BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of Bend-La Pine Administrative School District 1	))))	FINDINGS OF FACT, CONCLUSIONS, AND FINAL ORDER Case No. 25-054-080

I. BACKGROUND

On November 7, 2025, the Oregon Department of Education (Department) received a written request for a special education complaint investigation from the parent (Parent) of a student (Student) residing in the Bend-La Pine Administrative School District 1 (District). The Parent 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 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 November 25, 2025, partially conceding one allegation and denying the other allegations, providing an explanation, and submitting documents supporting the District's position. The District submitted the following relevant items:

1. District *Response*, 11/25/25
2. Emails, 10/02/25-11/10/25
3. Missing Specially Designed Instruction (SDI) Minutes, 09/29/25
4. SDI Service Log, 09/29/25-11/11/25
5. 3rd Grade Reading Intervention Group, no date
6. Reading Worksheet, no date
7. 3rd Grade Writing Intervention Group, no date
8. Example Lesson Plan, no date
9. Individualized Education Program (IEP), 05/27/25

[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. IEP Progress Report - Measurable Annual Goals, 06/02/25
11. Eligibility Summary Statement, 05/27/25
12. Special Education Placement Determination, 05/27/25
13. Special Education Substitute Data, 11/13/25

The Parent submitted a *Reply* on November 25, 2025, providing an explanation and rebuttal and documents in support of the Parent's position. The Parent submitted the following relevant items:

1. Parent's *Reply* to the District's *Response* to *RFR*, 11/25/25
2. Special Education [Educational Assistant] EA Substitute Log, 11/25/25-11/27/25
3. Special Education EA Substitute Log, no date
4. Memo (documentation of meeting between the Parents and the District), 11/13/25

The Complaint Investigator interviewed the Parent on December 1, 2025. On December 16, 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 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 November 8, 2024, to the filing of this Complaint on November 7, 2025.

Allegations	Conclusions
When IEPs Must Be In Effect The Complaint alleged the District violated the IDEA by not providing special education and related services in accordance with the Student's IEP. (OAR 581-015-2220; 34 CFR § 300.323)	**Substantiated** The District conceded the Student's pull-out groups for SDI in reading and writing did not start until September 29, 2025. Additionally, the Student missed 10 of 400 required minutes of reading SDI and 70 of 400 required minutes of writing SDI in October 2025 due to staffing shortages.
Personnel Qualifications The Complaint alleged that the District violated the IDEA by not ensuring that staff providing special education	**Not Substantiated** The District followed required protocols for personnel

Allegations	Conclusions
instruction were appropriately trained and supervised to assist in the provision of special education and related services to the Student. (OAR 581-037-0006, OAR 581-037-0015; OAR 581-015-2220(3); 34 CFR §§ 300.156(a)(b), 300.207, 300.323(d))	qualifications and supervision and used District-approved curricula and extension activities.

REQUESTED CORRECTIVE ACTION
● Provide compensatory education for instruction time missed in September 2025. ● Offer an educational assistant (EA) position at full-time hours vs 6.5 [hours] as currently posted, to attract more applicants. ● Ensure Special Education teachers provide closer oversight of EAs to increase the quality of education to this cohort of students. ● Improve Special Education and/or Special Education EA staffing at the Student's campus, and fill posted positions.

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 8, 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 attends third grade at an elementary school in the District and is eligible for special education services as a student with a Specific Learning Disability.

2. An IEP dated May 27, 2025 outlined the following for the Student:
   a. Student strengths: "[The Student] is loyal, a great friend, creative, verbal, remembers everything, empathetic, and hard working. [The Student] enjoys playing Star Wars, golf, and legos [*sic*]. [The Student] loves to play with [their] siblings and alone. [The Student] likes to make up plays."
   b. The Parent shared concerns about the Student feeling overwhelmed and stated writing was a "struggle" even though the Student was "very verbal."
   c. According to the present levels section, the Student spent 90% of their day in the general education classroom and was removed from the general education classroom for reading and writing small group instruction. For reading, the Student participated in the District-approved foundational skills reading program in the general education classroom. Additionally, the Student attended a small group in the special education classroom

focusing on phonics skills, fluency, and accuracy. For writing, the Student participated in the writing program in their general education classroom and in a small writing group in the special education classroom.

