BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of Coos Bay School District 9	)	FINDINGS OF FACT,
	)	CONCLUSIONS,
	)	AND FINAL ORDER
	)	Case No. 26-054-003

I. BACKGROUND

On January 7, 2026, the Oregon Department of Education (Department) received a written request for a special education complaint investigation from a parent (Parent) of a student (Student) residing in the Coos Bay School District 9 (District). The Parent requested that the Department conduct a special education investigation under OAR 581-015-2030. The Department confirmed receipt of this Complaint and forwarded the request to the District.

Under state and federal law, the Department must investigate written complaints that allege violations of the Individuals with Disabilities Education Act (IDEA) and issue an order within sixty days of receipt of the complaint.[1] This timeline may be extended if the Parent and the District agree to the extension in order to engage in mediation or local resolution, or for exceptional circumstances related to the complaint.[2]

On January 13, 2026, 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 January 27, 2026.

The District submitted a *Response* on January 27, 2026, denying the allegations, providing an explanation, and submitting documents supporting the District's position. The District submitted the following relevant items:

1. Individualized Education Program (IEP), 10/28/24
2. Special Education Placement Determination, 10/28/24
3. IEP Progress Report, 06/11/25
4. Notice of Team Meeting, 10/01/24
5. Special Ed[ucation] Student Contact Log, 01/16/26
6. Daily Attendance, 09/18/24-05/12/25
7. Report Card, 2024-25 School Year
8. Educator Primary Information, no date
9. [the Charter School] Schedule, 2024-25 School Year

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

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

The Parent submitted documents in support of the Parents' position on January 13, 2026.

The Complaint Investigator interviewed the Parent on February 12, 2026. From February 9 to February 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 Parent's allegations and the Department's conclusions are set out in the chart below. The conclusions are based on the Findings of Fact in Section III and the Discussion in Section IV. This Complaint covers the one-year period from January 8, 2025, to the filing of this Complaint on January 7, 2026.

Allegations	Conclusions
When IEPs Must Be In Effect The Parent alleged the District failed to implement the Student's IEP by not providing the IEP services required to be delivered by a licensed special education teacher during the 2024-25 school year due to the absence of a special education teacher at the School. (OAR 581-015-2220(a)(c); 34 CFR § 300.323(a)(d))	**Not Substantiated** The District provided special education and related services in accordance with the Student's IEP.
IEP Team/Qualified Personnel The Parent alleged the District failed to ensure a special education teacher was part of the Student's IEP team and service delivery during the 2024-25 school year. The Parent further alleged the District failed to ensure special education services were provided by licensed and qualified personnel and instead utilized general education staff or substitutes in place of a qualified special education teacher. (OAR 581-015-2210(d); 34 CFR §§ 300.321(a)(3), 300.156(a)(c))	**Not Substantiated** The District ensured a licensed special education provider supervised the provision of services in accordance with the Student's IEP and attended the Student's IEP meeting.

Prior Written Notice (PWN) The Parent alleged the District failed to provide PWN, citing the District's inability or refusal to provide IEP services, which effectively changed the Student's educational placement and service delivery by not providing the special education services as written in the IEP. (OAR 581-015-2310(2)(3); 34 CFR § 300.503)	**Not Substantiated** The District provided the required PWN following the Student's IEP meeting.
Free and Appropriate Public Education (FAPE) The Parent alleged the District denied the Student a FAPE by failing to provide special education services as required by the IEP during the 2024-25 school year because the Student did not have an assigned special education teacher. (OAR 581-015-2040(1); 34 CFR §§ 300.17, 300.101(a))	**Not Substantiated** The District provided services to the Student in accordance with their IEP. Accordingly, there was no denial of FAPE.

REQUESTED CORRECTIVE ACTION
● Assign a special education teacher to the Charter School.

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 January 8, 2025. Any facts listed below relating to circumstances or incidents earlier than that date are included solely to provide the context necessary to understand the Student's disability and special education history.

1. The Student attends 5th grade at a charter school in the District (Charter School). The Student is eligible under the IDEA as a Student with a Specific Learning Disability (SLD).

