BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of Greater Albany Public School District 8J	))))	FINDINGS OF FACT, CONCLUSIONS, AND FINAL ORDER Case No. 26-054-005

I. BACKGROUND

On January 9, 2026, the Oregon Department of Education (Department) received a written request for a special education complaint investigation from the attorney (Complainant) of a student (Student) residing in the Greater Albany Public School District 8J (District). The Complainant 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 Complainant 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 20, 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 February 2, 2026.

The District submitted a *Response* on February 6, 2026, 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, 02/06/26
2. Student Schedule, 2025-26 school year
3. Medical Letter, 12/08/25
4. Functional Behavior Assessment (FBA), 10/03/25-12/18/25
5. Behavior Support Plan, 10/03/25-12/18/25
6. FBA Implementation Plan, 10/03/25-12/18/25
7. Screenshot of Medical Letter, no date
8. Modified Learner Grading Targets and Standard Forms, no date
9. Meeting Notes, 11/18/[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. Transfer Revocation Warning Letter, 11/21/25
11. Semester 1 Report Card, 2025-26 School Year
12. Period Student Attendance Profile, 2025-26 School Year
13. Special Ed[ucation] Student Contact Log, 01/28/26
14. Prior Written Notice for IEP, 11/18/25
15. Individualized Education Program, 11/18/25
16. Special Education Placement Determination, 11/18/25
17. Meeting Attendance/Summary, 11/18/25
18. Medical Letter, 09/23/25
19. Prior Written Notice for IEP, 09/04/25
20. Individualized Education Program AMENDMENT, 12/18/24
21. Special Education Placement Determination, 09/04/25
22. Meeting Attendance/Summary, 09/04/25
23. Medical Statement or Health Assessment, 03/08/24
24. Modified Diploma - Declaration of Intent, 10/21/25
25. Ongoing Notes, 09/24/[25]-01/15/[26]
26. Emails, 10/02/25-02/02/26

The District submitted additional documents on February 18 and 19, 2026:

1. English Teacher's Written Response to Interview Questions, 02/18/26
2. Email, re: Schedule Interviews: 26-054-005, 02/19/26
3. First Semester Student Grades, 2025-26

The Parent submitted documentation on February 19 and 20, 2026. Most of their submissions were included in the District items. The Parent submitted the following relevant items.

1. Emails, 02/19/26-02/20/26

The Complaint Investigator interviewed the Parent and the Complainant on February 19, 2026. On February 17, 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 Complainant'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 10, 2025, to the filing of this Complaint on January 9, 2026.

Allegations	Conclusions
When IEPs Must Be In Effect The Complainant alleged the District failed to provide modified assignments (less writing, shorter assignments) for the first part of the 2025-26 school year as required by the Student's Individualized Education Program (IEP). Additionally, the Complainant alleged the District failed to provide specific IEP-mandated accommodations, including the use of headphones, fidgets, visual tools and organizers, flexible seating, shortened test sessions, check-ins, hand signals, chunking of assignments, and early transition times. (OAR 581-015-2220(1)(3); 34 CFR § 300.323(a)(d))	**Not Substantiated** The evidence demonstrates the District appropriately implemented the Student's IEP accommodations and modifications.
Free Appropriate Public Education (FAPE) The Complainant alleged the District failed to consider the Student's disability-related absences (chronic migraines) when addressing attendance and establish a plan to ensure the Student could make up work and instruction missed due to their medical condition to ensure a FAPE. (OAR 581-015-2040(1); 34 CFR §§ 300.101(a), 300.17)	**Not Substantiated** The Student's attendance record did not impact their interdistrict transfer status. The District took appropriate steps to allow the Student to access missed instruction and make up work following excused absences.

REQUESTED CORRECTIVE ACTION
● Allow the Student to remain at their current school and set up a plan to help the Student make up work and instruction for days missed due to chronic migraines. ● Ensure the Student's interdistrict transfer is not revoked for their failing grade in math, and ensure that next semester the Student receives modified assignments and sufficient time to complete them in accordance with their IEP. ● Find out what barriers are preventing the Student or the Student's teachers from using the IEP accommodations and ensure the accommodations are put into place as soon as possible.

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 10, 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 is fourteen years old and attends a high school in the District (the School) through an interdistrict transfer (IDT).

2. The Student is eligible for special education services under the categories of Emotional Behavior Disability (EBD) and Other Health Impairment (OHI).