d. Reading goal: "By the annual review date, when given a district [DIBELS] assessment, [the Student] will [read] 74 correct words per minute with 95% accuracy."
    i. Present level: "3 correct words per minute with 86% accuracy."
    ii. Progress for this goal was reported on June 2, 2025 as, "IEP was written within [the] last 30 days; please refer to the IEP present levels."
e. Writing goal: "By the annual review date, [the Student] will write two complete sentences with a subject and predicate with 70% accuracy in spelling."
    i. Present level: "0% accuracy at this time. [The Student] is writing some letter[s] to represent sounds in words."
    ii. Progress for this goal was reported on June 2, 2025 as, "IEP was written within [the] last 30 days; please refer to the IEP present levels."
f. SDI provided in the special education classroom from May 27, 2025 through May 26, 2026:
    i. Reading for 400 minutes monthly.
    ii. Writing for 400 minutes monthly.
g. Non-Participation justification: The Student would be removed from the general education classroom for reading for 400 minutes per month and writing 400 minutes per month, because "[The Student] benefits from small group, [SDI] in a quieter setting to access [their] education."
h. The placement decision indicated the Student would spend more than 80% of the time in the general education classroom with special education in an outside classroom. "Under this placement, [the Student] would receive small group, [SDI] outside of [their] [g]eneral [e]ducation [c]lassroom."

3. On October 2, 2025, the general education third-grade team requested a change in students in the intervention groups. Originally, all third-grade students with SDI in reading were scheduled with an educational assistant (EA). The teachers requested two of those students have their own group with a certified teacher and suggested the Student and two other students could be in a group with an EA. The Special Education Teacher responded they were going to "take over" the third-grade small group instruction and, once an additional EA was hired, the Special Education Teacher would work with two of the students and the new EA would work with the group the Student would be in. They hoped this arrangement would help manage some of the needs and behavior in the group.

4. An undated SDI service log document for the Student showed the following:
    a. No intervention groups on Wednesdays.
    b. No school on October 30 and 31, 2025.
    c. 30 minutes for writing from 10:30 a.m. to 11:00 a.m. on October 2, 3, 6, 7, 9, 10, 14, 20, 23, 24, and 27, 2025 and November 3, 4, 6, 7, and 10, 2025.
    d. 30 minutes for reading from 12:15 p.m. to 12:45 p.m. on October 2 (reading group changed per general education teacher request), 3, 6, 7, 10, 21, 24, and 28, 2025. It was

noted that the Student joined the Third-Grade Teacher's general education reading group on October 9, 14, 20, 23, and 27, 2025.

e. An undated document indicated the Student's pull-out groups for SDI began on September 29, 2025 and the Student missed six total pull-out sessions for writing on October 13, 16, 17, 21, 24, and 28, 2025. Additionally, the Student missed eight total pull-out sessions for Reading on October 9, 13, 14, 16, 17, 20, 23, and 27, 2025. It was noted that the Student joined the Third-Grade Teacher's general education reading group during "most of these missed sessions."

5. On November 3, 2025, emails were exchanged between the Other Parent and the District, including the Principal and the Special Education Teacher, regarding concerns about the Student's special education services. The Other Parent wrote the Student was to receive pull-out group time for reading and writing, according to their IEP. However, service logs and other reports indicated those sessions were canceled "numerous times" due to not having an available EA or EA substitute. The Other Parent also expressed concern regarding the quality of instruction provided on days the pull-out groups were staffed by a substitute EA. The Other Parent indicated that, as a substitute teacher for the District, they had witnessed substitute teachers providing "low quality instruction" and "busy work," or worksheet pages to the Student. On days when the pull-out groups were canceled, the Other Parent claimed the Student was "randomly left in their homeroom for reading and writing," and was "not up to speed on what to do" on those occasions.

