BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of Salem-Keizer School District 24J	))))	FINDINGS OF FACT, CONCLUSIONS, AND FINAL ORDER Case No. 25-054-090

I. BACKGROUND

On December 8, 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 Salem-Keizer School District 24J (District). The Parents requested 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 December 12, 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 December 26, 2025. A three-day extension was requested and granted.

The District submitted a *Response* on December 29, 2025, denying the allegations, providing an explanation, and submitting documents supporting the District's position. The District submitted the following relevant items:

1. District's Written *Response* to Complaint, dated 12/29/25
2. Emails, dated 03/25/25 to 12/04/25
3. Notice of Team Meetings, dated 05/30/25 to 12/08/25
4. Prior Written Notices (PWN), dated 04/04/25 to 11/19/25
5. Conference Summaries, dated 04/04/25 to 12/08/25
6. Student Safety/Support Plan, dated 12/09/24 to 09/15/25
7. Individualized Education Program (IEP) AMENDMENT, dated 08/27/25
8. Eligibility Summary Statement, 06/02/25
9. IEP, 08/27/25

[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. Special Education Placement Determination, 08/27/25
11. Comprehensive Behavior Instruction Plan (CBIP), 09/15/25
12. Written Agreements Between the Parent and the District, 10/21/25
13. District Letter, re: Formal Complaint, 10/10/25
14. Level 2 Complaint, no date
15. District Letter, 11/14/25
16. Level 3 Complaint Appeal, 11/19/25
17. IEP Meeting Agenda, 12/08/25
18. Travel Cards, 2025-26 School Year (various dates)

The District submitted additional documents on January 13, 2025:

1. Message to Families, re: Back-to-School Update: Changes to Traffic Flow at [the School], 08/25/[25]
2. Message to Families, re: Reminder: Updated Pick-Up/Drop-Off Procedures, 08/31/[25]

The Parents submitted a *Reply* on December 29, 2025, providing documents in support of the Parents' position. The Parents submitted the following relevant items:

1. Emails, dated 09/04/25 to 12/05/25
2. PWN, dated 09/15/25 to 11/19/25
3. Conference Summaries, dated 08/27/24 to 10/02/25
4. IEP AMENDMENT, dated 08/27/25
5. Notice of Team Meeting, dated 10/10/25 to 12/08/25
6. Student Safety/Support Plan, updated 08/27/24
7. Written Agreements Between the Parent and the District, 10/21/25
8. Introduction to Detailed Allegation Summary, no date
9. District Letter, re: Formal Complaint, 10/10/25
10. District Correspondence, 11/14/25
11. Letter to the Superintendent, no date
12. Level 3 Complaint Appeal, 11/19/25
13. District Letter, re: Level 3 Complaint Response, 12/08/25
14. CBIP, 09/15/25
15. IEP Amendment Meeting Agenda, 10/20/25

The Complaint Investigator interviewed one of the Parents on January 8, 2026. From January 8 to January 12, 2026, the Complaint Investigator interviewed District personnel. The Complaint Investigator reviewed and considered all of these documents, interviews, and exhibits in reaching the findings of fact and conclusions of law contained in this order. This order is timely.

II. ALLEGATIONS AND CONCLUSIONS

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

Allegations	Conclusions
When IEPs Must Be In Effect The Parents alleged the District failed to implement the IEP and Behavior Support Plan (BSP) as written, including the arrival/dismissal escort requirements, a consistent meeting location, supervision requirements, and access to a quiet workspace. Additionally, the Parents alleged the District denied access to requested accommodations without proper justification. (OAR 581-015-2220; 34 CFR § 300.323)	**Not Substantiated** The District implemented the IEP and BSP as written, including escort and supervision requirements, a consistent meeting location, and access to a quiet workspace.
Review and Revision of IEP The Parents alleged the District made changes to the Student's safety plan without parental consent. The Parents alleged the District failed to convene an IEP meeting after the Parents provided new evaluation data, and failed to consider the private evaluation in a timely manner. (OAR 581-015-2225; 34 CFR § 300.324(b))	**Not Substantiated** The District made administrative changes to the Student's safety plan during a team meeting. Additionally, the District convened an evaluation planning meeting within two weeks of receiving the private evaluation.
Prior Written Notice (PWN) The Parents alleged the District failed to provide PWN when they made changes to the Student's safety plan. The Parents alleged the District failed to provide accurate and timely PWN when they proposed and refused actions, including incorrect PWNs dated September 15, 2025, October 2, 2025, and November 19, 2025. (OAR 581-015-2310; 34 CFR § 300.503(a)(b))	**Not Substantiated** The District provided PWNs that included all required legal components, such as the data used to make the decisions and the reasoning for rejecting alternative options.
IEP Team The Parents alleged the District refused to include required IEP participants, specifically the Behavior Specialist and the Instructional Support Assistant, at the IEP meeting held on December 8, 2025. (OAR 581-015-2210; 34 CFR § 300.321)	**Not Substantiated** The District included all required IEP team members at the December 8, 2025, meeting.

Allegations	Conclusions
Parent Participation The Parents alleged the District refused to allow meaningful participation by insisting on decisions the District made outside of the meeting. (OAR 581-015-2190; 34 CFR § 300.322)	**Not Substantiated** The District held multiple facilitated meetings and documented in detail Parent 1's disagreements and requests.
Free Appropriate Public Education (FAPE) The Parents alleged the District denied the Student access to a FAPE by refusing to hold a timely IEP meeting to consider information from a private evaluation, and by changing the Student's safety plan and refusing to provide accommodations, thus preventing the Student access to education supports. (OAR 581-015-2040; 34 CFR §§ 300.17, 300.101)	**Not Substantiated** The District provided the Student with access to a FAPE.

REQUESTED CORRECTIVE ACTION
● "Correct all ongoing IEP/BSP implementation failures immediately, including arrival/dismissal escorting, designated spot consistency, and increased supervision needed in all settings by history." ● "Convene an IEP meeting immediately (not Dec 15) to consider the evaluation and make needed revisions." ● "Include the required team members, specifically the Behavioral Specialist who has specialized expertise regarding the Student and is the only district personnel with the complete Psych Evaluation due to their role." ● "Rescind the Safety Plan wording change and restore the original "front of school" language unless changed through the proper IEP process." ● "Issue corrected, accurate PWNs for every action previously taken or refused." ● "Provide staff training in the IDEA procedural compliance, meaningful parent participation, and safety plan adherence." ● "Require compensatory education for lost access resulting from inconsistent implementation and unsafe transitions." ● "Review district-wide practices regarding unilateral safety plan changes and delayed evaluation review."

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 December 9, 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 a sixth-grade student and attends a middle school in the District. They are eligible for special education services under the categories of Emotional Behavior Disability (EBD) and Other Health Impairment (OHI) for Attention-Deficit/Hyperactivity Disorder (ADHD). The Student is an active participant in language arts and enjoys drawing. The Student wants to succeed and is helpful to other students who ask for help.

2. On August 27, 2024, the Student's Safety/Support plan was updated to include the following information:
   a. Concerns for the Student noted the Student had stolen from students and staff when unsupervised.
   b. An escort was listed by name as the Paraeducator.
   c. Before school, the Student's escort would wait for them as they arrived "in front of the school."
   d. The escort would pick up the Student "a couple of minutes early" and walk them to their next class. The Student was expected to stay in that class. The escort would transport all of the Student's materials from one teacher to the next.
   e. If the Student needed to leave class, they required an escort.
   f. The Student was required to use the bathroom in the front office only.
   g. The Student would be supervised during lunch and recess.
   h. The Student would not bring a phone to school.
   i. The Student would not have access to a locker.
   j. The Student would require an escort to and from breaks.
   k. After school, the Student would be escorted "to the front of the building" to meet the Parents.

   The Conference Summary indicated the team collected the Parents' concerns, which described the "biggest struggle" the previous year was getting everyone on board and getting information to teachers with fidelity. The Parents stated they wanted everyone to focus on accommodations, rules, and the supervision plan.

   Accommodation changes included:
   a. The designated calming area would be in a specific room.
   b. Reword the expectation for handing the computer to the teacher before class.
   c. Added, "keep line-of-sight supervision in class to the best of their ability."

   Additional decisions included:
   a. Teachers were updated on what written communication should look like for the Student.
   b. Snack guidelines clarified the Student should not go for snacks during the first or last 10 minutes of class.

c. Break guidelines clarified the Student should not ask for a break during the first or last 10 minutes of class.
d. The safety plan was reviewed and stated there would be flexibility to meet the Student at the front of the school. They added the staff member would change and they would prepare the Student for those changes when they happen.
e. One of the Parents stated they would be transporting the Student and the notes added, if it changed, the team would meet again.

2. On December 9, 2024, the Student's safety and support plan was updated to modify and reinstate the "if/then chart."

3. According to a PWN dated June 6, 2025, the Student enrolled in a residential treatment facility in January [2025].

4. On March 25, 2025, one of the Parents emailed the Special Education Coordinator, Case Manager 2, and the Principal to let them know the Student would be reenrolling on April 7, 2025, and stated they wanted to hold a reentry meeting. They requested all team members be present.

5. On April 4, 2025, a PWN was issued indicating the IEP team met because the District was informed by the Parents the Student would be "returning to the neighborhood school from residential treatment." The IEP team reviewed the "educational setting, supports, and recommendations" from the Residential Treatment Facility for the Student to return to the School.

   The District reviewed three placement options which included, "Access to special education in or outside of the general education setting for up to 20% of the school day," "A combination of general education and special education services inside of general education 40% to 79% of the day," and "Access to special education services outside of the general education setting for more than 60% of the day." The team agreed to the placement choice of "access to special education services outside of the general education setting for more than 60% of the day," except for the Parents.

   The PWN explained the team used information and the recommendations from the Residential Treatment Facility to inform their decision, specifically the described need for the Student to have a smaller classroom environment with a higher staff-to-student ratio. Additionally, it indicated the Student needed a space to catch up academically, support with peer interactions, support with social-emotional needs, and support with their behavior. The Residential Treatment Facility also indicated they felt the Student would not be able to "keep up the pace" in a typical general education setting.

   One of the Parents indicated they wanted to enroll the Student at a private school at the District's expense. The PWN noted the Parents' disagreement with the placement decision and indicated the District offered a facilitated IEP.

The Conference Summary from the April 4, 2025, Placement meeting noted one of the Parents disagreed with the placement decision and indicated they believed a one-to-one assistant would best support the Student's needs. The team disagreed with a one-to-one assistant in the general education classroom with the Student, citing it would lead to dependency and inconsistency if the designated assistant left their position. They indicated the Student would receive more direct support for their social-emotional needs in a smaller class and clarified the goal was to have the Student in general education full-time eventually.