3. The Student is described as perceptual and "really good at seeing the whole picture." They like Legos and building things. The Student is also a "very strong reader," "enjoys reading," and "has a great imagination." The Student is "artistic and likes symmetry," and has "meticulous handwriting." Finally, the Student is "on the move" and is "passionate about the use of spatial movement."

4. A Medical Statement dated March 8, 2024, listed diagnoses of Autism, Attention Deficit Hyperactivity Disorder (ADHD), Post-Traumatic Stress Disorder (PTSD), Anxiety, and Migraines.

5. The Student's Schedule for the first term of the 2025-26 school year indicated they were enrolled in the Structured Support Classroom (SSC) for the first two periods of the day, followed by English Support, Algebra, CTE, Physical Education, English, Science, and then electives.

6. An IEP dated December 18, 2024, and revised September 4, 2025, outlined the following for the Student:
   a. The Parent was present for the IEP meeting. It was noted that the Parent was contacted on September 2, 2025 to schedule the annual IEP meeting, and it was agreed to meet on September 4, 2025. It was also noted that the Team Meeting Notice, Procedural Safeguards, and the Supported Decision-Making flyer were emailed to the Parent on the same day.
   b. The IEP was amended on September 4, 2025. At this meeting, specially designed instruction (SDI) minutes were updated to reflect 90-minute class periods, transportation was removed, extended time was changed to 200% (one extra class period), and behavior consultation was added.
   c. Goals for written language, behavior, self-management, academic readiness, and social skills.
   d. SDI from September 5, 2025 through December 17, 2025 for the following:
      i. Written language for 90 minutes per week in the general education classroom.
      ii. Behavior for 90 minutes per week in the special education classroom.
      iii. Self-management for 90 minutes per week in the general education classroom.
      iv. Academic readiness for 150 minutes per week in the special education classroom.
      v. Social skills for 30 minutes in the special education classroom.

e. Accommodations in all school sites from December 19, 2024 through December 17, 2025 as follows:
    i. Flexible seating for 60 minutes per week.
    ii. Written schedules, visual timers, and visual organizers for 30 minutes per day.
    iii. Earbuds to limit distractions, with access to music during breaks and non-instructional times for 10 minutes per week.
    iv. Shortened test sessions to allow for movement breaks for 90 minutes per month.
    v. Graphic organizers for writing for 10 minutes per week.
    vi. Test with a familiar adult/proctor for 90 minutes per month.
    vii. Alternate methods used to demonstrate mastery of material for 60 minutes per week.
    viii. Use of a multiplication chart for all testing occurrences for 90 minutes per month.
    ix. Speech-to-text in all academic classes for written assignments for 60 minutes per week.
    x. Assignments shortened to demonstrate mastery of material in math and science when requested directly to the teacher for 60 minutes per week.
    xi. Low-stimuli environments in all academic classes on all school days for 1400 minutes per week.
    xii. Check-ins for feedback on all writing assignments (two to three check-ins for all paragraph writing samples) for 90 minutes per month.
    xiii. Access to sensory tools and strategies for 10 minutes per day.
    xiv. Check for understanding of directions before beginning tasks for 10 minutes per week.
    xv. Use of hand signals to give feedback on behavior for 10 minutes per week.
    xvi. Chunking of all assignments with more than 2 steps for 60 minutes per week.
    xvii. Five-point plan for 10 minutes per week.
    xviii. Preferential seating to limit distractions for 50 minutes per week.
    xix. Pre-transition or change-of-schedule messages for 30 minutes per day.
    xx. Access to breaks in a designated area with adult support for 20 minutes per day.
    xxi. Added September 9, 2025: Extended time up to one extra class period for 60 minutes per week.
f. The team considered the need for supplemental aids, services, and modifications and determined that they are not needed.
g. Supports for school personnel: Behavior consultation provided by the Case Manager for 30 minutes per year from September 5, 2025 through December 17, 2025.
h. Nonparticipation justification: The Student was removed for one class period (91 minutes) per day to receive SDI.
i. A Placement Determination dated September 4, 2025 and based on the December 18, 2024 IEP, showed the Parent was present for the decision and indicated the Student would be in regular education classes for 40% to 79% of the day. It also noted the Student would have access to a regular education setting "when possible, with access to [a] behavior program, and behavior support staff for specially designed instruction in behavioral and academic goal areas."