   The Principal responded, "I understand your concerns regarding consistency and quality of IEP service delivery." They said they would connect with the special education team to review the concerns and gather information on how services were being provided. They also offered to coordinate an IEP meeting to discuss the situation, clarify services, and make a plan.

6. On November 4, 2025, the Classroom Teacher emailed the Special Education Teacher and said the third-grade team was looking at their small intervention groups and thought the Student would be a "better fit" in the Third-Grade Teacher's group based on the skills they were building. Also, the Other Parent "expressed concerns around the level of [the Student's] current group not seeming like an accurate fit and the inconsistency of a teacher for that group." However, the Student's IEP said the "expected location" for their SDI was the special education room, so the Classroom Teacher wanted to know if they could switch the Student's group and still meet the IEP requirements. They thought the switch would be the best way to serve the Student.

7. On November 5, 2025, the Other Parent emailed the Special Education Teacher and shared their main concern was the Student being pulled out by substitute staff, rather than full-time special education staff. They stated the Student had an IEP developed at the end of the 2024-25 school year and having another IEP was "not necessary," as they were "very pleased" with the "assessment part" of the IEP process and felt it was "thorough." It was the "actual service delivery" of the IEP that was "not acceptable." The Other Parent was asking for the Student to be placed with full-time special education or "regular staff." They understood the Classroom Teacher and the Special Education Teacher would require substitutes at times, but

their goal was to get the Student "instruction from these two skilled professionals as consistently as possible." The Other Parent indicated the Student had already been moved to the Third-Grade Teacher's small group for reading, and they were "great with that." Their request was for the Student to "be assigned to full[-]time [special education] staff for writing" and they were requesting the change take place "as soon as possible."

8. An undated document titled "3rd Grade Reading Intervention Group," which appeared to be in lesson plan format, listed the following:
   a. IEP reading goals for three students, including the Student.
   b. Progress monitoring activities for each student.
   c. Group activities, which included activities for reading fluency (decodable passages), comprehension (graphic organizers to discuss main idea and details), and expansion (high-frequency word bingo).
   d. A sample reading passage with a focus on digraphs.
   e. A completed graphic organizer with the Student's name on it, listing details and the main idea of the correlating reading passage.
   f. A handwritten note indicated these were example materials from the Student's original reading group.

9. An undated document titled "3rd Grade Writing Intervention Group," which appeared to be in lesson plan format, listed the following:
   a. IEP writing goals for four students, including the Student.
   b. Progress monitoring activities – writing samples from each student.
   c. Group activities, which included a review of visual aids for writing rules (what makes a good sentence, parts of a sentence, high-frequency word spelling), a writing sample prompt with guidance, and an extension activity (build a sentence game).
   d. A student's writing sample with no name on it.
   e. Examples of the visual aids for writing rules and the writing extension activity.

10. On November 7, 2025, the Parents filed this Complaint.

11. District special education substitute data, dated November 13, 2025, indicated the following:

Name	**Role**	**License**	**Sub Assignments**	**Training-Vector**
The Other Parent	Licensed Substitute	Preliminary - Elementary, multiple subjects	General education assignments only	Restraint and Seclusion Overview; Disruptive Student Behavior; School Safety for Students with Disabilities
Substitute 1	Licensed Substitute	Preliminary - Elementary,	2025/26 - Six days in special education sub	

Name	Role	License	Sub Assignments	Training-Vector
		multiple subjects	assignments	
Substitute 2	Classified Substitute		2025/26 - 18 days in special education sub assignments	
Substitute 3	Licensed Substitute	Restricted Substitute	2025/26 - Seven days in special education vacancies	
Substitute 4	Licensed Substitute	Restricted Substitute	2025/26 - Six days as special education EA; one day as special education licensed	
Substitute 5	Licensed Substitute	Preliminary - Elementary, multiple subjects	2025/26 - Five days in special education sub assignments	
Substitute 6	Classified Substitute		2025/26 - 30+ days in special education sub assignments	
Substitute 7	Classified Substitute		2025/26 - 10+ days in special education sub assignments	
Substitute 8	Classified Substitute		2025/26 - 25+ days in special education sub assignments	De-Escalation Strategies; Disruptive Student Behavior; Restraint and Seclusion Alternatives
Substitute 9	Licensed Substitute	Restricted Substitute	2025/26 - two days in special education sub assignments	
Substitute 10	Licensed Substitute	Preliminary - English/LA	2025/26 - 10+ days in special education sub assignments	