2. A Notice of Team Meeting dated October 1, 2024, indicated a meeting was scheduled for October 28, 2024, to review the Student's IEP. The individuals listed as required to attend included the Parent, the Charter School Director, the Special Education Director, the Education Assistant, the General Education Teacher, and the Special Education Case Manager.

3. An annual IEP dated October 28, 2024, indicated the following relevant information:

a. IEP team members who attended included the Parent, the Charter School Director, the Special Education Case Manager, the General Education Teacher, the Education Assistant (EA), and the Reading Interventionist.
b. The Student's strengths were described as follows: The Student enjoys going to school and being with friends. They also like riding their electric motorcycle, riding their bike, and playing video games. "Academically, math calculations are [the Student's] personal strengths. Cognitively, [the Student] has strengths in the area of Visual Spatial and Fluid Reasoning." The Student puts their best effort into school and likes math, art, physical education (P.E.), and "all the social aspects" of being at school.
c. Regarding concerns from the Parent, the Parent requested a monthly schedule of the Student's Resource Room activities to better align with their schoolwork, and noted a lack of visibility into that specific curriculum. While the IEP excluded homework, the Parent believed providing non-graded supplemental materials would support their growth and help bridge gaps in their decoding skills. These academic challenges were linked to foundational learning loss caused by hearing issues during the first three years of the Student's life. The Parent mentioned the Student was experiencing new hearing issues and had an upcoming appointment with a specialist to address them.
d. The IEP noted the Student worked with the Education Assistant in the Resource Room for math and worked with the Reading Interventionist for 180 minutes per week.
e. Goals:
    i. Reading: "By October 2025, and after receiving specially designed instruction [SDI] in reading, [the Student] will increase [their] oral reading fluency to 36 correct words per minute at the 2nd grade level in 1 out of 3 opportunities as measured by district assessments."
        (1) A progress report dated June 11, 2025, indicated the Student had made progress toward the goal and was reading 13 correct words per minute based on district assessment.
        (2) A progress report dated January 31, 2025, indicated the Student had made progress toward the goal and scored 20% to 30% accuracy at the second-grade level.
    ii. Reading: "By October 2025, [and] given direct instruction in phonological awareness strategies at the third grade level, [the Student] will be able to read at least 30 whole words per minute and increase [their] letter sounds to at least 50 sounds in 1 out of 3 opportunities as measured by district-wide assessments."
        (1) A progress report dated June 11, 2025, did not include a progress code but stated the Student read 46 correct letter sounds and 13 words per minute based on the district assessment.
        (2) A progress report dated January 31, 2025, indicated the Student had made progress toward the goal and was reading 37 letter sounds and 18 correct words per minute at the first-grade level.
    iii. Writing: "By October 2025 and after small group instruction in letter and sounds correspondence, [the Student] will be able to write 3 [to] 5 simple sentences (4 [to] 10 words in length) in response to a prompt, with 70% accuracy on spelling and grammatical conventions, as measured by teacher and district assessments."

(1) A progress report dated June 11, 2025, indicated the Student was making progress toward the goal and had "worked hard on [their] spelling and made progress on [their] writing skills." The Student was performing at 75% accuracy and needed to continue working on conventions.
(2) A progress report dated January 31, 2025, indicated the Student was making progress toward the goal and was working on "developing basic skills." The Student was writing words with one syllable and with a limited academic vocabulary. [The Student] was not able to write a paragraph at grade level."

iv. Math: "By October 2025, with math instruction, [the Student] will use a variety of math problem[-]solving skills to solve math calculation problems with at least 60% accuracy as measured by district assessments."
(1) A progress report dated June 11, 2025, indicated the Student was making progress toward the goal and scored 29% on "basic math" and 43% on "proficient math" according to district assessment.
(2) A progress report dated January 31, 2025, indicated the Student had made progress toward the goal and scored 40% on a winter district math assessment.

f. SDI was listed from October 28, 2024 to October 27, 2025, to be provided by the Local Education Agency (LEA) in the Resource Room/general education classroom, and monitored by the General Education Teacher in the following areas:
i. Written Language for 90 minutes per week;
ii. Reading for 90 minutes per week; and
iii. Mathematics for 180 minutes per week.