7. IEP meeting notes dated September 4, 2025 indicated the following relevant information:
    a. The meeting was held for evaluation planning and to discuss "move-in" and amendments.

b. Attendees included the Parent, the Special Education Teacher, the Behavior Specialist, the School Counselor, the IEP Writer, and the School Psychologist.
c. Procedural safeguards were emailed before the meeting and the Parent confirmed receipt at the meeting. The Parent agreed to excuse a general education teacher from the meeting.
d. The Special Education Teacher explained they would be conducting a move-in meeting to review the IEP and amend it to meet the Student's needs at the School. Additionally, they were starting an evaluation plan since the Student's reevaluation was due in January 2026.
e. The Student had a 50% attendance rate in eighth grade and 65% in seventh grade.
f. The Parent asked whether the Student would need a modified diploma. The Special Education Teacher stated that they tried to "keep kids on a regular diploma" as a freshman. If they started to see the need to modify assignments, they would. They also noted that the Student had an accommodation to shorten assignments, which could "turn into a modification." The Parent reportedly stated they just wanted to see the Student graduate.
g. Transportation was removed from the IEP.
h. The accommodation for extended time was changed from 200% to one extra class period.
i. Behavior consultation was added to the IEP for 30 minutes per year as a support for school personnel.
j. A Written Agreement dated September 3, 2025 documented that the English Teacher was excused as the general education teacher for the IEP meeting on September 4, 2025, and was signed by the Parent and the Special Education Teacher on September 3, 2025.

8. Prior written notice (PWN) dated September 4, 2025 outlined the following relevant information:
   a. The IEP team proposed to adopt and implement an amendment to the current IEP.
   b. The Student was returning to the District with an IEP from an online school. The IEP was amended to "match what services will look like in high school."
   c. The proposal was based on a review of information and parent and teacher input.
   d. "The team considered not amending [the Student's] IEP and implementing services as written. This was rejected because the online setting offers different services than [the School]."

9. On October 2, 2025, the Parent emailed the Special Education Teacher to ask whether any of the Student's accommodations had been implemented and, if so, which specific ones. The Special Education Teacher emailed the Parent a list of accommodations and stated the team was continuing to "monitor their effectiveness" to ensure the Student was receiving the support they needed. The Parent followed up, asking if the Student had accessed the accommodations and stated, "I've talked to [the Student] about some of them, and [the Student] doesn't feel like [they've] been given a chance to use all of [their] accommodations." The Special Education Teacher replied, confirming the Student was receiving all accommodations outlined in the IEP. They stated that while the Student may not have fully realized they were accessing the supports, staff were actively offering them throughout the school day. The Special Education Teacher shared they planned to follow up with the Student

and their teachers to ensure understanding of which supports were available and help the Student feel confident in using them. The following accommodations were listed as being implemented:

a. "Flexible seating;"
b. "Shortened test sessions to allow for movement breaks;"
c. "Graphic organizer for writing - made available;"
d. "Test with a familiar adult/proctor;"
e. "Alternate methods to demonstrate mastery of material;"
f. "Extended time on all class work;"
g. "Use of [a] multiplication chart for all testing occurrences - at this time all students are allowed to use calculators;"
h. "Speech to text all academic classes for written assignments - made available;"
i. "Assignments shortened to demonstrate mastery of material in math and science when requested directly to teacher;"
j. "Low[-]stimuli environments;"
k. "Check[-]ins for feedback on all writing assignments - [two to three] check[-]ins for all paragraph writing samples;"
l. "Access to sensory tools and strategies;"
m. "Check for understanding of directions before beginning tasks;"
n. "Use of hand signals to give feedback on behavior (not verbal feedback);"
o. "Chunking of all assignments with more than [two] steps;"
p. "5[-]point plan;"
q. "Preferential seating to limit distractions;"
r. "Pre-transition or change of schedule messages;" and
s. "Access to breaks in designated area with adult support."

10. A Modified Diploma Declaration of Intent for the Student was signed by the Parent and the School staff on October 21, 2025 indicating the Student would earn a modified diploma after completion of 24 credit units as follows: English/language arts (3.0), mathematics (2.0), science (2.0), physical education (1.0), health (1.0), second languages/the arts/career and technical education (CTE) (1.0), and electives (12.0).

11. On November 11, 2025, emails were exchanged between the Parent and the Assistant Principal regarding the implementation of modified homework for the Student. The Parent questioned why the Special Education Teacher reportedly denied the accommodation regarding alternative ways to show mastery earlier in the school year. They argued that because the Student was now on a modified diploma path, the accommodation, intended to reduce stress, must be implemented in all classes, specifically math and science. The Assistant Principal stated, "There was no point … where [the Special Education Teacher] said homework couldn't be modified." They stated the issue was the Student's lack of work completion, explaining the Student must submit some work for staff to have a basis for modification. They noted the Student often "shuts down" when given tasks. The Parent asserted, "[The Special Education Teacher] has been telling me the whole time that [the Student's] work can't be modified because of the credits at the high school level." The Assistant Principal clarified that while they could not retroactively modify work from before

the Student was officially on a modified diploma path, they would "absolutely" modify all work moving forward.