12. In a November 25, 2025 email to the Complaint Investigator, the Parent sent a screenshot of the Other Parent's work log, clarifying the Other Parent had substituted specifically as a special education EA at the School, which appeared to differ from information the District had submitted. The Parent stated, "This is important as it helps to qualify [the Other Parent's] firsthand knowledge … ." The screenshot of the Other Parent's online work log indicated they had filled an "EA 3 Vacancy" for the special education department on October 20, 22, 23, 24, 27, and 28, 2025.

13. In an interview with the Complaint Investigator, the Parent and the Other Parent shared the Student had not been pulled out for their required SDI in September, October, or November 2025. They confirmed the IEP stated 400 minutes of SDI in reading and 400 minutes in writing. The Parent stated the District told them all minutes would be made up by January [2026].

14. The Other Parent shared they were a certified substitute teacher with the School, filled in as a substitute EA, and witnessed the lack of SDI firsthand. The Other Parent indicated general education teachers were frustrated with the lapse in support at the beginning of the school year, as they did not have work ready for special education students.

15. The Other Parent shared the Student had been given work packets to do during the time they should have been pulled out. They described the packets as "... basically have [the Student] write a topic each day. … [I]t's stapled paper and they're just writing in [it][.] There's no lesson."

16. The Other Parent shared that the Student frequently expressed frustration with the lack of educational support. They stated the inconsistency with substitute EAs and the lack of effective lesson planning contributed to the Student stalling in their educational growth. The Parent agreed with this assessment.

17. The Other Parent shared there were two permanent EA positions open at the School. They did not understand why long-term substitutes had not been hired, as they perceived the inconsistency in substitute EAs to be problematic. The Parent echoed this concern, stating "... [the District] said … 'all of our substitutes are qualified.' … [B]ut meeting qualifications and providing good instruction … [are] two different things." The Parent stated they felt the District "minimized" their concerns and continuously assured them the minutes would be made up.

18. The Parent and the Other Parent shared the Student had been mainstreamed for writing, at their request, to ensure instruction.

19. In an interview with the Complaint Investigator, the Special Education Teacher confirmed the Student attended two separate 30-minute intervention groups (one for reading and one for writing), four times a week (Monday, Tuesday, Thursday, Friday), receiving a total of 480 minutes of SDI monthly for each subject.

20. The Special Education Teacher also verified the specific October 2025 dates listed for writing or reading sessions missed matched the dates in the Student's service log. They explained the cancellations were caused by staffing shortages. While the District allocated two additional staff members, they were in the hiring process at the time, and when there was no substitute available to cover the pull-out groups, they were cancelled. On days when the reading group was canceled, the Student joined the Third-Grade Teacher's group, which utilized the same curriculum used in the special education group, including decodable passages tailored to the Student's reading level. The Special Education Teacher noted the Student continues to join this pull-out reading intervention group at the Other Parent's request.

21. The Special Education Teacher denied the allegation that substitutes provided "busy work" worksheets, stating they used the District-approved reading curriculum. If students finished early, substitutes utilized extension activities designed to target specific IEP goals rather than unrelated worksheets. According to the Special Education Teacher, they prepared lesson plans weekly and made adjustments to instruction, if needed, on Wednesdays when there were no groups. Regarding their supervision routine, the Special Education Teacher or their co-teacher met with substitutes at 7:15 a.m. before students arrived at 7:30 a.m. to review plans, materials, and student needs. They were also available throughout the day for questions and conducted an end-of-the-day check-in to review progress and feedback. Instead of a static substitute folder, the team used an electronic document they could easily edit and print daily to ensure instruction was up-to-date. The Special Education Teacher confirmed the specific list of substitutes received guidance regarding the Student's reading and writing programs. Substitutes for the pull-out groups included EAs and certified teachers, because if the EA position was not filled by an EA, it was opened to certified teachers who would then follow the EA schedule.