g. Supplementary aids, services, and accommodations were listed from October 28, 2024 to October 27, 2025, to be provided by the LEA, and monitored by the General Education Teacher in the following areas:
i. "Additional time for assignments and tests, twice as much time as non-disabled peers" for 60 minutes per week in the general education setting.
ii. "No additional graded homework to be sent home after working in the resource room and general education classroom" for 30 minutes per week in all academic settings.
iii. "Access to [a] reader pen for reading" for 60 minutes per week in all academic settings.
iv. "Sit near instruction to avoid distractions" for 300 minutes per week in the general education classroom.
v. "Simplify directions" for 30 minutes per week in the general education setting and the Resource Room.
vi. "Frequent opportunities for practice and review of new concepts and skills" for 60 minutes per week in the general education setting and the Resource Room.
vii. "Break larger tasks into smaller steps" for 30 minutes per week in the general education classroom.
viii. "Provide visual aids for writing instruction (sentence starters, word banks)" for 30 minutes per week in all academic settings.
ix. "Allow [the Student] to have dynamic seating with 10 [to] 15 minutes for seating at a time in the classroom" for 1500 minutes per week in the general education setting.
x. "Frequent checks for understanding" for 30 minutes per week in the general education setting and the Resource Room.

xi. Access to visual aids and tools (letter strips, number lines) for all academic lessons, for 60 minutes per week in the general education setting and the Resource Room.
xii. "Allow [the Student] to show proficiency with [a] shorter amount of work" for 30 minutes per week in the general education setting.
xiii. "Allow tests and quizzes to be completed in the resource room or another quiet location" for 30 minutes per week in the Resource Room.
xiv. "Pair visual supports when teaching new concepts" for 60 minutes per week in the general education setting.
xv. "Note card for math with sample problems to refer to" for 60 minutes per week in the general education setting and the Resource Room.
xvi. "Text-to-speech and speech-to-text for reading and writing assessments/ assignments" for 30 minutes per week in the general education setting and the Resource Room

h. Supports for school personnel included 10 minutes of consultation per month with staff and parents, provided by the LEA and managed by the Special Education Case Manager.
i. Nonparticipation justification indicated removal from the general education classroom to receive SDI for 30 minutes per week in the area of math, 30 minutes per week in the area of reading, and 30 minutes per week in the area of writing. "[The Student] benefits from additional instruction in a small group setting that will help [them] master the foundational academic skills needed to be successful in the general education setting.
j. The Student's placement was determined to be 30% to 80% of the day, or more, in the regular classroom. The placement was described as general education classes with small group instruction in the area of reading, writing, and math provided in the Resource Room, as well as push-in services in the general education classroom.

4. PWN dated October 28, 2024, documented the following relevant information:
   a. The IEP team met to develop the Student's annual IEP, which included accommodations to support them in the general education setting. The team determined the Student would receive 30 minutes per week of pull-out services in reading, 30 minutes per week in math, and 30 minutes per week in writing, provided in the Resource Room.
   b. It was noted the Student's academic skills in reading, writing, and math were below grade level, and special education services and supports were needed to help them make academic gains in the general education setting.
   c. It was noted the team considered providing consultation services in the general education class and not providing additional pull-out services in the Resource Room, but this was decided against because the Student benefitted from "additional support in reading, math, and writing in a small group with individualized instruction."

5. A Special Education Student Contact Log showed only one entry on February 3, 2025, noting the Special Education Case Manager mailed progress updates on goals.

6. An attendance record for the 2024-25 school year indicated the Student had seven total absences.

7. A 2024-25 grade report for the Student listed the following grades for reading, math, and writing:
   a. Reading: D (Term 1), D (Term 2), and C (Term 3).
      i. Term 1 comments noted the Student was working through challenges related to reading, which affected their "emergent" comprehension and their ability to complete work independently.
      ii. Term 2 comments noted the Student was able to read a first-grade passage while sounding out words and "getting assistance." The Student's high-frequency word count was "limited." It was also noted, "Despite facing challenges in reading, including decoding, fluency, and comprehension, [the Student] continues to make steady progress through perseverance and effort."
   b. Writing: D (Term 1), D (Term 2), and C (Term 3)
   c. Math: B (Term 1), C+ (Term 2), and B (Term 3).