The Assistant Principal also confirmed that the Student's teachers had been instructed to modify the Student's assignments at the time they were given to the Student and promised a follow-up reminder to all staff to ensure consistency. They shared that, during an observation of one of the Student's classes, they witnessed the teacher giving the Student a modified assignment that was different "from the rest of the group" and assured the Parent that modification of the Student's assignments "is happening."

The Parent reported they were assisting the Student with homework at home to increase the Student's comfort level, but noted the lack of access to the online learning platform on their computer was a significant barrier. The Parent also expressed the Student was "doing great" in the general education classes, but did not like the SSC. The Parent questioned whether the SSC setting was "the best thing for [the Student]" but added that because the Student "is neurodivergent . . . maybe special education might understand [their] disability better."

12. On November 12, 2025, the Special Education Teacher sent a message via the student information system to the Assistant Principal regarding the Student's Modified Learning Targets Form. The message stated even though the Special Education Teacher had spoken to "all of you" in person, they wanted to remind everyone of the Student's grading targets and asked them to review the modified learning targets form. Additionally, the full IEP, including accommodations, was accessible through the student information system.
    a. An undated Modified Learner Grading Targets and Standards Form indicated the Student, a ninth grader, experienced impacts in written language, executive functioning, and emotional regulation due to EBD and multiple diagnoses contributing to OHI. Behaviors exhibited by the Student included lying down, crying, becoming unresponsive, resting their head, or walking out of the classroom. It was noted the Student needed reduced or modified assignments, access to structured support, and grading based only on the following parameters:
        i. "[The Student] attends class with all learning materials and communicates respectfully."
        ii. The Student completes "modified assignments that are reduced by 50% or more" and graded to adjust for skill level and understanding.
        iii. "[The Student] engages in the content and classroom activities as best [they] can with limited breaks. [The Student] will communicate respectfully if [they need] help when/if the teacher allows."
        iv. "[The Student] actively listens and participates in class."
        v. Modified Grading Standards:
            (1) C = "Marginally meeting a modified target."
            (2) B = "Meeting a modified target."
            (3) A = "Exceeding a modified target."
            (4) F = "A student that simply does nothing and doesn't warrant a passing grade."

13. On November 13, 2025, the Parent emailed the CTE Teacher asking if the Student could still turn in missing assignments. They noted the lack of access to the online learning platform at home had hindered the Student's ability to complete assignments. The CTE Teacher noted the Student had until November 25, 2025, at 3:00 p.m. to submit missing work for credit. This date marked the end of the CTE rotation before the Student transitioned to a different class. The CTE Teacher explained that assignments could be submitted via paper or virtually through the online learning platform and noted they had provided the Student with paper copies of their missing work and offered to print slideshows from the online learning platform. The CTE Teacher encouraged the Student to attempt half of each assignment to demonstrate mastery and to choose specific questions or activities that may be easier to complete.

14. On November 13, 2025, the School Resource Teacher emailed the Parent and the Special Education Teacher, reporting the Student had "just an ok day" in their class. The Student reportedly showed signs of disengagement, such as sitting hunched over and letting their pencil and paper fall to the floor multiple times. Although the assignment (reading for 15 minutes, defining three words, and writing a summary) was considered within the Student's capability, the Student required step-by-step guidance for every task and took the full 90-minute period to finish. The School Resource Teacher provided the Student with three missing assignments to complete at home, but kept a fourth one due to its complexity. The Parent replied via email saying, "I don't know what to say. … Do you think that could be [the Student's] autism?" The School Resource Teacher replied to the Parent, "I'm not sure. [The Student] is a really smart kid, and when [they are] engaged[,] [they do] great and can easily keep up." The School Resource Teacher also noted the Student had been disengaging recently, and it was "very tough" to get them to start or complete an assignment. The Parent then expressed concern the Student was "feeling overwhelmed" by the threat of having their school transfer revoked, suggesting the Student may feel not "good enough" for the School.