Notes indicated the IEP team read all three placement options and discussed each one. The IEP team agreed to a 60% placement in the Emotional Growth Center (EGC), with one of the Parents and the Student disagreeing. The Parent stated they would not enroll the Student and indicated they would enroll the Student at a private school at the District's expense, then disconnected from the call.

6. On May 30, 2025, a Notice of Team Meeting indicated a meeting was scheduled for the Student on June 2, 2025, at 12:15 p.m. to review existing information about the Student to decide whether they were eligible or continued to be eligible for special education.

7. On June 2, 2025, an Eligibility Summary Statement indicated the Student was found eligible for EBD and OHI. The eligibility team consisted of the Parents, the Special Education Coordinator, General Education Teacher 2, the Principal, the Program Associate, the School Psychologist, the Case Manager, the Case Manager 2, and the Mediator. The team agreed to the eligibility determination.

8. On June 6, 2025, a PWN stated the IEP team met to consider re-eligibility for special education. The meeting was facilitated by an Oregon Department of Education (ODE) facilitator. The Student remained eligible for EBD and OHI. The PWN indicated the Student was not enrolled and stated the District was standing ready to provide services should the Student be re-enrolled.

9. On August 25, 2025, a Notice of Team Meeting was issued indicating an IEP and placement meeting was scheduled for the Student on August 27, 2025, at 9:30 a.m. Staff invited included the Assistant Principal, the Special Education Coordinator, General Education Teacher 3, the Principal, the Program Associate, and the Case Manager. The Parents were informed they could request a new meeting date with more notice. The Student was not enrolled as of the date of the notice.

10. On August 25, 2025, the Principal sent a message to families and staff at the School titled, "Back-to-School Update: Changes to Traffic Flow at [the School]." The notice stated all student drop-off and pick-ups from personal vehicles would "loop through the lower parking lot." It indicated the previous drop-off location would no longer be available for use. It indicated only buses would be permitted to access the upper parking lot in front of the school during drop-off and pick-up times. A reminder of the new drop-off and pick-up routines was sent to families and staff on August 31, 2025.

11. On August 26, 2025, a Notice of Team Meeting indicated a meeting was scheduled for the Student on August 27, 2025, to develop or review an IEP and placement. The new invitation was created to add the Other School Assistant Principal. Staff who were invited included the Assistant Principal, the Other School Assistant Principal, the Special Education Coordinator, General Education Teacher 3, the Principal, the Program Associate, and the Case Manager.

12. On August 27, 2025, an IEP was developed for the Student.
    a. Participants included the Student, the Parents, the Assistant Principal, the Special Education Coordinator, General Education Teacher 3, the Case Manager, the Principal, and the Program Associate.
    b. The Parents' concerns remained unchanged and were current. Previous parent concerns stated the Parents were concerned the IEP was not being followed properly by all staff members. The Parents wanted the Student to have a one-to-one assistant. They wanted everything properly documented.
    c. Present levels included data from the Residential Treatment Facility and previous data from prior IEP amendments.
    d. The Student's disability affected their involvement and progress in the general education curriculum due to their need for consistency across the school campus and open communication between school and home. Additionally, the Student required reviewing expectations prior to transitioning, especially when presented visually with limited language interactions.
    e. The Student had goals related to behavior, self-regulation, and social skills. Service time for each was listed as 150 minutes per week.
    f. Relevant accommodations included proximity to teachers and line-of-sight supervision in the classroom; a travel card; adult escort to classes on a staggered release to avoid behaviors; adult support in general education classes; access to supervised calming are inside classroom and in a designated space on campus; BSP/safety plan; line-of-sight support during non-structured activities outside of class; supervised breaks to allow for movement and self-regulation.
    g. According to the placement determination, the team selected a combination of general education and special education with services within general education, 40-79% of the day. It listed two to three of the six classes outside the general education environment.

    A PWN dated August 27, 2025, indicated the IEP team reviewed the Student's present levels from their previous IEP, including the Student's strengths, parent concerns, academic performance, behavior, social skills, and self-regulation. The IEP team agreed on goals for remaining in the assigned location, complying with staff directions, remaining on task, developing coping skills, and engaging in appropriate social interactions. Behavior, self-regulation, and social skills changed from 30 minutes per day for each to 150 minutes per week each. The IEP team reviewed placement options and determined the most appropriate placement was 40-79% in the general education classes. The IEP team discussed two additional placement options. One of the Parents requested the Student have four general education classes; however, the team declined that option because it would not allow the Student enough time for their Specially Designed Instruction (SDI) to make progress on their goals. One of the Parents stated they were concerned there was no

general education teacher present who knew the Student. The District explained the Student hadn't been enrolled since January [2025] and did not yet have a current general education teacher.

A Conference Summary dated August 27, 2025, noted the changes made to the IEP and placement pages. Additionally, the form documents one of the Parent's disagreement with the previous placement. It noted the IEP team scheduled a meeting for October 2, 2025, to review the Student's progress in that placement.

13. On August 28, 2025, one of the Parents emailed the Special Education Coordinator to request a BSP and safety plan be created for the Student. They also stated they wanted all IEP team members to be familiar with the Student. The Special Education Coordinator emailed the Parent back to state the team had decided to meet again on October 2, [2025] to review the Student's progress. They asked the Parent whether they were requesting an earlier meeting.

    On September 3, 2025, the Special Education Coordinator emailed the Parent to inform them they had contacted the Case Manager to request a safety plan meeting. The Case Manager shared they reviewed the current safety plan with staff that morning.

14. On September 4, 2025, one of the Parents emailed the Special Education Coordinator, the Assistant Principal, the Principal, and the Case Manager to report no escort was waiting for the Student on September 3, 2025. They stated the Student was allowed to bring in "home-provided" lemonade and noted the Student's IEP did not allow the Student to bring items from home into the School. Additionally, they confirmed the Student brought home several items from school that were also against the Student's IEP. The Parent stated they did not receive a copy of the updates from the previous meeting.

15. A Notice of Team Meeting dated September 4, 2025, indicated a meeting was scheduled for the Student on September 15, 2025, at 8:20 a.m. to develop or review an IEP and placement. Staff invited included both of the Parents, the Assistant Principal, the Special Education Coordinator, General Education Teacher 2, General Education Teacher 4, General Education Teacher 1, the Principal, the Program Associate, and the Case Manager.

16. On September 8, 2025, one of the Parents emailed the Case Manager, the Principal, the Special Education Coordinator, and the Assistant Principal to share the Student had called twice because teachers were "unaware" the Student was allowed to use an MP3 player during class, adding even the instructional assistant was unaware of the accommodation.

    The Assistant Principal emailed the Case Manager, the Special Education Coordinator, and the Principal to inform them they had spoken with one of the Parents and confirmed the Student was allowed to use an MP3 player for music in class. They shared they would be sending an email to all the Student's teachers and would include the Parent in the email. They also indicated the Parent was still waiting for the final copy of the IEP from August 27, [2025].

The Assistant Principal emailed the Parent, the Student's General Education Teachers, and special education providers to share the accommodation added to the Student's IEP, which included the use of a parent-provided MP3 player for music during non-instructional and independent work time.

The Case Manager emailed the Student's General Education Teachers and the EGC Staff to notify them the Student's IEP was available for their review. They also indicated they could print a copy for anyone who could not access it electronically.

17. On September 9, 2025, one of the Parents emailed the Special Education Coordinator, the Principal, the Assistant Principal, and the Behavior Specialist to state no escort was waiting for the Student during morning drop-off.

    The Assistant Principal emailed the Special Education Coordinator, the Case Manager, and the Principal, stating they had a video of Escort 1 entering the building at 9:18 [a.m.] with the Student and indicated they were not sure where the drop-off location was. They also stated they had video footage of Escort 1 being there daily. They asked how staff should help other students while they are waiting for the Student to arrive.

18. On September 10, 2025, the Case Manager emailed one of the Parents to inform them they would be willing to escort the Student to the lower parking lot to expedite the Student's pickup. They stated it could help the Parent to avoid getting caught behind the buses. They asked the Parent to let them know if that worked better.

    The Parent replied they preferred to pick up in front of the School with a "staggered" early release. They indicated since they were providing transportation instead of the District, they felt the bus loading zone would be more appropriate. They stated they needed to discuss mileage reimbursement.

19. On September 10, 2025, Instructional Assistant 1 emailed the Student's general education teachers with a link to certify they had become familiar with the Student's IEP.

20. On September 15, 2025, the Student's Safety/Support plan was updated, and the following changes were made:
    a. The escort changed from a specific person to "designated school staff."
    b. Before school, the Student will have their escort waiting for them "at the designated meeting spot," rather than the front of the building.
    c. After school, the Student will be escorted to "the designated meeting spot," rather than the front of the building.
    d. Any materials going home would be documented on the Student's travel card.

21. A Conference Summary dated September 15, 2025, indicated a meeting for a Functional Behavior Assessment (FBA)/BSP was held. Additionally, it noted:
    a. One of the Parents asked to have the Behavior Specialist present at the next meeting.

b. The Student was not allowed to bring anything from home to school other than a water bottle and a notebook.
c. The Assistant Principal explained the escalation cycle in the Student's BSP.
d. One of the Parents would be called if the Student threatened adults or escalated when alternative spaces didn't work.
e. One of the Parents stated the Student should be allowed to bring their own snacks and drinks from home.
f. When one of the Parents asked why they were changing the designated support, the Special Education Coordinator explained the Student works with designated staff from the EGC.
g. One of the Parents stated they did not want to sign and return the travel cards.
h. One of the Parents shared their disagreement with the drop-off location. The Principal indicated they wanted to keep a safe zone for Americans with Disabilities Act (ADA) students and staff. One of the Parents stated they would continue to pick up and drop off the Student at the usual spot. "The Administrators" indicated they would discuss it with [the] Safety and Risk [department].
i. One of the Parents asked to amend the IEP, and the Special Education Coordinator explained the meeting was to discuss the BSP and was not an "actual IEP amendment," adding they would discuss the IEP and the meeting in October [2025]. One of the Parents did not agree with that.