22. In an interview with the Complaint Investigator, the General Education Teacher stated that, when the small group pull-out sessions were canceled, the Student joined their general education classroom activities. They explained while some of the curriculum was fully accessible to the Student, they often required scaffolded support to access the material being taught. If the reading pull-out group was canceled, the Student joined an existing grade-level intervention group. Due to the structure of those groups, the Student was still able to receive targeted support at a level that met their needs. When in a whole group setting, the Student received extra check-ins, additional processing time, reminders, and visual aids. The Student required significant support with decoding before accessing comprehension tasks. Accommodations included the General Education Teacher reading to the Student, prompting questions, and using sentence starters.

    The General Education Teacher explained the Student needed more scaffolded support than a typical third-grader for writing to organize their thoughts. Specific tools provided included sentence stems, word lists, spelling support, and graphic organizers, particularly for structuring multi-sentence paragraphs. The Student received one-to-one support for idea generation and processing time.

23. The General Education Teacher shared they did not typically observe the EAs or substitutes working with the Student because they utilized a pull-out structure outside of the general classroom. However, the General Education Teacher also shared that, at the beginning of the year, they felt the materials used with the Student were at a lower level than where the Student needed to be starting. The Parents also expressed concerns to the General Education Teacher regarding the cancellation of groups when substitutes were unfilled, the inconsistency of having different substitutes, and the perception that the academic work was too easy. In response, the General Education Teacher addressed these concerns by consulting with the special education team and making adjustments to groups. It was identified that the original reading group of five students included children with differing needs. Consequently, the students were split into two separate groups to ensure the Student was working with peers with instructional materials better aligned with their abilities.

24. In an interview with the Complaint Investigator, the Principal explained the School did not hire substitutes directly, but relied on their assigned Education Service District (ESD) to verify substitute licensure and determine appropriate placements. Substitutes filling in for EAs were usually classified employees who typically facilitated scripted District-approved programs. The Principal and office manager monitored placements to ensure classified personnel were not teaching in certified positions.

    The Principal explained the difficulty substitutes face in judging the appropriateness of instruction without knowing a specific student's IEP goals and concluded what looks like "less" work might be appropriate for a specific goal. For special education students, the specific instruction provided to EAs was developed by the Special Education Teacher and their co-teacher. According to the Principal, substitutes needed to be able to meet student needs, but at the same time, lesson plans for substitutes were intentionally designed to be "basic" to ensure the substitute could be successful since they often did not know the students' behaviors or academic histories. This was especially true for substitutes who were not consistent over time.

25. The Principal noted the Other Parent was a frequent in-house substitute who was well-regarded. The Principal described recently receiving an email from the Other Parent regarding a substitute, prompted by their Student's negative report. The Principal suggested that student complaints often stemmed from the disruption of established structures and protocols, which could be dysregulating. While acknowledging student reports were not necessarily wrong, they often did not reflect the full picture of the classroom context. The Principal also acknowledged that, because the Other Parent had children receiving SDI, they had a "much more invested heart" in the work. Acting from the parent role, the Other Parent was "sticking up for [their] kids" to ensure the right things were happening. Ultimately, the Principal characterized the situation as "complicated" because the roles of parent and employee "crossover."

IV. DISCUSSION

When IEPs Must Be in Effect

The Complaint alleged the District violated the IDEA by not providing special education and related services in accordance with 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.[3]

A district violates the IDEA when it materially fails to implement an IEP.[4] "A material failure occurs when there is more than a minor discrepancy between the services a school provides to a disabled child and the services required by the child's IEP."[5] As further explained by the court in *Van Duyn*:

> "The materiality standard does not require that the child suffer demonstrable educational harm in order to prevail. However, the child's educational progress, or lack of it, may be probative of whether there has been a significant shortfall in the services provided. For instance, if the child is not provided the reading instruction called for and there is a shortfall in the child's reading achievement, that would certainly tend to show that the failure to implement the IEP was material. On the other hand, if the child performed at or above the anticipated level, that would tend to show that the shortfall in instruction was not material."