15. A November 18, 2025 IEP outlined the following for the Student:
    a. The Parent and the Complainant were in attendance.
    b. The Student had spent some time in online charter schools and recently reentered the District.
    c. The Parent shared they wanted the Student to "be supported and successful." They also mentioned the Student "struggles in structured support classes." Finally, they mentioned they wanted the Student to "have more fun electives" and not have to take two English classes.
    d. Areas needing development: "[The Student's] academics are impacted by [their] behaviors and [their] attendance. [Their] attendance has been impacted by disciplinary removals [previously]. [The Student] would also miss the bus and did not have a way to get to school. [The Student] has a hard time sleeping and struggles to fall asleep. [The Student] also wakes easily and so struggles to get a full night's sleep even when using calming routines/activities to try to go back to sleep. Social anxiety also impacts attendance. [The Student] does have migraines. [The Student] struggles with writing and has refused to participate in writing since attending [one-to-one] tutoring."

e. Writing: The Student had "refused to engage and/or produce a handwritten writing sample despite being given multiple opportunities." The Student had also been given the opportunity to produce a writing sample using assistive technology, but had "not engaged in the work." There were no present levels of performance to report at that time.
f. The Student would pursue a modified diploma.
g. Goals for writing, behavior, and social skills.
h. SDI from November 19, 2025 through November 17, 2026 as follows:
    i. Written language for 90 minutes per week in the special education classroom.
    ii. Social skills for 90 minutes per week in the general and special education classrooms.
    iii. Behavior for 90 minutes per week in the general and special education classrooms.
i. Accommodations from November 19, 2025 through November 17, 2026 were identical to the previous December 18, 2024 IEP, except the multiplication chart accommodation was expanded to include a calculator and formula sheet.
j. Modifications: Assignments modified in the general education class for 10 minutes per week.
k. Nonparticipation justification: "[The Student] is removed from general education for [three] classes out of [their] [eight] class period schedule to receive [their] SDI."

16. November 18, 2025 IEP meeting notes included the following relevant information:
    a. The Parent and the Complainant were in attendance.
    b. The Special Education Teacher reported the Student was "doing well other than the missing assignments, and keeping up with the pace." They also suggested it might be "beneficial" for the Student to have assignments modified that were given before the Student moved to the modified diploma path, "in hopes of getting those turned in to get [the Student's] grades up."
    c. The Student reportedly passed the last District algebra assessment, but had been absent several times in algebra recently and had "a lot" of assignments to make up.
    d. In Science, the Student had a 58% grade. It was noted the Student listened and paid attention, but was not turning in the work.
    e. The Student's writing goal was to write a 5-sentence paragraph, yet the Student had not produced a writing sample. The Student reportedly had a 44% grade in English and was missing one writing assessment that, if turned in, would "help [their] grade jump up quickly."
    f. When asked about their concerns, the Parent stated the teachers had been "great," and were "really responsive" to the Parent's emails.
    g. The team discussed manipulatives and fidgets such as "thinking putty," action figures, and a portable music player. The Special Education Teacher agreed to try those things and mentioned that the Student could bring fidget items from home to try as well.
    h. It was noted the Student was moving towards a modified diploma, and modifications had been sent out to teachers. The Special Education Teacher stated they were "looking for teachers to help" modify the work, but SSC staff would help get assignments modified if teachers forgot.
    i. The team discussed specific accommodations as follows:
        i. Written schedule: The Complainant stated that this accommodation was less about where the Student needed to go and more about the Student needing homework

assignments in writing. The Assistant Principal and the Special Education Teacher stated they needed to "figure out what that looks like."

ii. Earbuds to limit distractions: It was noted the Student could use these in the SSC or a special education classroom.

iii. Shortened test sessions to allow movement breaks: It was noted the Student could take tests in the Special Education Teacher's classroom.

iv. Alternate methods to demonstrate mastery of work: It was noted this meant "minimizing an assignment."

v. Multiplication chart for tests: The Special Education Teacher wanted to add a calculator and manipulatives to help the Student succeed on tests.

vi. Use hand signals to give feedback on behavior - The Complainant explained the purpose of this accommodation was to prevent embarrassment and anxiety for the Student.

vii. Pre-transition or change of schedule: It was noted this meant the Student could leave a few minutes early to transition to another classroom.

j. It was noted, "[The Complainant] brought up a concern, it sounds like this has been addressed. [The Parent] had talked about a possible revoking [*sic*] of the transfer. [The Assistant Principal] addressed that, based on grades, behavior, and attendance." No further details were listed.

k. The Parent also expressed concerns regarding a previous "move-in meeting" and subsequent IEP changes. The Parent reportedly attended the meeting but claimed they were unaware it was an IEP meeting and were "shocked" by the resulting IEP amendments. The Special Education Teacher clarified they had held "sessions," with the first session being about staffing and the second being the move-in meeting where changes occurred. The Special Education Teacher also explained that the District removed transportation from the IEP because it is not provided for students attending via an interdistrict transfer. They also discussed removing the "200% time" accommodation for assignments, opting for wording that allowed for extra time without being "excessive." The Complainant noted that under a normal schedule, 200% time would mean an assignment given on Monday would be due on Wednesday, which was effectively what already occurred under high school block scheduling.