22. A PWN dated September 15, 2025, addressed the changes made to the safety plan.
    a. "Description of actions proposed or refused by the District:"
        i. "Avoid power struggles" was added to the staff response under the redirection section.
        ii. Follow the Student, and an alternative break space was added to the reduce anxiety section.
        iii. If the Student leaves a designated area, a referral will be written.
        iv. Under the safety column, "student phone call to parent" was added, along with a visual of the choices. "Offer a break" was removed from this phase.
        v. During Crisis intervention, "avoid power struggle" was removed as it was added to the redirection section, and a parent phone call from school staff asking one of the Parents to come to the building was added.
        vi. The escort will be "designated school staff." Any items that go home with the Student would be noted on the travel card.
    b. "Explanation of why the District propose[d] or refuse[d] to take the action:"
        i. One of the Parents requested a meeting to update the Student's BSP and safety plan before the October 2, 2025, meeting, and the plans were updated to reflect the Student's current placement.
    c. "Description of each evaluation procedure, assessment, record, or report used as a basis for the proposed action:"
        i. The previous BSP and safety plan, parent feedback, and teacher and staff feedback.
    d. "Description of other options considered and why those options were rejected:"

i. The team considered the Student having only one designated escort for their entire day. The Student had designated staff with them during each class who supported the Student's needs and who "generalize[d] [the Student's] skillsets."

e. "Descriptions of other factors relevant to the actions proposed or refused [were]:"
   i. Parent rights were declined.
   ii. One of the Parents asked for the accommodation of "no homework, and nothing brought home" to be added to the IEP beginning that day.
   iii. The meeting needed to be adjourned due to the time.
   iv. The team indicated they would review the IEP at the "previously scheduled date of October 2, 2025."
   v. One of the Parents requested the Behavior Specialist be present at IEP meetings.
   vi. The District would contact its Safety and Risk and Campus Safety departments to assess safety procedures for vehicle arrivals and departures.
   vii. One of the Parents indicated they would not be sending the signed travel cards back to school.
   viii. The decision was proposed to be implemented on September 16, 2025.

23. On September 15, 2025, one of the Parents emailed the Assistant Principal, the Principal, the Special Education Coordinator, and the Case Manager to explain the District refused to amend the Student's IEP to re-add the accommodations surrounding "no homework" and "no items coming home from school," with the reasoning they were only there to meet to discuss the BSP. One of the Parents indicated it was a scheduled IEP meeting and formally requested the accommodations be added back to the Student's IEP. The Parent stated they agreed to add the accommodations without an IEP meeting.

24. On September 16, 2025, one of the Parents emailed the Assistant Principal, the Special Education Coordinator, the Case Manager, and the Principal to ask for the alternative drop-off location in front of the School to be added to the Student's IEP as an accommodation instead of just the BSP. The Parent added they authorized the change without an IEP team meeting, and clarified the change would alleviate the side effects of the Student's diagnosis and would increase the ability for increased supervision from the drop-off location to the office for pocket checks.

25. On September 16, 2025, the Case Manager emailed the Parents and copied the Assistant Principal, the Principal, the Special Education Coordinator, and the Manager of Security, Safety, and Risk. They attached the PWN, the updated BSP, the safety plan, and the meeting minutes from the September 15, 2025, meeting. They confirmed the next meeting would be on October 2, 2025. One of the Parents replied and asked for the accommodation of "no homework and nothing to come home." They also asked for the alternative pick up in front of the School to be added to the IEP, adding they never agreed to change it to "designated pick up area." They stated they authorized both the additions without a meeting.

    One of the Parents sent an additional email on September 16, 2025, reiterating they did not agree to change the pick-up location because they were waiting for the Assistant Principal to "reach out" to the Safety and Risk department. They requested a "stay-put" on the previous

safety plan until they could reach a decision together. The Assistant Principal replied the same day that they had safety concerns about using the bus zones and added using the "designated location" language supported the Student's and the School's needs. They informed one of the Parents they had been instructed on the process for pickup and drop-off. They added that no accommodations would be added until the team meeting on October 2, 2025. They noted the team could determine at that time what supports were appropriate to ensure the Student had access to their education.

One of the Parents asked again for a "stay put" and requested the safety plan remain the same until the District could reach an agreement with them. They added the District would need to conduct the due process procedure with the stay put in place.

26. On September 16, 2025, the Case Manager emailed the Student's general education teachers, the Assistant Principal, and the EGC staff to share the Student had a new BSP and safety plan. They shared where the documents could be found and stated they should let the Case Manager know if they had any questions.

27. On September 16, 2025, one of the Parents emailed the Case Manager because the Student brought home items without a note stating they should have them. The Parent sent a picture. The Case Manager replied the Student did not have permission to have the items.

28. On September 18, 2025, one of the Parents emailed the Special Education Coordinator, the Principal, and the Assistant Principal to state they had requested the previous behavior plan stay the same with a "stay-put" request and indicated the School continued to "violate" the Student's rights "by removing their routine and pretaught expectations surrounding drop off and pick up." One of the Parents stated the District allowed other students to use the location they requested, but excluded the Student. They noted they felt it was "immoral" and "discriminatory in practice." The Parent stated they would continue to use the "front of school" accommodation until the team reached an agreement. They indicated this request had been made "numerous times in writing" and was accompanied by a state complaint to ODE.

    The Assistant Principal replied to the email stating they were not permitted in the bus loading zone, at the front of the building, between 8:30 a.m. and 3:30-4:45 p.m. They added the restriction was extended by an hour on Wednesday mornings. They indicated compliance with those timeframes was required.

    One of the Parents emailed back stating the School was allowing other students to be picked up in front of the building with an ADA parking pass and noted it was discriminatory behavior from the administration and a violation of the Student's rights. They stated the safety plan authorized the front of the School as the pick-up and drop-off location and stated the accommodations were "expected to be followed daily."

29. On September 23, 2025, one of the Parents emailed the Special Education Coordinator, the Principal, the Program Associate, and the Assistant Principal to confirm they had repeatedly

put their lack of consent in writing regarding the changes to the Student's safety plan. They stated they had asked for the previous IEP to remain in place until the team could convene on the issues. They added, the District had failed to provide proper written notice for the change that "effects [*sic*] [the Student's] day to day [*sic*] school activities and [their] ability to access F.A.P.E. as documented on [their] tracking sheet." They declared the District was "willfully discriminating" against the Student's disability and failing to provide proper accommodations agreed upon as a team.

30. On September 23, 2025, a Notice of Team Meeting was issued, which stated a meeting was scheduled for the Student on October 2, 2025, at 8:20 a.m. It noted the meeting was scheduled at the previous meeting on September 15, 2025. Staff invited to the meeting included the Special Education Coordinator, the Assistant Principal, the Behavior Specialist, General Education Teacher 4, General Education Teacher 2, General Education Teacher 1, the Principal, the School Counselor, the School Psychologist, and the Case Manager.

31. On September 26, 2025, the Assistant Principal emailed the Student's general education teachers to establish a system to prevent the Student from accessing their personal email per the Student's IEP.

32. On October 2, 2025, the Student's IEP was amended and included the following information:
    a. The Student was attending mainstream language arts, mainstream math, mainstream science, and advisory. The Student attended three special education classes in the EGC daily out of their six scheduled classes.
    b. The Student was passing all classes with a "C" or higher.
    c. Data indicated the Student was on time 95%, on task 87%, prepared for class 96%, focused on self 97%, all work in 84%, positive peer interactions 98%, positive adult interactions 96%, coping skills 97%, stayed in the assigned location 93%, and followed directions 88% of the time.
    d. The average time spent out of class was 5%.
    e. The Student received six referrals during September. Three were for insubordination, two were for stealing, and one was for disruptive behavior.
    f. Accommodations were added, which stated, "Given an academic support class, all school work will be completed at school and graded according to curriculum standards."

33. The Conference Summary dated October 2, 2025, indicated the following:
    a. Participants included the Case Manager, the Assistant Principal, General Education Teacher 1, one of the Parents, the Student, the Principal, the Special Education Coordinator, and the Program Associate.
    b. The team reviewed the agenda and reviewed data.
    c. One of the Parents wanted to talk about what extra supervision looked like. The Assistant Principal clarified it had been established. Parent stated it wasn't considered extra supervision when it was in the "EGC" because the number of adults was not "extra."
    d. The Special Education Coordinator stated it was extra and stated they would add it to the notes.

e. The team discussed pocket checks at the end of the day. One of the Parents stated they didn't remember it being a part of the Student's plan. The Case Manager confirmed it was.
f. Notes stated, Parents "[s]ent 10 emails requesting the prior IEP to be in place [due] to the unilateral change to the dropoff [*sic*] and pickup."
g. The Special Education Coordinator discussed the changes to drop-off and pick-up with one of the Parents who was in disagreement with the change. The Special Education Coordinator stated they would write a PWN to reject the request to change the drop-off and pick-up location.
h. The team agreed to add the accommodation of not bringing work home.
i. One of the Parents asked for extra supervision again, saying it was an IEP failure if the team did not protect the Student from stealing.
j. One of the Parents requested the Behavior Specialist attend the next IEP meeting.

34. On October 2, 2025, a PWN described the following actions:
    a. "Description of actions proposed or refused by the district:"
        i. (1) An accommodation was added that all school work would be completed at school and graded according to curriculum standards.
        ii. (2) The District refused to include the accommodation of 1:1 or 2:1 support staff for the Student.
        iii. (3) The District refused to allow the Student to be dropped off in the morning or picked up at dismissal at the front of the School building due to a change in the bus traffic pattern and for the Student's safety.
    b. "Explanation of why the district propose[d] or refuse[d] to take the action:"
        i. (1) The Student received 549 minutes per week of special education support to complete work that was not completed in class.
        ii. (2) The Student had not shown the need for that level of restriction to access their education.
        iii. (3) The traffic pattern for the School changed over the summer, and all parents were informed of the change. An alternative drop-off and pick-up location was designated for the Student.
    c. "Description of each evaluation procedure, assessment, record, or report used as a basis for the proposed or refused action:"
        i. (1) The Student's schedule, parent and teacher input, and observation with data.
        ii. (2) Observation with data.
        iii. (3) Traffic pattern change and the drop-off and pick-up location were discussed with one of the Parents at the September 15, 2025, team meeting, and "a new designated location was confirmed by the District."
    d. "Description of other options considered and why those options were rejected:"
        i. (1) To grade the Student according to only what they completed. The Student had access to additional time and support to complete all work at school.
        ii. (2) The Student has adult assistance in all settings of their school day.
        iii. (3) The Student can no longer be dropped off in the morning or picked up at dismissal at the front doors of the school for safety reasons because the buses use that location.
    e. "Description of the factors relevant to the actions proposed or refused [was]:"

i. (1) No modification in grading policy.
ii. (2) The Student declined to comply with pocket checks at the end of the school day, which was part of their safety plan. One of the Parents wanted more adults to "protect" the Student from stealing and did not agree to have the Student's pockets checked when the Student declined to show them.
iii. (3) The Student had an escort at pick-up and drop-off each day.

f. The decision was proposed to be implemented on October 3, 2025.

