both of the parents of a child with a disability are present at each IEP or placement meeting or are afforded the opportunity to participate, including notifying parents of the meeting early enough to ensure that they will have an opportunity to attend and scheduling the meeting at a mutually agreed upon time and place. 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.[7]

When developing, reviewing, and revising the child's IEP, the IEP team must consider the concerns of the parents for enhancing the education of their child. The parents of a child with a disability must be afforded an opportunity to participate in meetings with respect to the identification, evaluation, and educational placement, and provision of FAPE to the child. The IEP team must consider the academic, developmental, and functional needs of the child.[8]

In September 2025, the Parents expressed significant concerns regarding the Student's social-emotional skills at recess and PE, noting the Student was "in tears" and "acting out physically." When one of the Parents explicitly asked if an IEP meeting was necessary to address these concerns, Case Manager 1 discouraged the formal process and stated a preference for "in-house" solutions over "pushing papers to get nowhere" and did not convene the IEP team. Case Manager 1 acknowledged they did not issue a PWN or convene a meeting in response to the September request, only doing so in November after the formal Complaint was filed.

Additionally, meaningful participation in IEP implementation is hindered when the School fails to communicate the plan to the staff responsible for its execution. In September 2025, the Math Teacher asked one of the Parents if the Student experienced autism and informed them they had "not received any info" regarding the Student's IEP or accommodations and "didn't know what they were supposed to be doing." Case Manager 1 admitted that, due to a medical issue and systemic challenges, "snapshots" of accommodations were not sent to elementary staff until November 6, 2025, which was nearly three months into the school year. The Parents expressed that the failure to provide accommodations impacted the Student's performance during testing, which the Parents felt could have been avoided.

The evidence also demonstrated a breakdown in the professional-parent boundary that discouraged the Parents' advocacy for the Student. When one of the Parents questioned how useful an IEP was if teachers were unaware of accommodations, Case Manager 1 replied by telling them to "back down." Case Manager 1 stated they perceived the Parent's advocacy through a "collegial" lens rather than a "parent" lens because the Parent was also a District

[6] OAR 581-015-2190(1-3);34 CFR §§ 300.322(a)(b)(1)(c)
[7] OAR 581-015-2195(1-2); 34 CFR §§ 300.322(a)(b)(1)(c)
[8] OAR 581-015-2205 (1)(b); 34 CFR §§ 300.501(b), 300.324 (a)(1)(iv)

employee. In emails to the Superintendent, Case Manager 1 characterized the Parents' concerns as "panic button issues" and "time and energy drains," further indicating a minimization of parental input.

By discouraging the Parents from requesting a formal IEP meeting, failing to convene an IEP meeting when requested, failing to respond to specific parent requests with PWN, failing to ensure teachers were aware of the IEP's contents for several months, and responding to advocacy with directives to "back down," the District prioritized administrative convenience and "in-house" informalities over the Parents' right to be equal partners in the IEP process.

The Department substantiates this allegation.

Prior Written Notice (PWN)

The Parents alleged the District failed to provide PWN, granting or denying their request to add IEP supplementary aids or services to address the Student's social-emotional and communication needs at recess.

A PWN must be given to the parent of a child within a reasonable period of time before a school district proposes to initiate or change, the identification, evaluation, or educational placement of the child, or the provision of a FAPE to the child 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 content of 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, and a description of each evaluation procedure, assessment, test, record, or report the school district used as a basis for the proposed or refused action. The notice must also include 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, the means by which a copy of the notice of procedural safeguards may be obtained. It must include sources for parents to contact to obtain assistance in understanding their procedural safeguards. PWN must include a description of other options that the IEP team considered and the reasons why those options were rejected, and a description of other factors that are relevant to the agency's proposal or refusal.[9]

The PWN must be written in language understandable to the general public and provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.[10]

The Complaint alleged an IDEA violation that the District did not contest.

The Department does not make a substantive determination on the allegations of the Complaint.

[9] OAR 581-015-2310(2-4); 34 CFR §300.503(a)(b)
[10] OAR 581-015-2310(2-4); 34 CFR §300.503(a)(b)

Free Appropriate Public Education (FAPE)

The Parents alleged the District denied the Student a FAPE by not implementing the IEP as written, not providing needed social-emotional support, not ensuring the Student's IEP was accessible to all their teachers and service providers, and failing to inform those staff members of their responsibilities for implementing the IEP.

School districts must provide a FAPE to all school-age children with disabilities for whom the district is responsible. "School-age children" are children who have reached five years of age but have not yet reached 21 years of age on or before September 1 of the current school year. Each district must ensure that a FAPE is available to any individual child with a disability who needs special education and related services, even though the child has not failed or been retained in a course or grade, and is advancing from grade to grade.[11]

While the District tracked and provided significant amounts of SDI, there were discrepancies and lapses in the delivery of services as outlined in the IEP. Service logs confirmed that on September 2 and 23, 2025, the EA was absent with no substitute, and on August 19 and 20, 2025, a provider was absent. Case Manager 1 acknowledged these lapses. The IEP required 5 minutes of daily SDI for Behavior/Social Skills from a special education teacher. Service logs showed this was delivered sporadically, and it was unclear the quantity of minutes the SLP spent on SEL versus speech services.