The District conceded that the Student's pull-out groups for SDI in reading and writing did not start until September 29, 2025. In their *Response*, the District wrote, "To a certain extent, a short delay is the normal course of events when students return to school after summer break, as they spend time acclimating to their new classroom, classmates, and teachers. It is also normal for teachers to take a week or two to assess and organize their new students and their individualized needs. In this case, both of the special education teachers are brand new to the District, without familiarity to their students and support staff, and certainly needed time to observe and assess their students before organizing pullout groups for specially designed education. The District concedes, though, that waiting until September 29, 2025 to start small group instruction may be excessive, and that starting the small groups by September 15th would have been more reasonable."

State and federal regulations require that a student's IEP be in effect at the start of each school year and that services are provided in accordance with that document. Although the District argued that a "short delay" is part of the "normal course of events" to allow new teachers time to acclimate and assess students, such a delay is a violation of the IDEA, and is not acceptable. Districts have an obligation to begin implementing a student's IEP at the start of each school year and must develop policies, practices, and procedures to ensure that occurs. The Student's

[3] OAR 581-015-2220(1); 34 CFR § 300.323
[4] *Van Duyn v. Baker Sch. Dist. 5J*, 502 F3d 811 (9th Cir. 2007) ("Van Duyn")
[5] *Id.*

IEP, dated May 27, 2025, required 400 minutes of reading SDI and 400 minutes of writing SDI monthly. While the District conceded pull-out groups for reading and writing did not begin until September 29, 2025, service logs and interview information indicated further missed sessions in October 2025 (six missed writing sessions; eight missed reading sessions) due to staffing shortages and a lack of substitutes. However, it should be noted that, for five of the eight missed reading sessions, the Student joined the Third-Grade Teacher's reading intervention group, which eventually became their long-term assignment for reading SDI after group adjustments were made. Based on the Student's schedule of receiving SDI in 30-minute sessions, four times per week, the Student received a total of 390 of 400 required minutes of SDI for reading and 330 of 400 required minutes of SDI for writing in October 2025, resulting in a material failure to implement the IEP.

The Department substantiates this allegation.

Personnel Qualifications

The Complaint alleged that the District violated the IDEA by not ensuring that staff providing special education instruction were appropriately trained and supervised to assist in the provision of special education and related services to the Student.

The LEA must establish and maintain qualifications to ensure that personnel are appropriately and adequately prepared and trained, including that those personnel have the content knowledge and skills to serve children with disabilities. For related services personnel and paraprofessionals, the qualifications must be consistent with any State-approved or State-recognized certification, licensing, registration, or other comparable requirements that apply to the professional discipline in which those personnel are providing special education or related services. The qualifications must also ensure that related services personnel who deliver services in their discipline or profession meet the requirements of the law, have not had certification or licensure requirements waived on an emergency, temporary, or provisional basis, and allow paraprofessionals and assistants who are appropriately trained and supervised, in accordance with State law, regulation, or written policy, in meeting the requirements of this part to be used to assist in the provision of special education and related services to children with disabilities.[6]

In implementing this regulation, a State must adopt a policy that includes a requirement that LEAs in the State take measurable steps to recruit, hire, train, and retain personnel who meet the applicable requirements to provide special education and related services to children with disabilities. Notwithstanding any other individual right of action that a parent or student may maintain under this regulation, nothing in this requirement shall be construed to create a right of action on behalf of an individual student or a class of students for the failure of a particular SEA or LEA employee to meet the applicable requirements, or to prevent a parent from filing a complaint about staff qualifications with the SEA as provided for under this part.[7]

[6] 34 CFR § 300.156(a)(b)
[7] 34 CFR § 300.156(d)(e)