35. On October 9, 2025, one of the Parents emailed the Case Manager, the Special Education Coordinator, the Assistant Principal, and the Principal to request the District implement a "stay put" provision to allow the pick-up and drop-off locations to remain the same until the mediation could be scheduled or the District filed for due process.

    On October 10, 2025, the Special Education Coordinator replied to the email and stated "stay put" was not appropriate at that time because [the Parents] had not filed a due process complaint. Additionally, the District stated they had not changed the Student's placement. They indicated they would continue to follow the pick-up and drop-off procedure as previously explained. They included a copy of the procedural safeguards so the Parents had information on filing a due process complaint.

36. On October 10, 2025, a Notice of Team Meeting indicated a meeting was scheduled on October 20, 2025, at 8:15 a.m. to develop or review an IEP for the Student.

37. An October 10, 2025, Amendment Meeting Agenda stated the team would discuss the BSP and transportation, and the meeting would adjourn by 9:15 [a.m.].

38. On October 10, 2025, the Director of Middle Schools provided one of the Parents a formal response to their formal complaint issued on September 19, 2025. The Director of Middle Schools reported decisions regarding an IEP are made by the team and stated while 100% consensus was the goal, it is not always possible. They stated the decision was reached by consensus under the direction of the district representative.

    The Director of Middle School explained the student drop-off and pick-up locations were guided by the District's Department of Transportation and Risk Management, along with school personnel, and were outside the IEP process, and pertained to the need to maintain overall safety and security for students, staff, parents, and other patrons of the school. They added the expectations were explicitly enforced during peak times of arrival and departure. The Director of Middle Schools asserted the School was operating their systems in a manner that met the District's expectations.

39. On October 20, 2025, one of the Parents emailed the Special Education Coordinator, the Assistant Principal, the Principal, and the Case Manager to ask for a Request for Transportation form so the Student could begin to use District transportation. The Assistant Principal emailed back, stating they verified their address and would provide the document that would add the transportation back onto the Student's IEP. On October 21, 2025, the

Assistant Principal emailed the Parents to provide them with the agreement to sign to add transportation to the Student's IEP.

40. On October 21, 2025, a Written Agreement indicated the District and the Parents agreed that an IEP meeting was not necessary to revise the Student's IEP between annual IEP meetings. The Assistant Principal signed it. The notice stated a copy was given to the Parent(s) on October 21, 2025.

41. On October 21, 2025, a PWN indicated the District and the Parents agreed to amend the IEP dated October 2, 2025, without an IEP team meeting and with a signed written agreement to add transportation to the current IEP. The District indicated it had an IEP meeting scheduled with one of the Parents for October 20, 2025, and the Parent cancelled the morning of the meeting. The District agreed to reschedule with a facilitator and agreed to the Parent's request to add transportation as a related service. The decision was proposed to be implemented on October 21, 2025.

42. On October 28, 2025, one of the Parents emailed the Special Education Coordinator, the Assistant Principal, and the Principal to state they spoke with the bus driver and were told there would be no "extra supervision" for the duration of the ride, and indicated it was a "safety concern" and didn't meet the extra supervision accommodation in the Student's IEP.

    The Assistant Principal responded to Parent 1's email by saying the bus had a total of three students. They added extra supervision because it was a smaller bus with fewer students, and included microphones and cameras on the bus.

    Parent 1 responded, stating if there was not an additional staff member on the bus, it did not count for extra supervision.

    On October 29, 2025, the Assistant Principal replied to Parent 1, stating the District was offering a smaller bus with line-of-sight supervision. They added it was an increase in the level of supervision. They stated they indicated to the Student other students who also rode the bus, and the Student "seemed comfortable" and did not "anticipate" any issues. The Assistant Principal stated they hoped the Student would be on the bus the next day and shared they would have an escort at both locations.

43. On October 29, 2025, Parent 1 emailed the Assistant Principal, Program Associate, Special Education Coordinator, and the Principal to state no escort was waiting for the Student at the designated location and to confirm by reviewing video surveillance.

    The Assistant Principal replied to one of the Parents' email, stating staff waited until 10:20 [a.m.] before entering the building. They added they will remind staff to wait until the tardy bell rings. The Parent replied, requesting the pick-up and drop-off locations be changed back to the front of the School. They also asked for data that supported the change of location.

44. On November 5, 2025, one of the Parents emailed the Assistant Principal and copied the Special Education Coordinator, Program Associate, Parent 2, and the Principal to report the escort was not waiting for the Student.

    The Assistant Principal emailed the Parent back and clarified the staff member was outside waiting for the Student at 10:00 a.m., then "briefly" stepped inside at 10:10:23 a.m. to assist a parent and returned at 10:10:42 a.m., less than 20 seconds later. They added, the Student left one of the Parents' vehicle at 10:10:44 and walked through the grass toward the building. The staff member called to the Student at 10:10:58 a.m. and made contact at 10:11:16 a.m.

    One of the Parents emailed back to state they believed it was a clear violation because there was no escort for 20 seconds, and asked for the location to be moved back to the front of the building.

45. On November 7, 2025, one of the Parents emailed the Assistant Principal and copied the Case Manager, the Special Education Coordinator, the Program Associate, the Principal, and the Mediator. They stated there wasn't an escort at the designated drop-off location and added staff were standing approximately 20 feet away. They noted the staff member was "engaged in a conversation with another parent" and "chose to walk away from the designated area, making [themselves] unable to meet [the Student] during drop-off." One of the Parents requested moving the drop-off and pick-up location back to the front of the school and cited the District changing the accommodation without parental consent and before providing a "properly delivered PWN." Parent 1 also stated the District was ignoring Parent 1's requests, which was "creating a willful and malicious intent to block meaningful parent participation in the IEP Process."

    The Assistant Principal replied to Parent 1, indicating they had reviewed the video footage and noted the events did not "align with [their] description." They added the video confirming one of the Parents had released the Student from their vehicle in the parent pick-up line, where staff were present and ready to greet them. One of the Parents emailed back and stated the staff member was "one[-]third" up the path from the drop-off point.

46. On November 13, 2025, one of the Parents emailed the Assistant Principal, copying the Case Manager, the Special Education Coordinator, the Program Associate, the Principal, and the Mediator. They stated the escort was not at the meeting location during drop-off and was "about 15 to 20 feet away." The Parent stated after-school staff "sometimes open the door for [the Student]" and indicated they do not stop 15-20 feet away. The Parent noted the Student would benefit from the Parent's ability to communicate with staff during drop-off, and stated remaining 15-20 feet away prevented the Parents' participation in the IEP process and inhibited the Student's IDEA rights and access to a FAPE. The Parent attached a photo of a staff member waiting at the path to pick up the Student.

    The Assistant Principal replied to the Parent on November 14, 2025. They noted the Student's IEP stated they received "line of sight supervision," and confirmed that had been provided. They shared the staff who greeted the Student in the morning were not the same staff who

worked with the Student throughout their day, and clarified the most accurate information about the Student's day would be on their travel card.

Regarding the Student's phone call home to request a break in the hallway, the Assistant Principal added that the Student's IEP allows them to take a break in the classroom or in designated locations in the building, including specific classrooms. The Assistant Principal continued that the hallway was not an option because it had not been used previously, and did not provide the consistency the Student needs.

One of the Parents replied to the Assistant Principal on November 14, 2025, stating their expectation was that staff were "at" the designated location and not "near" it at "whatever distance they [felt] appropriate." The Parent stated staff had previously met the Student at the truck/sidewalk until the Parents had emailed about "inappropriate picture taking by staff." The Parent stated the staff changed their pick-up location after that without a PWN or team meeting.

47. On November 13, 2025, one of the Parents emailed the Assistant Principal, the Special Education Coordinator, the Case Manager, and the Principal to share an email the Case Manager sent on September 10, 2025, which the Parent stated was for convenience and not related to safety concerns.

48. On November 13, 2025, the Deputy Superintendent emailed one of the Parents with follow-up questions regarding their formal complaint. They asked:
    a. "Can you clarify the specific change that [one of the Parents] referred to in [their] 9/17/[25] complaint?" regarding the IEP being changed without parental consent.
    b. "Can you clarify which accommodations you wanted included in the IEP and point me to the written parental consent provided?"
    c. "Can you clarify if this [was] the same change referred to in your 9/17/[25] complaint above?"

    An undated document addressed to the Deputy Superintendent provided clarifications regarding one of the Parents level 2 complaints.
    d. One of the Parents clarified the change made without parental consent referred to the language change in the Student's safety plan from pick-up and drop-off "in front of the school" to "designated spot/ designated location."
    e. One of the Parents maintained they repeatedly asked for the accommodation to remain "in front of the school," and noted multiple dates they documented their disapproval in writing.
    f. One of the Parents communicated the PWN provided on September 15, 2025, did not explicitly describe the intended date of the change, stating it was mentioned as being assessed. Additionally, one of the Parents shared the PWN did not describe the change other than referencing "designated area" without specifying the IEP language. One of the Parents declared the PWN did not identify how the change benefited the Student and omitted the "description of the factors relevant to the occasions proposed or refused,"

and therefore did not meet the requirements. The Parent stated the PWN was not provided until October 2, 2025.

49. On November 14, 2025, one of the Parents emailed the Assistant Principal, the Special Education Coordinator, the Case Manager, the Program Associate, the Mediator, the Principal, and the Other Parent to formally request a reasonable accommodation to be added to the current accommodation of a quiet workspace. The Parent requested the Student be allowed to work quietly in the hallway when they "elected to do so." They asked for it to be added immediately and stated they consented to the change without a meeting.

    The Assistant Principal replied to the Parent on November 17, 2025, stating the accommodation request for a break space in the hallway was not acceptable for many reasons, including student safety. The Assistant Principal stated the Student could continue to use the existing spaces they have used throughout the year. Additionally, the Assistant Principal confirmed the School was providing the services listed in the Student's IEP, including line-of-sight supervision and escorts as outlined.

    The Parent replied they expected a PWN because the District was refusing a formally requested accommodation. Additionally, they requested they reconsider the request for the Student to work in the hallway with an escort as a reasonable anxiety-reducing accommodation at their next IEP meeting. It was noted the Student's BSP stated the escort would wait "at" the designated pick-up and drop-off location, and they wanted to ensure all staff were following the "exact written language" of the BSP.