8. A schedule for the 2024-25 school year indicated that the Student's pull-out time was scheduled for 90 minutes: 12:30 p.m. to 1:00 p.m. on Mondays, 11:00 a.m. to 11:30 a.m. on Wednesdays, and 9:00 a.m. to 9:30 a.m. on Fridays.

9. Documentation from the District showed the Special Education Case Manager held an Oregon Professional Teaching license valid from August 12, 2021 through September 18, 2026, with an endorsement in Special Education for grades preschool through grade twelve.

10. On January 7, 2026, the Parent filed this Complaint.

Parent Interview

11. In an interview with the Complaint investigator, the Parent stated their understanding was that the Education Assistant was providing the Student's SDI for reading, writing, and math, either during class or through a pull-out. They indicated the Education Assistant was "a non-licensed special education teacher that was hired to facilitate special education needs" for the District. The Parent described the Education Assistant as "the special education teacher" who worked with the Student.

12. The Parent indicated they witnessed the Education Assistant pulling the Student out of class for math and using the Student's math textbook instead of a "designed curriculum." The Parent noted they were unsure which curriculum the Student was supposed to be working on, and added they knew the Student was working on the general education curriculum in the resource room with the Education Assistant. The Parent stated they were never informed that a licensed special education teacher was unable to provide direct instruction.

13. The Parent noted the Student was "supposedly" receiving their SDI in the resource room, and added the IEP stated most of it was supposed to be in the general education classroom by the General Education Teacher.

14. The Parent reported the Student made no progress during the 2024-25 school year. The Parent shared they had asked for the Student's goal to be above a first-grade level to "bridge the gap and close it," and the Student was not able to meet the standards set in the IEP.

15. The Parent explained the Student was identified as "dual dyslexic" and therefore needed shorter instructions and more time to complete work. They recalled the Student was given a pen reader and speech-to-text, but stated they weren't taught how to use them. The Parent shared the Student needed someone to read to them for comprehension. They also shared they asked for a stand-up desk for the Student, and the District provided one. The Parent described other accommodations they believed the Student required, including decoding instruction, frequent teacher check-ins, and sitting near the front of the classroom.

16. The Parent stated they understood the General Education Teacher offered the accommodations, with the Education Assistant providing visual aids and note cards for math.

17. The Parent recalled the Reading Interventionist worked with the Student on a Dyslexia-specific curriculum, specifically focusing on decoding.

18. The Parent stated the SDI did not provide targeted writing interventions. They recalled the services "reflected general support" and were not provided by a special education teacher.

19. The Parent stated they had requested progress monitoring, and the Special Education Case Manager told the Parent the reports would be mailed when the Student's report cards were mailed. They stated because the Charter School was on a trimester schedule and the District was on a semester schedule there were no progress reports for the Student.

20. The Parent stated they repeatedly sought clarification and raised concerns but were not provided with transparency into how services were structured or supervised. They stated there was no clear expectation that the bulk of the instruction would be handled by a general education teacher. The Parent indicated they expected clear documentation showing what SDI lessons were planned, who delivered them, how they were supervised, how progress was monitored, and how instruction was adjusted based on data.

21. The Parent indicated they received progress reports at the end of the school year but the IEP team never addressed the Student's progress.

General Education Teacher Interview

22. In an interview with the Complaint Investigator, the General Education Teacher stated they were the fourth-grade teacher at the Charter School and the Student was in their class for the entire 2024-25 school year. They indicated they had 25 students in their class that year.

23. The General Education Teacher indicated the Student was working on reading at an "emerging reading and decoding level". They noted the Student was two grade levels below their peers and was a motivated learner with a great attitude.

24. The General Education Teacher described the Education Assistant as the "case manager." They stated the Education Assistant consulted with them about the work they were doing in class and then brought the work to their office to complete with the Student. The General Education Teacher indicated they met regularly during the school day with the Education Assistant and consulted with them "between two and three times a week."