17. PWN dated November 18, 2025 outlined the following relevant information:
    a. The IEP team proposed to adopt and implement an amendment to the current IEP.
    b. "[The Student's] IEP needed to be reviewed and updated in order to reflect [their] growth, progress, and educational needs while determining the most appropriate education plan moving forward."
    c. The proposal was based on the team meeting, teacher and parent input, classroom performance, formal and informal assessments, and progress notes.
    d. The IEP team considered continuing all services as they were written. However, they determined the Student's needs had changed since the previous IEP and they required different goals to continue to achieve academic success.

18. On November 21, 2025, the Parent emailed the Special Education Teacher to ask if the Student could take a missed science test in the SSC to help raise their grade to passing. On

November 22, 2205, the Special Education Teacher suggested the Parent coordinate with the Science Teacher for the Student to take the science test in the SSC or the science class. The Parent also mentioned that during the IEP meeting, the Special Education Teacher had noted the Student's teachers would be revisiting the Student's work to make modifications. The Parent said they did not think this was happening in the English class. Additionally, the Parent said that given the Student had an accommodation for shortened assignments and a writing goal, the English assignments should be shortened. The Special Education Teacher responded that they had met with all of the Student's teachers on November 19, 2025 to request modifications for all assignments issued since the beginning of the semester. The Special Education Teacher also specifically noted the English Teacher had attended this meeting and the IEP meeting and was aware the Student was permitted to complete past-due work with modifications. Furthermore, the Special Education Teacher highlighted the English Teacher was "pleased" with a recent work sample the Student produced in class, which the Student subsequently finished in the SSC.

The Parent emphasized the Student's emotional and social context and said, "I'm really stressed over the fact that [the Student] is in jeopardy of getting [their] transfer revoked." Despite academic hurdles, the Parent shared the Student was doing well at the School, loved seeing their best friend every day, and had recently received their first social invitation from friends in several years. The Parent noted the Student's behavior had also improved.

19. A November 21, 2025 letter from the Assistant Principal included the following relevant information:
    a. "At this time, we are completing a 12-week record review of the students attending [the School] on an approved transfer. As stated in the transfer request form, transfers may be revoked for irregular attendance, failure to make academic progress, and/or not following school behavioral expectations."
    b. "The transfer student must maintain a 2.0 [grade point average] GPA and have no F's [*sic*]."
    c. "The transfer student must maintain an attendance rate of 90% or higher."
    d. "The transfer student will demonstrate the behavioral expectations outlined in the parent-student handbook. Disciplinary referrals are in violation of the contract."
    e. The Student's first-semester 2025-26 grade report was enclosed with the letter and indicated the Student had an F grade in Algebra, English, and Science.
    f. The Student's attendance profile for the 2025-26 school year, printed on November 20, 2025, showed the Student had eleven total absences (1 appointment, 2 excused, 4 illness, 3.5 medical, and 0.50 unverified).

20. District policy JECC-AR(2), regarding in-District transfers, states that student transfers may be revoked or denied for "overcrowding at the requested building" or "failure to maintain minimum standards of attendance, behavior, or academics." Failure to meet those minimum standards is considered "attendance below 90% in a grading period," "any behavior that results in suspension or expulsion," and "grade point average below 2.0."

21. On November 25, 2025, the Assistant Principal notified the Parent the Student needed to be picked up from school after they threw a pen at a staff member, hitting the staff member in

the chest. The Assistant Principal and the Special Education Teacher determined the behavior was “aggressive” enough to warrant a half-day out-of-school suspension. The Parent questioned if the Student “really” needed to be sent home for the incident and asked for details on what led to the behavior, noting the Student typically only demonstrated such actions in the SSC. The Assistant Principal explained the Student had arrived at the SSC in a "bad space," frustrated by home responsibilities and in tears. According to staff, the Student had poked holes in the wall with a pen, complained about noise while others were "whispering in the corner," and eventually threw the pen and an assignment at a staff member, stating the staff member had "interrupted [them]."