50. On November 14, 2025, the Deputy Superintendent provided a written response to one of the Parents regarding their message dated October 14, 2025, in which a formal review of their complaints made against the School was requested. The Deputy Superintendent's findings included:
    a. Concern one stated the IEP was changed without parental consent. They indicated the plan was updated following a BSP conference, the ' Parent's disagreement was recorded in the PWN, and the determination would stand.
    b. Concern two claimed that the District did not provide specific data showing how the change supported the Student. The letter indicated the decision was a result of a safety assessment following new school traffic patterns. The Student's IEP review indicated the designated drop-off and pick-up location did not limit the Student's access to a FAPE, as their accommodations could be provided by a staff escort and line-of-sight supervision.
    c. Concern three stated there was a lack of staff escort on multiple dates. The Deputy Superintendent stated, with the exception of one incident, they did not find evidence the Student was unsupervised or the escort was not present.
    d. Concern four asserted the District failed to provide a PWN in a timely manner prior to the proposed change. They confirmed the PWN dated September 15, 2025, indicated the decision would be implemented on September 16, 2025, and indicated the Safety and Risk department would be consulted to ensure the designated drop-off and pick-up location was safe for the Student.

51. The Parent emailed again on November 16, 2025, and November 17, 2025, to state they received the amended IEP without the changes added and confirmed they did not consent to the changes. They requested a "stay put provision" until the District completed a due process hearing.

52. On November 17, 2025, one of the Parents emailed the Special Education Coordinator, the Assistant Principal, the Principal, the Program Associate, the Case Manager and copied the Mediator, Parent 2, the Executive Management Assistant, and the Behavior Specialist to request the IEP team for the facilitated IEP meeting be limited to the "legally required members." They expressed concern that multiple administrators diminished their ability to meaningfully participate as an "equal team member." The Parent stated that, if the District felt additional team members were necessary beyond those that filled the required roles, they asked the District to identify the proposed participant, explain their relevance to the Student, and obtain parent consent prior to the meeting.

    On November 25, 2025, the Special Education Coordinator replied to the Parent and stated both the Parents and the District were able to invite whom they deemed appropriate to participate in the IEP meeting, even if the Parent disagreed with the District's attendees. They listed the Oregon Administrative Rule (OAR) that supported their reasoning.

    The Parent replied they disagreed with the District's interpretation of the OAR. They requested the District limit its additional attendees to individuals with student-specific knowledge.

    The Mediator responded to the Parent on December 2, 2025, indicating they used a consensus model to reach a team decision. They stated if a team was unable to make a decision, the District would make the decision and would send a PWN, which would trigger the Parents' procedural rights relating to that decision. They indicated the procedural rights were emailed to the Parents so they would have the information in the event they did not agree with a decision. They indicated they would send out the meeting process for a facilitated IEP meeting at the outset of their meeting.

53. On November 18, 2025, one of the Parents emailed the Assistant Principal, the Case Manager, the Principal, the Special Education Coordinator, the Program Associate, the Other Parent, and the Mediator to report the escort was not waiting "at" the drop-off location, but was "near" the spot, and indicated it was a violation of the plan. The Parent requested written confirmation staff would follow the "exact language" in the IEP and BSP; assurance that escorts would be trained on the requirements of the Student's IEP and BSP; and documentation of the corrective action to prevent further violations.

    The Assistant Principal replied to the Parent on November 19, 2025, and confirmed the School was fully implementing the services in the Student's IEP and clarified the plan did not specify or require a particular distance. The Parent replied in detail, stating the language of "at the location" did not allow for "near" or "a certain distance away" as acceptable.

54. On November 19, 2025, a Notice of Team Meeting indicated a meeting was scheduled for the Student on December 8, 2025, at 8:00 a.m. to develop or review an IEP.

55. On November 19, 2025, a PWN described the following actions:
    a. "Description of actions proposed or refused by the district:"
        i. The District refused one of the Parents' requests to add the accommodation of "INCREASED supervision is available during transportation as the lack of the accommodation poses a safety risk to [the Student], the other students, the driver, district property, and the community as a whole."
        ii. The District agreed to pay mileage reimbursement from the start of the school year on September 3, 2025, through October 28, 2025.
    b. "Explanation of why the District propose[d] or refuse[d] to take the action:"
        i. The Student previously had transportation as a related service on their IEP, and through a signed written agreement, it was removed in lieu of one of the Parents providing transportation with mileage reimbursement. Meeting notes had stated if the agreement changed, the team would meet. The District had a meeting scheduled with one of the Parents for October 20, 2025, with transportation on the agenda. Because one of the Parents cancelled the meeting, the District agreed to reschedule the meeting as a facilitated IEP meeting and to add transportation as a related service to the current IEP through a PWN and a written agreement dated October 21, 2025.
        ii. Because the Student hadn't ridden the bus since 6th grade, there was no data to suggest they needed increased supervision on district-provided transportation. The District planned to review current information and discuss with one of the Parents at the October 20, 2025, meeting.
        iii. Mileage reimbursement would end when the Parents and the District agreed to district-provided school transportation, and it was provided to the Student. The Parents and the District agreed to add district-provided school transportation on October 21, 2025.
        iv. The District stated they would pay one of the Parents for mileage reimbursement submitted for September 3, 2025, through October 28, 2025.
    c. "Description of each evaluation procedure, assessment, record, or report used as a basis for the proposed or refused action:"
    d. "Description of other options considered and why those options were rejected:"
        i. The District "could have considered not offering district school transportation until a meeting could be scheduled." The District did not, and agreed with to return district school transportation as a related service, as requested by the Parents via email on October 20, 2025.
    e. "Description of the factors relevant to the actions proposed or refused [was]:"
        i. The District was providing daily specialized school district transportation to the Student as a related service on their amended IEP. District school transportation was on the agenda for the December 8, 2025, facilitated IEP that was scheduled with the Parents.
    f. The decision was proposed to be implemented on November 25, 2025.

56. On November 19, 2025, a PWN detailed the following actions:

a. "Description of actions proposed or refused by the district:"
    i. The District refused one of the Parents request to add the accommodation of allowing the Student to work quietly in the hallway when they "elect to do so."
b. "Explanation of why the District propose[d] or refuse[d] to take the action:"
    i. The Student had an accommodation for a quiet workspace and was using it as a supervised calming area in a classroom and in a designated space on campus.
    ii. The District rejected the request due to safety concerns for the Student in an emergency, citing the hallway as an unsafe location.
    iii. The District noted the hallway as a disruptive location due to foot traffic, passing periods, and lunches.
    iv. The District indicated students in the hallway could impact custodial duties, create congestion, and interfere with staff movement.
    v. The Student had already been using a calming space, and the change would impact the Student's need for consistency.
c. "Description of each evaluation procedure, assessment, record, or report used as a basis for the proposed or refused action:"
    i. The team reviewed existing information, including the current IEP and BSP.
d. "Description of other options considered and why those options were rejected:"
    i. The Student had two locations they were utilizing for quiet work. The District stated they were unable to consider the hallway for quiet work due to safety concerns and consistency with the Student's current IEP and BSP.
e. "Description of the factors relevant to the actions proposed or refused [was]:"
    i. The District confirmed the facilitated IEP scheduled for December 8, 2025, and suggested the accommodation could be added to the agenda.
f. The decision was proposed to be implemented on November 24, 2025.

57. On November 19, 2025, one of the Parents provided a Level 3 Complaint Appeal to the Superintendent, requested a review of their complaint, and indicated they challenged the Deputy Superintendent's findings on "factual and procedural" grounds for the following issues:
    a. The change was implemented before a PWN was issued, and neither Parent agreed to the decision. The vague language of "designated spot" was harmful and inappropriate due to the Student's anxiety and need for consistency.
    b. The new location contradicted the Student's disability-related needs and described other students using the front of the School for drop-off and pick-up. Although the District stated other students required loading and unloading assistance, one of the Parents had pictures of students without that need using that location.
    c. The District failed to provide an escort at the designated location on nine documented days. They added the escort was not "at" the designated location, making it an implementation failure.
    d. The Safety and Risk Department should have been consulted before any changes were made; however, the District implemented the changes on September 16, 2025, before consultation took place. The October 2, 2025, PWN referenced changes that had already been implemented.

58. On November 19, 2025, one of the Parents emailed the Special Education Coordinator, the Mediator, the Other Parent, the Case Manager, the Assistant Principal, the Principal, and the Program Associate to state the two PWNs contained "procedural inconsistencies and contradictions."
    a. Regarding increased supervision during transportation, the PWN stated there was no data to suggest the Student required increased supervision during District-provided transportation. This contradicted the need for specialized transportation because there had to be data to warrant that level of need.
    b. The PWN ignored all documented incidents where supervision failed. They included incidents in which they reported staff not being at the designated location but were rather 15-20 feet away, staff not being informed of the requirements, and escort duties being "inconsistent" from day to day.
    c. The PWN stated the District's refusal to add the accommodation to allow the Student to work in the hallway, citing safety concerns, even though the Student had an escort at all times. There were no data-related reasons for denying the accommodation. They added a third location was not harmful or inconsistent when it "directly supports disability related needs." The Student's needs related to "anxiety, sensory overstimulation, need for predictable and calm environments, [and] difficulty with noise and crowded spaces" were listed.

59. One of the Parents requested clarification and correction of both PWNs, using the following information:
    a. The provided dates, descriptions, and photographs.
    b. The District acknowledged supervision lapses.
    c. Specialized transportation was implemented.
    d. A facilitated IEP was requested due to supervisory failures.

60. One of the Parents requested both PWNs be revised or addressed at the facilitated IEP with the ODE present. They also requested to limit the number of "unnecessary team members" who were not legally required to prevent "room stacking."

61. On November 20, 2025, one of the Parents emailed the Assistant Principal, the Mediator, the Case Manager, the Principal, the Special Education Coordinator, the Program Associate, and the Other Parent to report the escort was not present "at" the drop-off location.

62. On November 24, 2025, one of the Parents emailed the Case Manager and copied the Mediator, the Assistant Principal, the Principal, the Program Associate, the Special Education Coordinator, the Executive Management Assistant, and the Deputy Superintendent. They stated the Student's escort was not waiting "at" the designated meeting spot as required, and added the Student required "consistent escort routines to safely and calmly enter the building." The Parent requested written acknowledgement they received and prior concerns, confirmation they reviewed the escort requirement with all relevant staff, a corrective action plan ensuring escorts were positioned "at" the meeting spot each morning, and a commitment to respond to parent communication moving forward.

On November 25, 2025, the Assistant Principal responded to the Parent's email, stating the Case Manager had received the emails and all communication regarding the Student was going through the Special Education Coordinator and the Assistant Principal. They clarified if one of the Parents had information important to the Student's day, they should email the Case Manager. They added, noting the Parents had sent required teacher follow-up, and they stated they would remain the 'Parent's primary contact. The Assistant Principal reported they would be adding a communication plan to the agenda for the December 8, [2025] meeting.