In Oregon, all EAs or others employed or contracted in that capacity must have a high school diploma or the equivalent, be at least 18 years of age, and have standards of moral character as required of teachers.[8] The EA shall assist a teacher or related service provider only in a supportive capacity. The role of the EA is adaptable to many support tasks, and nothing in these rules should be interpreted as limiting assistants only to the performance of classroom duties. EA tasks may include, but are not limited to, instructional support (tasks to supplement students' basic instruction by offering students opportunities to practice and apply what they have learned). Any EA assigned to instruction-related activities shall work under the supervision of an appropriately licensed teacher (or administrator, or related services provider). Supervision means the assigned teacher (or administrator or related services provider) plans the instructional activities that the EA carries out. The assigned teacher evaluates the achievement of the students with whom the educational assistant is working, and provides a supervision plan that includes regular monitoring of the EA's effectiveness and access to assistance and consultation.[9]

Furthermore, the LEA must ensure that all personnel necessary to serve children with disabilities are appropriately and adequately prepared.[10] 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 its implementation, and inform each teacher and provider 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]

The Other Parent, acting as a substitute teacher within the District, reported witnessing "low quality instruction" and "busy work" (such as repetitive worksheets) when pull-out groups were staffed by substitutes. They expressed concern that the academic work was too easy and contributed to a stall in the Student's growth. The District disputed this allegation, stating, "In this case, [the] Student participated in reading and writing intervention groups led by qualified educational assistants." Additionally, the District asserted the Special Education Teacher prepared lesson plans for reading and writing interventions that specifically targeted the Student's IEP goals and progress monitoring. The District also stated the Special Education Teacher supervised EAs through close proximity and regular check-ins, ensuring they maintained access to relevant student records via binders or the online student information system. To support substitute assistants, the District provided detailed "sub folders" containing schedules, activities, and student-specific tips, and required substitutes to check in with the teacher for further direction upon arrival.

Under Oregon law, EAs must work under the supervision of a licensed teacher who is responsible for planning instructional activities, evaluating student achievement, and monitoring the EA's effectiveness. The Special Education Teacher provided evidence of a structured supervision routine, including preparing weekly lesson plans targeting specific IEP goals, daily 7:15 a.m. briefings with substitutes to review materials and student needs,

[8] OAR 581-037-0006
[9] OAR 581-037-0015
[10] 34 CFR § 300.207
[11] OAR 581-015-2220(3); 34 CFR § 300.323(d)

maintaining electronic substitute documents that were updated daily, and availability throughout the school day for questions and end-of-day check-ins.

Additionally, District data indicated the substitutes used to fill these roles were either licensed teachers or classified substitutes who met state requirements and were assigned by the ESD. While the Parents observed a perceived lack of instructional quality and consistency, the District demonstrated that it had the required structural supervision and qualification protocols in place. Although the Parent's concerns regarding the consistency and depth of instruction were noted, the evidence indicated the District followed required protocols for personnel qualifications and supervision and used District-approved curricula and extension activities.

The Department does not substantiate this allegation.

V. CORRECTIVE ACTION[12]

In the Matter of Bend-La Pine Administrative School District 1
Case No. 025-054-080

Based on the facts provided, the following corrective action is ordered:

Action Required	**Submissions**	**As Soon As Possible But No Later Than Due Date**
1. The District must provide compensatory SDI to address the total missed minutes from the start of the school year through October 31, 2025. This includes the delay in starting services and the specific sessions missed in October. The offer shall include: 410 minutes of SDI in reading and 470 minutes of SDI in writing. The District must hold an IEP meeting with the Parents to develop a plan to deliver compensatory education services.	The District shall submit the following: A completed plan for delivery of Compensatory Education, developed in an IEP meeting with the Parent. Proof of delivery of Compensatory Education, including verified service logs showing the date, duration, and subject of	**February 6, 2026** **August 30, 2026**

[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)).

	compensatory sessions delivered.	
2. The District must provide training to all building-level staff responsible for IEP implementation. The training must clarify that SDI must be available at the start of the school year and that teacher transitions or "acclimation periods" do not waive this requirement.	The District shall submit t he following: Training agenda/ materials, to ODE District Compliance 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 6 Day of January, 2026



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Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing Date: January 6, 2026

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).)