25. The General Education Teacher stated they designed all of their lessons in three different tiers, and the Student was grouped with other students that needed instruction broken into "smaller chunks" or a reduced workload.

26. The General Education Teacher shared that the Student was receiving pull-out support in reading from the "in-house" dyslexia team as well as from the Education Assistant. They were not in the room when the Student was receiving these services, so could not speak to what that SDI looked like. The General Education Teacher stated they taught a curriculum specifically designed for the Student's class based on the Student's DIBELS progress-monitoring scores.

27. The General Education Teacher indicated the Student was working on pencil grip, penmanship, and letter formation for their SDI in writing. They shared the Student was also working on cursive and completing a report using multimedia components. They stated the Student had accommodations for reduced volume of words, sentences, and paragraphs. They indicated the Student was also allowed to use lower-grade-level vocabulary at a first- or second-grade level. The General Education Teacher stated the Student received pull-out writing services every day.

28. The General Education Teacher explained the Student had a reduced workload, extra practice, and scaffolding for problems requiring more than two steps to solve for their math SDI. The General Education teacher stated the Student did not receive pull-out math instruction because they needed to receive the same instruction as their peers. They added the Education Assistant would support the Student with math homework if it appeared the Student was going to struggle with it.

29. The General Education Teacher stated they did not have a special education assistant working in their classroom during the 2024-25 school year. They indicated there was never an occasion when a special education assistant provided services to the Student. They stated the Student received no "push-in" services in their classroom.

30. The General Education Teacher stated they determined what the Student needed and how they supported their goals by using the Student's DIBELS scores in phonics, vocabulary, and reading comprehension. They added their conversations with the Education Assistant helped them know how the Student was doing. They also looked over the Student's weekly "learning checks."

31. The General Education Teacher described how they used visual aids in the classroom with the Student to support their learning, including a clear ruler to isolate text, times tables, anchor charts, a cursive handwriting strip, and the printed alphabet. The General Education Teacher confirmed the classroom accommodations they provided along with how the Student accessed each support which included additional time for assignments, no additional homework sent home, access to a reader pen, seat near instruction, simplified directions, frequent opportunities for practice and review of new concepts, breaking larger tasks into smaller steps, visual aids for writing instruction, dynamic seating, frequent checks for understanding, and tests and quizzes to be completed in the resource room or another quiet location.

32. The General Education Teacher stated their schedule was created so that students had 90 minutes of English and 90 minutes of math instruction. They shared the Student received their special instruction during that time and added they did not keep track of the minutes. The General Education Teacher noted the school schedulers in the special education department kept track of the Student's services and the General Education Teacher's schedule.

Special Education Director Interview

33. In an interview with the Complaint Investigator, the Special Education Director was joined by the Attorney for the District.

34. The Special Education Director stated the District's model for providing special education services to students on IEPs at their charter schools included a case manager who oversaw SDI, and an educational assistant who provided services under the case manager's direction. The Special Education Director described how the Student's provision of services in the general education classroom occurred with the General Education Teacher or the Education Assistant providing SDI based on consultation with the Special Education Case Manager.

35. The Special Education Director indicated there was no period during the 2024-25 school year when the special education case manager position was vacant or was filled by someone who did not hold a special education license

Special Education Case Manager Interview

36. In an interview with the Complaint investigator, the Special Education Case Manager was joined by the Attorney for the District.

37. The Special Education Case Manager stated the Education Assistant served the Student under their direction, which included consultation between the Special Education Case Manager, the General Education Teacher, and the Education Assistant. The Special Education Case Manager stated each teacher at the Charter School had the Special Education Case Manager's phone number and could call or email them at any time. They added the Education Assistant was also in contact with teachers on a daily basis, as needed. The Special Education Case

Manager indicated they consulted with the Education Assistant "every day if not every other day."

38. The Special Education Case Manager stated they planned instruction based on what the IEP team decided the Student needed to work on. They added that IEP goals were developed as a team, and the Education Assistant attended the IEP meetings, so they had knowledge of which goals the Student needed to work on.

39. The Special Education Case Manager indicated they supervised the delivery of services by consulting with the Education Assistant on what the Student was working on, how the Student was doing, and what the Student still needed to work on. They indicated that SDI was provided by both the Education Assistant and the General Education Teacher.