The Parent expressed they were “irritated,” alleging that school staff "weren't doing what we discussed in the IEP meeting." The Assistant Principal asked for clarification regarding who was not doing what was discussed at the IEP meeting. The Parent argued that staff "[kept] talking to [the Student] when [they were] obviously upset" instead of giving the Student the "space" they had agreed upon. The Parent also claimed after the pen incident, a staff member sat on the Student’s desk while talking to others, which the Parent felt did not respect the Student’s need for distance. The Assistant Principal defended the staff, stating they did provide space when the Student left the room and only approached the Student when they were "rolling around on the floor making noises" to "make sure [the Student] was ok." The Assistant Principal noted a conflict between giving the Student space and ensuring they completed work to avoid “falling behind further," asking the Parent to help define the School's priorities. The Parent concluded the exchange on November 26, 2025 by stating they expected the Student to complete work, but only after they became "regulated," which the Parent felt the Student had not yet achieved during the incident.

22. On November 30, 2025, the Parent emailed the Assistant Principal after receiving a letter regarding the Student’s absences, noting that they were all excused and primarily due to documented migraines mentioned in the IEP. The Parent also sought clarification on whether the Student’s transfer was in jeopardy if they failed Algebra, recalling a previous discussion about moving the Student to Pre-Algebra instead if they did not raise their grade. The Assistant Principal clarified the letter was a standard notice sent to multiple parents, indicating a student’s transfer standing and noting that transfers could be revoked for deficiencies in grades, behavior, or attendance. The Assistant Principal noted the Student’s attendance stood at 79% after 11.5 missed days, emphasizing that whether absences were excused or not, the Student was still missing instruction, particularly during the first two periods of the day. The Assistant Principal concluded by saying, “We don’t need to meet about any of this information, unless you’d like to, then we absolutely can.”

23. On the morning of December 1, 2025, the Parent reported via email to the Assistant Principal that the Student was experiencing another migraine and asked if the Student could lie down at school in a space like the "annex" to avoid additional absences. The Parent explained their earlier request at 7:15 a.m. that day had been denied. The Assistant Principal initially agreed to consult with the Special Education Teacher about the possibility, but eventually informed the Parent that the Student could not use the annex for that purpose because no staff members were available to supervise them while they were ill.

24. On December 7, 2025, the Parent emailed the Assistant Principal to notify them that the Student had a medical appointment scheduled the following day, which would require them to miss some school. The Parent mentioned, "I have already cancelled a couple of [the Student's] mental health appointments that were during school hours, so they wouldn't add to [the Student's] current excused absences. I would hate for [the Student] to get [their] transfer revoked for seeing [their] psychiatrist. The Assistant Principal replied, thanking the Parent for letting them know about the Student's appointments.

25. A December 8, 2025 letter from the Student's doctor noted the Student had been "diagnosed with chronic migraines" and was seen in the medical office that day. The letter stated, "We are working on finding a way to better control this for [the Student]. Hopefully moving forward [the Student] will have less migraines per week. Please continue to work with [the Student] as we optimize [their] treatment and try to help."

26. On December 9, 2025, the Parent emailed the Assistant Principal, notifying them that on December 8, 2025, the Student was "put on an IHP [Individualized Health Plan] for [their] migraines per documentation from [the Student's] doctor." The Parent mentioned the School Nurse suggested the Student come into the School in the morning if they had a migraine and then go to a "dimly lit, quiet room," such as "the annex," to avoid absences. The Parent asked if this could be considered since the Student now had an IHP and medication for migraines. The Assistant Principal responded via email the same day, saying, "The problem is that we don't always have a space available for one student to use. The annex is often busy and not available. The only other space that we have is our nurses' office, but that often has sick kids in it, so that might not always work also."

27. Functional Behavior Assessment (FBA) and behavioral intervention documents for the Student, updated between October 3, 2025 and December 18, 2025, established a framework to address behaviors rooted in diagnoses, including Autism, ADHD, chronic migraines, and anxiety. The Student's identified problem behaviors, such as verbal refusal, property destruction, and crawling on the floor, were described as typically serving to avoid requested tasks and to gain adult support. Staff hypothesized these behaviors were likely to occur when the Student was asked to do something they did not want to do or when they felt awkward in social situations with peers. To manage these antecedents, the District developed a Behavior Support Plan (BSP) that prioritized strategic seating near prosocial peers, visual checks every two to five minutes, and chunking assignments into smaller parts to prevent the Student from becoming overwhelmed.