The Parent replied on November 25, 2025, requesting further clarification before the meeting on December 8, 2025. They asked for clarification regarding the Case Manager's lack of response. They asked for a response to their request to limit the number of administrators present at the IEP meeting, and an explanation of why additional team members were present. They also indicated the escort was not at the designated meeting spot on November 24, 2025, and noted the Case Manager had not "taken any action" to address the issue. They asked for clarification as to who would be the LEA representative at the December 8, 2025, meeting, and if the meeting would be limited to "legally required members."

On November 26, 2025, one of the Parents emailed the Case manager and copied the Assistant Principal, the Principal, the Special Education Coordinator, the Program Associate, the Mediator, the Other Parent, the Deputy Superintendent, and the Behavior Specialist. They stated the email was to provide the District with "significant new diagnostic information" from a psychological evaluation completed by the Student's doctor. The Parent indicated the findings had "direct and immediate implications" for the Student's IEP, BSP, and their arrival and dismissal accommodations. The Parent requested that the District address the needs before the December 8, 2025, facilitated IEP meeting, stating they impact the Student's ability to access their education "right now."

The email listed the following diagnostic impressions provided by the Psychologist: "Autism Spectrum Disorder (ASD) (Level 1, requiring support), ADHD (by history), Anxiety Disorder, NOS, R/O Panic Disorder, Borderline IQ (Provisional)." It added the Student met "the full criteria for ASD,", and the Student's anxiety and ADHD symptoms "significantly impacted [their] functional behavior, transitions, regulation, and academic access."

The email continued with reasons for immediate action and how this conflicted with the District's recent changes to the Student's safety plan and drop-off location, the refusal of accommodations, and the "inconsistent implementation of escort routines."

The Other Parent stated the new diagnoses make the current IEP and BSP "insufficient" and stated they could not wait until December 8, 2025, to discuss the issues. One of the Parents requested immediate action including correction of escort implementation to meet the Student "at" the designated spot; reconsideration of the arrival and dismissal accommodations; reconsideration of the hallway as a quiet workspace request; reconsideration of extra supervision on the bus; confirmation the District reviewed the education and IEP planning statement by the Psychologist; and written explanation of how

the District planned to support the Student between the date of the email and the facilitated IEP meeting.

63. On December 2, 2025, one of the Parents emailed the Other Parent, copying the Case Manager, the Assistant Principal, the Principal, the Special Education Coordinator, the Program Associate, the Mediator, the Deputy Superintendent, the Behavior Specialist, and the Instructional Support Assistant. They indicated they were following up on a previous email regarding the evaluation data they sent to the School.

    The Special Education Coordinator replied to the Parent, indicating the District was "looking forward" to reviewing it at the scheduled IEP meeting on December 8, 2025.

    The Parent emailed back to state the new information, which "required" the team to confer without unreasonable delay and not to defer the findings to a future meeting. They stated they "must" meet before December 8, 2025, and they were available to meet that weekend for an IEP meeting and indicated they did not need a meeting notice. They asked for only the required team members to be present and stated if the Special Education Coordinator was not available, they could "handle" it at the school level without district or student services input.

    One of the Parents emailed the IEP Team again on December 5, 2025, stating they would still like to schedule an IEP meeting at the District's earliest convenience and indicated it did not need to be mediated. They asked for it to be conducted without unreasonable delay.

64. On December 3, 2025, one of the Parents emailed the Behavior Specialist the comprehensive psychological evaluation from their family provider and indicated they felt it wouldn't be "beneficial" to share with the rest of the IEP Team until they agreed to convene with the "diagnostic data and IEP accommodations needed" that the Parent had already sent. They stated they wanted to personally invite the Behavior Specialist to the facilitated IEP meeting on December 8, 2025 as the Behavior Specialist now also had the "sole specialized knowledge" of the Student's diagnosis and disability needs, and they would be beneficial at the meeting with their role.

    On December 4, 2025, the Assistant Principal replied to confirm receipt of the email, which referenced a new psychological report and stated they were unable to locate the full report. They asked the Parent if they could send the complete document so the team could review it before the upcoming meeting.

    The Parent replied to the Assistant Principal that the upcoming meeting was not about the new diagnostic information and stated they asked for an additional meeting to be scheduled prior to the December 8, [2025] meeting. The Parent indicated they would share the report with the team member who was "qualified to interpret the evaluation results" after confirming the team's structure and participants.

The Special Education Coordinator emailed the Parent to state the District would not be inviting the Behavior Specialist or the Instructional Support Assistant to the IEP meeting as they had "other responsibilities" during their scheduled time, but indicated they would ask them for their written input prior to the meeting. They indicated they would be excusing the Principal in consideration of the Parent request. The Special Education Coordinator asked for a copy of the psychological report to review before the meeting. They indicated the process for receiving and reviewing new information was to consider it as a team and make decisions about a student as a team. The Special Education Coordinator indicated the team may need to consider if additional assessments were needed during the evaluation planning meeting. They stated they may have time at the already scheduled meeting to have the evaluation planning conversation as well.

The Parent responded they had already sent the full evaluation to the Behavior Specialist for their confidential review. They stated they would be willing to provide the evaluation again to any team member who was "qualified to interpret and discuss the results." They added the Behavior Specialist possessed the "only direct, day-to-day, functional expertise" regarding the Student's behavior and disability needs. They added the Behavior Specialist's knowledge was "essential for meaningful parent participation" and for the team to make informed decisions. The Parent asked the District to ensure the Behavior Specialist's duties were covered so they could participate.

On December 4, 2025, the Behavior Specialist forwarded the email with the psychological evaluation report to the Assistant Principal.

65. On December 5, 2025, one of the Parents emailed the Special Education Coordinator, the Case Manager, the Mediator, the Assistant Principal, the Other Parent, the Program Associate, the Behavior Specialist, and the Deputy Superintendent, providing them with the Complaint they filed with the ODE. The Parent requested the District maintain the status quo and immediately reinstate the previous BSP and IEP provisions until the complaint was concluded.

66. On December 5, 2025, the Special Education Coordinator emailed the Speech-Language Pathologist and the School Psychologist to state they were having an evaluation planning meeting the following week, stated they had just received the report, and asked what they needed to get consent to proceed with consideration for an Autism eligibility. They attached a copy of the report to the email.

67. The December 8, 2025, IEP Meeting Agenda documented the following:
    a. Invited participants included the Parents, the Student, General Education Teacher 1, the Assistant Principal, the Program Associate, the Case Manager, the Special Education Coordinator, and the Mediator.
    b. Meeting protocols.
    c. The Agenda listed the topics: welcome and introductions, IEP review, questions and next steps, and adjourn at 9:30 a.m.

68. On December 8, 2025, the Student's IEP indicated it was amended; however, no documented changes were listed. The Conference Summary documented the team discussion that took place.

On December 8, 2025, a Conference Summary indicated the team met for an IEP meeting, which was facilitated by the Mediator. One of the Parents asked to discuss the new diagnosis and requested the previous plan remain in place, as they had filed an ODE complaint [on December 8, 2025]. The Special Education Coordinator clarified the stay put clause was for placement and not for an IEP or behavior plans. The Parent stated they had submitted all of their emails to the [ODE] and indicated they had "done [their] due diligence" in voicing their concerns.

The drop-off location was discussed. One of the Parents indicated they did not believe the safety and risk department had been contacted, and requested the previous drop-off location be continued. "The Administration" explained the change was due to a shift in traffic patterns and was for the safety of all students. The Parent stated it was inconsistent and argued other families were using the spot for drop-off and pick-up. The Assistant Principal indicated a student with physical disabilities was allowed to use the spot.

The team discussed having a consistent location to receive the Student in the mornings. They did not agree to have a specific person listed, citing staff absences would void that guarantee. One of the Parents did not agree and did not "allow [the Special Education Coordinator] to explain." The Parent stated the current language was "too vague." While discussing a "consistent" location to agree on, the Parent stated they wanted to talk about the time the Student is dropped off. The team discussed a plan for when the Student was tardy to school to ensure an escort was available. The Parents were told to call the front office if the Student was late so they could send an escort and excuse the tardies.

The Mediator reviewed what was left on the agenda. one of the Parents stated they felt a "realistic communication plan" would include three emails per week from the Case Manager. They requested the hallway accommodation take effect immediately and did not want to wait to discuss it at another meeting. The Special Education Coordinator explained the next meeting would be a planning meeting and added they would have more data to review and be prepared to speak about the accommodation request.

The same Parent requested the paperwork for the evaluation meeting to be completed before the December 11[, 2025] meeting. The Mediator explained what happens in a planning meeting and how the evaluation process worked. The Parent asked to sign the documents right then. The IEP Team indicated the documents had not been drafted yet, and the Parent indicated they felt the District was "choosing" not to let them sign.

The pick-up and drop-off location was confirmed to be aligned with the electrical box on the walkway leading out of the west side of the main hall. The family would call if they arrived late. The escort would be a staff member from the EGC or an administrator. No agreement

was reached on the hallway as a break space, but it would be discussed in a future meeting. The Parent noted they did not discuss the BSP.

69. On December 8, 2025, a Notice of Team Meeting indicated a meeting was scheduled for the Student on December 15, 2025, at 2:00 p.m. to develop or review an IEP.

70. On December 8, 2025, an updated Notice of Team Meeting indicated a meeting was scheduled for the Student on December 11, 2025, at 2:00 p.m. to review existing information about the Student and to decide if the Student should be evaluated for additional special education eligibility. Comments stated the meeting was originally scheduled for December 15, 2025, but was rescheduled with one of the Parents permission to waive the requirement for sufficient advanced notice.

71. On December 8, 2025, the Board Chairperson sent a formal response to one of the Parents, via certified mail and electronically, regarding the complaint made on November 30, 2025. The Board Chairperson noted they had received the complaint and reviewed the materials and actions taken up to that point. They indicated they had determined not to proceed with a hearing related to the complaint, adding the matter did not meet the criteria for a hearing before the full board.

72. On December 8, 2025, the Parents filed this Complaint.

73. According to Travel Card data from October 1 to November 19, 2025, the Student met their goals by being on time, on task, prepared, focused on self, turning in all work, showing positive peer and adult interaction, using coping skills, staying in the assigned location, and following directions with an average of 98%. The Student had one day at 82%, 7 days at 97%, and the rest at 100%.