40. The Special Education Teacher indicated they did not consult with the Reading Interventionist, and added that the Reading Interventionist did not work toward the Student's IEP goals.

41. The Special Education Case Manager confirmed there was never a time when SDI was not provided, except when the Student or the Education Assistant was absent, and those minutes were made up. They noted they were assigned to the Charter School for the entire 2024-25 school year. They indicated their role at the Charter School was to provide consultation, solve problems, write IEPs, and address eligibility. They stated they did "everything that a special education case manager would do besides being on campus." The Special Education Case Manager stated they were on campus when they completed evaluations.

Education Assistant Interview

42. In an interview with the Complaint Investigator, the Education Assistant was accompanied by the Attorney for the District. The Education Assistant indicated they had worked at the Charter School for ten years, delivering special education services.

43. The Education Assistant confirmed they worked with the Student in the resource room for math for 30 minutes each week. They shared they worked with the Student on what the Student was working on in class, which included multiplication and division, and "anything that was outlined in the IEP."

44. The Education Assistant shared they did not decide what to work on with the Student, as it was determined by the IEP team. They added they consulted with the Special Education Case Manager about which materials the Student needed and what they would do. They noted they consulted with the Special Education Case Manager "two to three times a week." They shared that if anything imperative came up, they would discuss it with the Special Education Case Manager right away. They confirmed they did nothing on their own and only followed what was written in the IEP and discussed as a team.

Reading Interventionist Interview

45. In an interview with the Complaint investigator, the Reading Interventionist stated they did not hold a special education endorsement and described their licensure as a charter license through the Teacher Standards and Practices Commission (TSPC) with additional coursework in reading interventions, specifically related to dyslexia.

46. The Reading Interventionist stated they used a reading program specifically designed for students with dyslexia when working with the Student. They indicated they worked with the Student in their own classroom and confirmed what they did was "completely separate" from special education services.

47. The Reading Interventionist confirmed they did not report progress on the Student's IEP goals. They indicated they were responsible for all benchmark data for the entire school and included that data in IEP meetings. They shared they did not collect the data specifically for the Student, but for all students.

Dean of Students Interview

48. In an interview with the Complaint Investigator, the Dean of Students stated they were dually licensed in general and special education. They shared they were a part of the Student's IEP team and filled the role of administrator for IEP meetings

49. The Dean of Students shared the Student used their accommodations and followed directions. They shared there was a lack of "appropriate SDI" provided. They indicated there was no licensed special education teacher in the building during the 2024-25 school year, and no remedial curriculum was provided for the Student. They shared the students worked with the Education Assistant on "stuff from their classrooms," and there was no curriculum in place for the Student.

50. The Dean of Students stated the Special Education Case Manager was overseeing the Education Assistant.

51. The Dean of Students indicated the Student was with their peers in the general education setting "all the time," adding the time the Student wasn't there was "very minimal."

52. The Dean of Students recalled the Student had a consultation on their IEP between the General Education Teacher and the Special Education Case Manager. They said the consultation didn't occur with the Special Education Case Manager; they said it occurred with them instead. The Dean of Students noted when general education teachers had questions, both the Dean of Students and the Education Assistant addressed them.

Charter School Director Interview

53. In an interview with the Complaint Investigator, the Charter School Director shared the Reading Interventionist was the Charter School's dyslexia coordinator and reading intervention specialist. They noted the Reading Interventionist held a charter license, which meant they had demonstrated proficiency in a specific field but may not have a teaching credential.

54. The Charter School Director stated the Education Assistant was an educational aide for the District and had been serving the special education population at the Charter School for the past five years. They added the Education Assistant worked four days per week and saw students in the resource room. The Charter School Director confirmed the Education Assistant was not licensed in special education.

55. The Charter School Director shared the resource room was staffed "almost entirely" by an education assistant or substitutes without a special education license. They confirmed the Special Education Case Manager was the case manager and attended the IEPs, but the Education Assistant provided the services on campus.