The Parents alleged a lack of needed social-emotional support, particularly during recess and PE, where the Student struggled with boundaries and experienced "tears" and "acting out." Despite one of the Parents' explicit requests to discuss additional specialist support or an IEP meeting, Case Manager 1 did not convene the IEP team. Case Manager 1 viewed the request as "informal" and attempted to address it "in-house" to avoid the difficulty of requesting outside ESD specialists. Case Manager 1 drafted a BIP in September 2025 to address "friend conflicts" and "physical proximity." However, this plan was never formally implemented through the IEP team process because Case Manager 1 determined the outburst was "one day long" and did not want to "waste time and resources." The District consistently demonstrated a commitment to prioritize employee capacity over their obligation to provide FAPE to students.

Regarding the communication of the IEP to the Student's teachers, there was a significant failure. The Math Teacher informed one of the Parents they had not received any information on the Student's diagnosis or testing accommodations. Case Manager 1 admitted that Elementary School staff had "chosen not to use" the IEP management software, creating a "red flag" for access. Due to a medical issue, Case Manager 1 did not send "snapshots" of the IEP and accommodations to staff until November 6, 2025, which was nearly three months into the school year. Consequently, teachers were expected to implement an IEP they could not access, which led to the "testing situation" where accommodations were not provided to the Student.

The District failed to ensure that all teachers responsible for implementing the IEP had access to it at the beginning of the school year. Furthermore, by unilaterally deciding not to convene an

[11] OAR 581-015-2040(1); 34 CFR § § 300.17, 300.101(a)(c)

IEP meeting or implement a formal BIP, despite the Parents' concerns and behavioral referrals for "physical fighting," the District bypassed the collaborative process required by IDEA. These procedural and substantive failures, specifically the lack of staff awareness regarding accommodations, denial of meaningful parent participation, and the failure to address escalating behavioral needs through the IEP team, constitute a denial of a FAPE.

The Department substantiates this allegation.

V. CORRECTIVE ACTION[12]

In the Matter of Fossil School District 21J
Case No. 025-054-079

Since the filing of the formal complaint, the District has taken several proactive steps to address and mitigate the procedural deficiencies it did not contest. The following actions have been implemented to ensure compliance with the IDEA:

1. Communication of IEP Information: On November 6, 2025, the District distributed an "IEP Snapshot" to all the Student's teachers and EAs. This document provided a summary of the Student's specific needs, annual goals, and both general and testing accommodations to ensure all responsible staff members are informed of their implementation duties.
2. Formalization of Parent Requests: In response to the Parents' concerns regarding the denial of earlier requests, the District issued a PWN on November 5, 2025. The notice formally outlined the District's reasoning regarding requested supports for recess and PE, moving the issue from informal correspondence into the documented IEP process.
3. Data-Driven Decision Making: Following a progress review on November 19, 2025, the District proposed a 21-day administrative support trial to collect objective behavioral data in the recess environment. This trial was designed to reconcile the discrepancy between anecdotal reports and current data logs to determine if additional one-on-one support or revised social-emotional goals are necessary.
4. Correction of Service Records: The District utilized a subsequent PWN on November 21, 2025, to make clerical corrections to the Autism Consultant's minutes, ensuring the IEP accurately reflects the level of service delivery.

Based on the facts provided and the post-complaint actions of the District (summarized above), the following corrective action is ordered:

Action Required	**Submissions**	**As Soon As Possible, But No Later Than Due Date**

[12] The Department's order shall include any necessary corrective action as well as documentation to ensure that the corrective action has been completed (OAR 581-015-2030(13)). The Department expects and requires the timely completion of corrective action and will verify that the corrective action has been completed as specified in any final order (OAR 581-015-2030(15)). The Department may initiate remedies against a party who refuses to voluntarily comply with a plan of correction (OAR 581-015-2030(17) & (18)).

1. Convene an IEP Team meeting and formally review the results of the 21-day administrative support trial and the draft BIP. 2. Develop Social-Emotional goals, and corresponding SDI or related services to support mastery of the goals, based on the Parents' report of "acting out physically" and the recorded behavior referrals, along with any data recorded during the 21-day trial. 3. The IEP team must make a formal determination regarding the Parents' request for a 1:1 aide or behavioral interventionist during less-structured times, ensuring the decision is based on the student's circumstances (e.g., the 21-day data trial), rather than administrative convenience.	The District shall submit the following: IEP meeting notes, amendments, and/or PWN that are generated based on the IEP meeting.	**January 31, 2026**
4. The District must provide the Student with Compensatory Education to make up for SDI not provided pursuant to the Student's IEP. The District must hold an IEP meeting with the Parents to develop a plan to deliver compensatory services.	The District shall submit the following: Completed plan for delivery of Compensatory Education developed in the IEP meeting with the Parent. Evidence showing compensatory education was provided.	**January 31, 2026** **June 5, 2026**
5. All elementary school staff must receive training on the District's IEP management software or the alternative "snapshot" system to ensure immediate access to student records. 6. The District must implement a sign-off process where every teacher and service provider confirms they have received and understand their specific	The District shall submit the following: Sign-off for all staff they have received and have ongoing access to IEP. Completed plan for delivery system for IEPs each academic term.	**January 31, 2026** **January 31, 2026**

responsibilities for implementing the Student's IEP at the start of each term.		
7. The District must provide Case Manager 1, and other relevant administrators, training focused on maintaining professional boundaries and ensuring meaningful parent participation at all times, with a specific focus on when a parent is also a District employee.	The District shall submit the following: Training agenda/materials to ODE District Support Specialist for review/approval. Evidence of completed training (e.g., notes, sign-in, certificate of completion, etc.)	**February 27, 2026** **March 27, 2026**

Dated: this 2 Day of January 2025



_____

Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing Date: January 2, 2025

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