74. The Parents submitted an undated document titled, Introduction to Detailed Allegation Summary, detailed allegations made against the District and provided supporting written documentation. The document stated the Student was impacted by having increased anxiety, dysregulation, and instability. Allegations included:
    a. "When IEPs Must Be In Effect:"
        i. The District failed to implement the Student's IEP by having the escort absent, standing far away, or arriving after the Student was already on campus.
        ii. The District changed the language in the Student's IEP regarding the Student's pick-up and drop-off location from "in front of the school" to "designated area" without [the Parent's] consent and without providing a PWN beforehand.
        iii. The District changed the escort from a specific person to "designated school staff" without parent input or supporting data.
        iv. The District failed to implement the Student's access to quiet workspaces when they become overwhelmed, anxious, or dysregulated, by denying the Student's request for an alternative, appropriate quiet workspace. The District refused to allow the accommodation without data or individualized consideration and was issued outside of an IEP meeting and without a PWN.

v. The District repeatedly denied the Student access to "reasonable and disability-related accommodations" without justification or individualized consideration, including increased supervision during arrival and dismissal, increased supervision during District-provided transportation, access to quiet workspaces, and adjustments to the Student's transition routines. The District issued "blanket refusals outside of IEP meetings" and failed to provide data, evaluation results, or any "substantive explanation" for why accommodations were denied.

b. "Review and Revision of IEP:"
   i. The District changed the wording in the Student's safety plan after an IEP meeting without notifying either parent. The change took effect on September 16 [no year] before a PWN was issued on October 2, [no year]. The changes were made despite "repeated parent objections," multiple written requests for clarification, and apparent disagreement.
   ii. The District failed to convene an IEP meeting after the District was provided with new evaluation data.

c. "PWN:"
   i. The District did not provide a PWN after the District changed the Student's safety plan. A PWN was received on September 15 [no year], which was issued "after parents objected to the change." They added, additional PWNs were "inaccurate, incomplete, or inconsistent with the actual timeline." None of the notices explained why the accommodation was removed, and they didn't describe how the change would meet the Student's "specific disability-related needs."
   ii. The District failed to provide an "accurate and timely" PWN, adding several were received only after the District had already taken action. Additionally, the PWNs failed to document the data used or the options considered. They stated the District "used generic language, omitted key facts, and misrepresented the timeline of events."

d. "IEP Team:"
   i. The District refused to include the Behavior Specialist and the Instructional Support Assistant at the December 8, [2025, IEP meeting. Both staff members had direct, ongoing knowledge of the Student's needs, behaviors, and daily functioning at school. The Parents had requested multiple times in writing the staff members be invited, but the District declined to invite them. The exclusion of the team members "deprived" the team of essential information about the Student and "compromised" the team's ability to develop an accurate IEP.

e. "Parent Participation:"
   i. The District insisted on "predetermined" decisions made outside of team meetings and by deferring parent concerns to departments that are not part of the IEP team. The District asserted the following decisions had already been made: changes to arrival location, supervision levels, and the denial of proposed accommodations before the Parents had the opportunity to share concerns or provide data.

f. "FAPE:"
   i. The District denied the Student access to a FAPE when they refused to convene a timely IEP meeting after the Parents submitted a private comprehensive psychological evaluation, which included a new diagnosis. Parent 1 added the District declined to make "interim adjustments " or provide immediate support.

ii. The District changed the Student's safety plan, which prevented the Student's access to their education supports.

75. On December 9, 2025, a discipline report indicated the Student had 11 documented incidents for the 2024-25 school year from September 11, 2024, through November 25, 2024. They had nine documented incidents for the 2025-26 school year from September 9, 2025, through October 31, 2025. The Student had five in-school suspensions and three out-of-school suspensions for the 2024-25 school year. The Student had three in-school suspensions and no out-of-school suspensions for the 2025-26 school year as of the date of the report.

76. In an interview with the Complaint Investigator, the Parents explained the drop-off and pick-up location had been at the front of the building for the last two years. They indicated they provided transportation in lieu of bus service because prior attempts were unsuccessful. The Case Manager asked whether they wanted to change the location spot for "convenience" and then "immediately reverted" from convenience to safety. The Parents believed the change was made outside of an IEP meeting, and the team refused to change the location back after multiple requests.

77. The Parents explained the impact of the change in the drop-off location on the Student. They explained the Student became anxious as soon as they pulled into the building. The Student started the day dysregulated, which affected the Student's entire day.

78. The Parents indicated there wasn't a designated location. They said the wording changed "in front of school" to a vague description of "designated location." The escort would not be in the same spot from day to day, and the person would change, so the Student never knew who was picking them up, which triggered their anxiety.

79. The Parents stated the accommodation request to do work in the hallway was originally a request for the Student to take a break in the hallway. The Student had requested it because they stated the student support center wouldn't always be available, or it was full of other dysregulated students.

80. The Parents shared that, although the Student had two locations they could access, this didn't mean they couldn't have another, and disagreed with the reasoning for denying the accommodation request.

81. The Parents recalled the PWN dated September 15, 2025, stated the District was going to "conduct a safety and risk evaluation" about the traffic pattern change, but never received data regarding that assessment. The PWN didn't say they were changing the location, but the location was changed the following day.

82. The Parents stated the PWN dated October 2, 2025, was a retroactive notice of a change that had already been made to the location.

83. The Parents said the first PWN dated November 19, 2025, indicated no data was available to show the Student needed extra supervision on the bus. They indicated the PWN does not consider parent-provided data or data collected from the transportation department and added the Student had required extra supervision in all settings by history since elementary school.

84. The Parents indicated the second PWN dated November 19, 2025, involved the hallway accommodation refusal. They did not believe the decision was individually made for the Student and believed the District said no because they didn't want to do it.

85. The Parents claimed the District did not follow the procedure for denying their written request for accommodations and instead provided an email denying the Parent's request.

Case Manager Interview

86. In an interview with the Complaint Investigator, the Case Manager was joined by the Special Education Coordinator and the Attorney for the Respondent.

87. The Case Manager explained all instructional assistants in their program had access to a digital and hard copy of the Student's IEP and confirmed they reviewed it as a team.

88. The Case Manager stated they had three instructional assistants from the EGC program who picked up the Student. They indicated the designated location was determined to be at the intersection of the two sidewalks on the west side of school. The Case Manager added the buses pulled up to the front of the School and the parent drop-off line was on the west side of the School. They stated the data they collected did not show any significant change in the Student's morning routine.

89. The Case Manager explained they had multiple conversations with the Parents on multiple dates about the designated location. They stated the change was when the traffic pattern was changed by the District and the Safety and Risk Department.

90. The Case Manager stated the Student requested to use the student support center and occasionally the EGC classroom. They described the student support center as a room designed for sensory regulation, available to all students. When the Student used that space, they were escorted there and would choose an activity to work on, which was usually coloring or talking with a staff member. The Case Manager stated the Student's breaks would last for about ten to fifteen minutes.

Special Education Coordinator Interview

91. In an interview with the Complaint Investigator, the Special Education Coordinator was joined by the Attorney for the Respondent.

92. The Special Education Coordinator confirmed the District made changes to the drop-off and pick-up locations over the summer prior to this school year. They added there was a meeting

at the beginning of the school year that included information for the Parents about the change. The Special Education Coordinator said the meeting included a conversation about letting the Parents know, asking what questions they had, and letting them know it was going to be a change for them and the Student. They indicated they met in person. The Special Education Coordinator recalled the meeting took place around September 15, [2025] "right after school started."

93. The Special Education Coordinator stated they received an email with "bits and pieces" of information from an evaluation report on the Wednesday prior to Thanksgiving break. They indicated they emailed the Parents to confirm they would schedule a meeting as soon as possible. They indicated they already had a couple of facilitated IEP meetings scheduled and added another one so they could talk about it on December 11, [2025].

Assistant Principal Interview

94. In an interview with the Complaint Investigator, the Assistant Principal was joined by Attorney 2 for the Respondent.

95. The Assistant Principal confirmed the drop-off location for the Student was at the point where the crosswalk met the sidewalk. Additionally, they stated the drop-off and pick-up locations changed after they realized the impact of the "school bussing [*sic*] situation." The Assistant Principal indicated they changed where all families pick up and drop off, unless there was an accessibility need up front.

    The Assistant Principal confirmed families were notified via a parent communication app in August. They explained the change occurred because the land next to the School was sold, and the School was no longer allowed to use it as a drop-off and pick-up location. That led to the restructure of the plan to determine how parents and buses would come in.

96. The Assistant Principal indicated they reviewed the evaluation data the Parents provided during an IEP meeting after it was provided to the Behavior Specialist. The Assistant Principal shared the Parents did not tell anyone the document had been sent, and then the Parents eventually stated it had been sent.

97. The Assistant Principal noted the Behavior Specialist and the Instructional Support Assistant were not part of the Student's IEP team. They clarified the Behavior Specialist worked with tier one school-wide behaviors. They added neither of the two staff members were part of the Student's team because they did not "specifically" support the Student on a day-to-day basis. The Assistant Principal noted one of the Parents invited the staff members to the IEP meeting, but they were not invited by the School because they were not formally part of the IEP team.

IV. DISCUSSION

When IEPs Must Be In Effect

The Parents alleged the District failed to implement the IEP and BSP as written, including the arrival/dismissal escort requirements, a consistent meeting location, supervision requirements, and access to a quiet workspace. Additionally, the Parents alleged the District denied access to requested accommodations without proper justification.

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. As soon as possible following development of the IEP, special education and related services must be made available to the child in accordance with the child's IEP. Each school district must ensure that the IEP is accessible to each regular education teacher, special education teacher, related services provider and other service provider who is responsible for its implementation and inform each teacher and provider described 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]

The Student's August 2024 safety plan required a specific paraeducator to escort them from the front of the School and supervise all transitions, breaks, and lunches. Following the Student's return from residential treatment in April 2025, a new IEP was developed in August 2025 that included proximity to teachers, line-of-sight supervision, and an adult escort to classes. In September 2025, one of the Parents reported multiple instances where no escort was waiting at the designated drop-off spot. The District reviewed video surveillance, asserting that staff were present within 20 feet or had stepped inside for less than 20 seconds, while the Parent maintained the escort was not "at" the location as required by the written plan.

Regarding quiet workspaces, the August 2025 IEP designated a specific room and the Student's classroom as calming areas. In November 2025, one of the Parents requested the hallway as an additional quiet workspace. The District refused this request via email and a subsequent PWN, citing safety concerns, potential for disruption, and the need for consistency. Additionally, while the IEP required line-of-sight supervision, the Parent reported the Student brought home prohibited items and accessed their personal email, which the Parent cited as failures in supervision.

Video footage and staff testimony confirmed escorts were present and provided line-of-sight supervision during arrival and dismissal. Furthermore, the District fulfilled its obligation to provide a quiet workspace by maintaining the designated calming areas identified in the IEP. The refusal of an additional hallway space was based on legitimate safety and consistency concerns rather than a failure to implement the existing plan.

The Department does not substantiate this allegation.