IV. DISCUSSION

When IEPs Must Be In Effect

The Parent alleged the District failed to implement the Student's IEP by not providing IEP services required to be delivered by a licensed special education teacher during the 2024-25 school year due to the absence of a special education teacher at the School.

School districts must have an IEP in effect for every eligible child with a disability at the start of each school year. When a student moves between districts, the new school must take reasonable steps to promptly obtain the child's special education records from the previous district to ensure there is no lapse in services. School districts must ensure that every teacher and service provider responsible for a student's education has direct access to their IEP and is clearly informed of their specific roles, responsibilities, and the mandated accommodations and supports required for the student.[3]

Special education is defined as "specially designed instruction," that is provided at no cost to the parents and is intended to meet the unique needs of a child with a disability. "Specially Designed Instruction" means adapting, as appropriate to the needs of a child with a disability, the content, methodology, or delivery of instruction: 1) to address the child's unique needs resulting from the disability; and 2) ensuring the child's access to the general education curriculum.[4]

[3](OAR 581-015-2220(a)(c); 34 CFR § 300.323(a)(d))

The Student's October 2024 IEP required SDI in written language, reading, and mathematics to be provided by the LEA and monitored by the General Education Teacher. SDI does not necessarily have to be provided face-to-face with a special education teacher. SDI can be provided by a general education teacher or other non-certified staff member (e.g. a paraeducator or instructional assistant) so long as the instruction is both designed and monitored by a special education teacher. The Special Education Case Manager held a valid Oregon Professional Teaching license with a special education endorsement and served in their role as a case manager during all times relevant to the Complaint. They designed and developed the Student's SDI, provided frequent consultation to the Education Assistant regarding its implementation, and was available to consult with the General Education Teacher as needed. The Education Assistant, in turn, regularly communicated with the General Education Teacher about the Student's instructional needs. While the Special Education Case Manager's use of the Education Assistant as an intermediary to provide direction to the General Education Teacher regarding implementation of SDI may not be best practice and likely isn't the most effective way of ensuring that services are provided with fidelity, the IDEA does not dictate any specific method for how SDI is to be supervised.

As explained by the Special Education Director and Special Education Case Manager, the Charter School maintains a service delivery model in which the Special Education Case Manager designs and supervises SDI that is provided by both the Education Assistant and the General Education Teacher. In this case, the Student's SDI was provided through a combination of pull-out services by the Educational Assistant and by the General Education Teacher within the classroom. The General Education Teacher adapted the Student's instruction through the use of accommodations, placing the Student in tiered groups aligned to the Student's unique needs, and by differentiating instruction based on the Student's performance on District assessments. It should be noted that the Dean of Students did not believe that the appropriate SDI was provided to the Student, however, all other District staff that were interviewed credibly reported that the Student received the SDI required by their IEP.

The Department does not substantiate this allegation.

IEP Team/Qualified Personnel:

The Parent alleged the District failed to ensure a special education teacher was part of the Student's IEP team and service delivery during the 2024-25 school year. The Parent further alleged the District failed to ensure special education services were provided by licensed and qualified personnel and instead utilized general education staff or substitutes in place of a qualified special education teacher.

School districts are required to include at least one special education teacher or, when appropriate, at least one special education provider of the child as a mandatory member of the IEP team. This ensures that a professional with specific expertise in the student's disability and

specialized instruction is present to help develop, review, and revise the student's educational plan.[4]

The Notice of Team Meeting and the October 28, 2024, IEP list the Special Education Case Manager as a required attendee and participant in the IEP meeting. Documentation shows the Case Manager held a valid special education endorsement for grades PK–12 during the period in question. The evidence does not support that the District failed to include a special education teacher as part of the Student's IEP team. As discussed above, SDI can be provided by a general education teacher or other non-certified staff so long as the instruction is both designed and monitored by a special education teacher. The District established that the Special Education Case Manager participated in the development of the Student's IEP and provided ongoing professional oversight to the staff delivering direct services.

The Department does not substantiate this allegation.

Prior Written Notice (PWN):

The Parent alleged the District failed to provide PWN, explaining the inability or refusal to provide IEP services when it effectively changed the Student's educational placement and service delivery by not providing special education services as written in the IEP.

The IDEA requires school districts to give parents PWN "a reasonable time" before it proposes or refuses to initiate or change anything related to the identification, evaluation, educational placement, or the provision of FAPE to a child with a disability.[5] PWN must be both specific and explanatory, including:

a. A description of the action the school proposed or refused;
b. An explanation of why the school proposes or refuses to take the action;
c. A description of each evaluation procedure, assessment, record, or report the school used as a basis for the proposed or refused action;
d. A statement that the parents of a child with a disability have procedural safeguards under IDEA and how parents can obtain a copy of the procedural safeguards notice;
e. Sources for parents to contact to obtain assistance in understanding the IDEA;
f. A description of other options considered and the reasons why those options were rejected; and
g. A description of other factors that are relevant to the school's proposal or refusal.

The Parent claimed they were "never informed" that SDI would be primarily delivered by general education staff or an education assistant. They also stated they were "never provided" an explanation of how supervision by a special education teacher was occurring and was "never shown" documentation demonstrating that specialized instruction was being planned, delivered, monitored, or adjusted by a licensed special education teacher. The District asserted that it was not required to provide PWN explaining its inability or refusal to provide IEP services

[4](OAR 581-015-2210(d); 34 CFR §§ 300.321(a)(3), 300.156(a)(c))
[5] OAR 581-015-2310; 34 CFR §300.503(a).

because it provided all required special education services to the Student and did not refuse to provide those services at any time.

The District issued a PWN on October 28, 2024, documenting the team's decision to provide 30 minutes per week of pull-out services in reading, math, and writing in the Resource Room. This PWN noted the team considered, but rejected, providing only consultation services because the Student benefited from small-group individualized instruction. The IEP's nonparticipation justification section specified the Student would be removed from the general education classroom for a total of 90 minutes per week for these services. This PWN clearly outlined the agreed-upon frequency, location, and nature of the Student's special education services and placement. The District established that it provided the Student with the SDI required by their IEP. Further, there was no evidence provided indicating that a change of placement occurred during the time period of the Complaint. Accordingly, the District was not obligated to provide PWN regarding either a change of placement or a refusal to provide the special education services in the Student's IEP.

The Department does not substantiate this allegation.

Free and Appropriate Public Education (FAPE):

The Parent alleged the District denied the Student a FAPE by failing to provide special education services as required by the IEP during the 2024-25 school year due to not having an assigned special education teacher.

Each school district is responsible for providing a free appropriate public education to school age children with disabilities for whom the school district is responsible.[6] In Oregon, the school district who is responsible for providing FAPE to a student is the student's district of residence.[7] The IDEA defines FAPE as special education and related services that: 1) Are provided at public expense, under public supervision and direction, and without charge; 2) Meet the standards of the state educational agency; 3) Include an appropriate preschool, elementary school, or secondary school education; and 4) Are provided in conformity with an IEP.[8]

To determine if a student has been denied a FAPE, courts must consider whether the school district complied with the procedural requirements of the IDEA, and whether the school district met the substantive requirement to develop an IEP reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances.[9] Not all procedural violations amount to a denial of FAPE. A school district's procedural violation denies FAPE to a student if it results in a loss of educational opportunity or if it seriously infringes on the parents' opportunity to participate in the development of the IEP.[10]

[6] OAR 581-015-2040(1); 34 CFR § 300.101(a)
[7] OAR 581-015-2040
[8] OAR 581-015-2040; 34 CFR § 300.17
[9] *Endrew F.,* 137 S.Ct. at 999
[10] *W.G. v. Bd. of Trustees of Target Range Sch. Dist. No. 23,* 960 F.2d 1479, 1484 (9th Cir. 1992)

In this case, there was no evidence of substantive or procedural violations of the IDEA. Accordingly, there was no denial of FAPE.

The Department does not substantiate this allegation.

VII. CORRECTIVE ACTION

In the Coos Bay School District
Case No. 26-054-003

No corrective action is ordered in this matter.

Dated: this 6 Day of March 2026



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Crystal Brumfield
Director of IDEA Programs
Office of Enhancing Student Opportunities

E-mailing Date: March 6, 2026

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