Review and Revision of IEP

[3] OAR 581-015-2220; 34 CFR §300.323

The Parents alleged the District made changes to the Student's safety plan without parental consent. The Parents alleged the District failed to convene an IEP meeting after the Parents provided new evaluation data, and failed to consider the private evaluation in a timely manner.

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, the results of any reevaluation, information about the child provided to, or by, the parents, the child's anticipated needs, or other matters.[4]

In making changes to a child's IEP between annual IEP Team meetings, the parent of a child with a disability and the school district may agree not to hold an IEP Team meeting to make these changes, and instead may develop a written document to amend or modify the child's current IEP. If changes are made to the child's IEP, the district must ensure that the child's IEP team is informed of these changes. Changes to the IEP may be made either by the entire IEP team at an IEP team meeting or by amending the IEP rather than by redrafting the entire IEP. Upon request, the parent must be provided with a revised copy of the IEP with the amendments incorporated.[5]

On August 27, 2025, the IEP team met and determined a placement of 40-79% in general education despite the Parents request for more general education classes. In September 2025, the Parents requested adding accommodations for "no homework" and "no items coming home," stating they consented to these changes without a meeting. The District initially declined to add these until the October 2025 meeting. On October 21, 2025, the District and the Parents signed a written agreement to add transportation to the IEP without a formal meeting, following the ' Parent's cancellation of a scheduled meeting.

However, a dispute arose regarding the safety plan language. The District updated the safety plan on September 15, 2025, changing "front of the school" to "designated meeting spot" and the specific escort's name to "designated school staff." The Parents repeatedly stated in writing that they did not consent to these changes and requested a "stay-put" of the previous version of the plan. The District maintained that these changes were administrative and based on a shift in school-wide traffic patterns.

On November 26, 2025, the Parents provided the District with diagnostic information from a private psychological evaluation identifying the Student with ASD (Level 1), ADHD, and Anxiety. They requested immediate updates to the IEP and BSP. The Special Education Coordinator acknowledged receipt of the "bits and pieces" of the report and scheduled an evaluation planning meeting for December 11, 2025, noting the team would consider the information then.

[4]OAR 581-015-2225(1); 34 CFR §300.324(b)
[5]OAR 581-015-2225(2-3); 34 CFR §300.324(b)

The Parents requested an earlier meeting to address the new data, offering to meet over the weekend. The District declined to meet before the facilitated December 8, 2025, meeting, stating they needed to review the full report and discuss it as a team. On December 5, 2025, the Special Education Coordinator shared the report with the School Psychologist and Speech-Language Pathologist to begin preparing for an Autism eligibility consideration.

The District properly utilized the legal allowance for amending an IEP without a meeting through a signed written agreement for transportation services. Regarding the safety plan, the District's shift to "designated staff" and "designated meeting spots" constituted administrative adjustments to school-wide safety and traffic patterns rather than a unilateral change to the Student's special education placement or services.

The District acted without unreasonable delay by scheduling an evaluation planning meeting within two weeks of receiving the private psychological report. The Special Education Coordinator immediately shared the findings with relevant specialists to prepare for a formal eligibility review, demonstrating that the District was actively processing the parent-provided information according to required timelines.

The Department does not substantiate this allegation.

Prior Written Notice

The Parents alleged the District failed to provide PWN when they made changes to the Student's safety plan. The Parents alleged the District failed to provide accurate and timely PWN when they proposed and refused actions, including incorrect PWNs dated September 15, 2025, October 2, 2025, and November 19, 2025.

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.[6]

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

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.[7]

The District issued PWNs on September 15, October 2, and November 19, 2025. The September 15 PWN addressed safety plan updates and noted the implementation date as September 16, 2025. Parent 1 alleged they did not receive this notice until October 2, 2025 and stated it lacked an explanation of how the changes benefited the Student. The October 2, 2025 PWN documented the District's refusal to allow front-of-school drop-offs or 1:1 staffing, citing changes to traffic patterns and a lack of data to support such a restrictive environment.

Two PWNs were issued on November 19, 2025: one for refusing increased supervision on the bus and another for refusing the hallway workspace. The Parents claimed these notices contained "procedural inconsistencies," specifically arguing that the refusal of extra bus supervision contradicted the provision of specialized transportation. The Parents further alleged the PWNs used generic language, misrepresented timelines, and were issued only after the District had already taken action.

The District provided detailed notices on September 15, October 2, and November 19, 2025, which addressed the proposed and refused actions. These notices included the required legal components, such as the data used for the decisions and the reasoning for rejecting alternative options, ensuring the Parents were informed of the District's position and their procedural safeguards.

The Department does not substantiate this allegation.

IEP Team

The Parents alleged the District refused to include required IEP participants, specifically the Behavior Specialist and the Instructional Support Assistant, at the IEP meeting held on December 8, 2025.

School Districts must ensure that the IEP Team for each child with a disability includes one or both of the child's parents, the child where appropriate, at least one regular education teacher of the child, if the child is or may be participating in the regular education environment, and at least one special education teacher or provider of the child. Additionally, the IEP Team must include a representative of the school district, who may also be another member of the team, who is qualified to provide, or supervise the provision of, specially designed instruction, knowledgeable about the general education curriculum and district resources, and authorized to commit district resources and ensure that services set out in the IEP will be provided. An individual who can interpret the instructional implications of the evaluation results (who may also be another member of the team) must also be included. Finally, the IEP Team must include

[7] OAR 581-015-2310(4-5); 34 CFR §300.503(c)

other individuals, including related services personnel as appropriate, invited by the parent or the school district.[8]

A member of the IEP team is not required to attend an IEP meeting, in whole or in part, if the parent of a child with a disability and the school district agree in writing that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed at the meeting. A member of the IEP team may be excused from attending an IEP meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of curriculum or related services, if the parent and school district consent in writing to the excusal, and the member submits, in writing to the parent and the IEP team, input into the development of the IEP before the meeting.[9]

The regular education teacher of the child must participate as a member of the IEP team, to the extent appropriate, in the development, review, and revision of the child's IEP, including assisting in the determination of supplementary aids and services, program modifications and supports for school personnel that will be provided for the child, and appropriate positive behavioral interventions and supports, and other strategies for the child.[10]

The Parents requested the Behavior Specialist and the Instructional Support Assistant be present at the December 8, 2025, facilitated IEP meeting. They argued these individuals had direct, day-to-day expertise regarding the Student's functional behavior. On December 4, 2025, the Special Education Coordinator informed the Parents the District would not be inviting these staff members because they had other responsibilities, though their written input would be requested.

The Assistant Principal stated during interviews that the Behavior Specialist and Instructional Support Assistant were not formally part of the Student's IEP team because they primarily focused on tier-one, school-wide behaviors rather than providing specific, daily support to the Student. The District proceeded with the December 8, 2025 meeting without these individuals, while the Parent maintained their exclusion deprived the team of essential information.

The legally required members, including a general education teacher, a special education provider, an individual who could interpret instructional implications of evaluation results, and a district representative, were present at the December 8, 2025 meeting. The District's decision not to include the Behavior Specialist or Support Center Coordinator was within its discretion, as these individuals were not the Student's specific service providers, and the District offered to provide their written input to the team.

The Department does not substantiate this allegation.

Parent Participation

[8] OAR 581-015-2210(1); 34 CFR § 300.321(a)
[9] OAR 581-015-2210(3); 34 CFR § 300.321(e)
[10] OAR 581-015-2210(4); 34 CFR § 300.321

The Parents alleged the District refused to allow meaningful participation by insisting on decisions the District made outside of the meeting.

School districts must provide one or both parents with an opportunity to participate in meetings with respect to the identification, evaluation, IEP, and educational placement of the child, and the provision of a FAPE to the child. A written meeting notice must be provided to parents 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, inform the parent that the team may proceed with the meeting even if the parent is not in attendance, and inform the parent of whom to contact before the meeting to provide information if they are unable to attend. Additionally, the school district must take whatever action is necessary to ensure that the parent understands the proceedings at a meeting. A meeting may be conducted without a parent in attendance if the school district has given the parent appropriate and lawful notice.[11]

The Parents alleged the District made "predetermined" decisions regarding the arrival location and supervision levels outside of the IEP process. They cited communications from District administrators stating that drop-off locations were guided by the Department of Transportation and Risk Management and were "outside the IEP process." The Parents also pointed to the September 15, 2025 meeting where the Special Education Coordinator stated the meeting was for the BSP and was not an "actual IEP amendment," despite the Parent's request to amend the IEP at that time.

The District asserted that, while 100% consensus is the goal, it is not always possible. The Director of Middle Schools informed the Parents that decisions were reached by consensus under the direction of the district representative. The Parents countered that by deferring concerns to other departments (like Safety and Risk), the District blocked meaningful parent participation in the development of the IEP and safety plan.

The record shows the District held multiple facilitated meetings and extensively documented the ' Parent's disagreements and requests. While the District maintained authority over school-wide safety procedures like traffic patterns, it continued to engage in the IEP process by discussing how those patterns impacted the Student and offering to review accommodations at subsequent meetings.

The Department does not substantiate this allegation.

Free Appropriate Public Education (FAPE)

The Parents alleged the District denied the Student access to a FAPE by refusing to hold a timely IEP meeting to consider information from a private evaluation, and by changing the Student's safety plan and refusing to provide accommodations, thus preventing the Student access to education supports.

[11] OAR 581-015-2190(1-5); 34 CFR §300.322

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. The requirements of this rule also apply to children with disabilities who have been suspended or expelled from school.[12]

The Parents alleged a denial of a FAPE based on the District's refusal to hold a meeting immediately following the submission of the private psychological evaluation in November 2025. They claimed the District's failure to make "interim adjustments" based on the new Autism diagnosis left the Student without appropriate support. Additionally, the Parents linked the change in the safety plan and the denial of the hallway accommodation to the Student's increased anxiety and dysregulation.

The District maintained that the Student was making progress, noting in October 2025 that the Student was passing all classes with a "C" or higher and had a 93% success rate in staying in assigned locations. The District asserted that they were prepared to provide services and that the current placements and accommodations provided the Student with access to their education in the least restrictive environment.

Data from October 2025 showed the Student was passing all classes and making significant progress toward social-emotional and behavioral goals. The District's refusal to implement specific requested accommodations, such as hallway breaks or 1:1 staffing, did not constitute a denial of a FAPE because the District provided alternative, appropriate supports that allowed the Student to remain successful in the least restrictive environment.

The Department does not substantiate this allegation.

VII. CORRECTIVE ACTION

In the Salem-Keizer School District 24J
Case No. 25-054-090

The Department does not order corrective action in this matter.

Dated: this 6th Day of February 2026



_____

Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

[12] OAR 581-015-2040; 34 CFR §§ 300.17, 300.101

E-mailing Date: January 6, 2026

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