    An FBA Implementation Plan mandated specific classroom interactions, requiring staff to limit language when giving directions and to utilize silent hand signals for communication when the Student was agitated. Staff were instructed to ignore low-level problem behaviors when possible and to reinforce the first instance of on-task behavior with specific praise. If the Student began to escalate, the protocol required staff to model regulation with a calm voice, avoid power struggles, and direct the Student to a break area, such as a dimly lit annex, to self-soothe. The plan also emphasized teaching the Student alternative strategies, including emotional regulation skills and a formal break routine, to ensure they could eventually attempt work independently. Progress monitoring for these interventions was to be

conducted through ongoing reviews of attendance data, work completion, and teacher reports.

28. Based on 18 teacher and staff behavior log entries from September 2025 through January 2026, the Student's behavior was characterized by emotional dysregulation, task avoidance, and periods of shutdown documented as follows:
    a. Emotional shutdown and withdrawal: The Student frequently responded to academic demands or environmental stressors by lying on the floor, hiding under furniture, or retreating into small spaces. During these episodes, the Student often covered their head with a sweatshirt, placed their head in their backpack, and made whining or whimpering noises.
    b. Task avoidance and refusal: The Student regularly refused to engage in schoolwork or attend assigned classes. When pushed to complete tasks, particularly writing and testing, the Student would draw on assignments, break pencils, or push pencils through paper aggressively.
    c. Escalated and unsafe behaviors: In moments of high frustration, the Student had engaged in unsafe actions, including ramming chairs into their own head, kicking furniture, and poking holes in classroom walls with pens. Physical aggression toward staff had been noted, specifically throwing pen parts and assignments at teachers and kicking tables into staff members.
    d. Triggers and regulation: Behaviors were often triggered by noise, transitions, and feeling "interrupted" or overwhelmed by staff attention. However, the Student showed success when allowed to self-regulate in the annex, when provided one-to-one help after calming down, and when using sensory tools such as "brown noise" or action figures.
    e. Social/environmental Factors: The Student reported that family conflicts affected their mood during the school day. Conversely, the Student socialized appropriately during lunch and responded positively to verbal praise and small rewards, such as candy, when they completed work.

29. On January 9, 2026, the Complainant filed this Complaint.

30. On February 2, 2026, the Algebra Teacher and the English Teacher sent emails to the Assistant Principal explaining their approach to modifying assignments in their classrooms. Relevant information included the following:
    a. The Algebra Teacher emphasized that Algebra skills were cumulative, starting with basic number operations, moving to vocabulary and understanding, then practice, and finally application. To demonstrate mastery, they provided a reduced amount of work, typically cutting assignments by half or more. Modified assignments focused on specific questions designed to show proficiency in the lesson's key skills. Assignments were graded based on accuracy, effort, and understanding of the targeted skills. Finally, a student's grade was calculated by dividing the number of correct answers by the number of questions assigned to them, rather than by the total number of questions in the assignment given to the rest of the class.
    b. The English Teacher detailed their specific modifications and supports provided for the Student. Standard Claim-Evidence-Analysis (CEA) paragraphs were cut in half, which meant the Student was required to provide only one piece of evidence and analysis rather

than two. When new work was assigned, the English teacher checked in with the Student to highlight the most essential portions to be completed based on their modifications. The Student was seated at the front of the room near the English Teacher to facilitate more frequent check-ins. The Student was granted extensions on their assignments and was given the option to type their work rather than write it by hand.

31. An undated screenshot showed a message from a medical clinic sleep physician, on behalf of the Parent, requesting "allowances be made for [the Student's] school arrival times." The message explained the Parent experienced narcolepsy and, while "decently controlled," there were times, particularly in the mornings, when the Parent experienced "significant sleep inertia," and was "simply unable to drive [the Student] to school." Therefore, on those occasions, the Student would be late. The message asked for the Student's tardiness to be excused.

32. A 2025-26 school year grade report for the final grades of the first semester showed passing grades in all classes, including English (C) and science (B). The Student did receive an F in Algebra.

33. In an interview with the Complaint Investigator, the Parent stated that as of February 2026, the Student's IEP accommodations had not been implemented. The Parent asserted, "They haven't applied any of [the Student's] accommodations, none of them. Zero. They say they're set in place and [the Student] can use them, but they've never talked to [the Student] about being able to use anything. So [the Student's] just in the dark." The Student added, "The day before the IEP meeting, I saw [the Special Education Teacher] in multiple classrooms of mine talking to the teachers regarding me and my accommodations. I just thought, it's a coincidence that it was before the IEP meeting." The Parent also noted that they were forced to move the Student to a modified diploma path on October 16, 2025, because the School staff indicated that shortened assignments were not permitted on a regular diploma, despite those supports being listed in the Student's 2024 IEP as accommodations.

    The Parent also stated, "I think [the Student] is smart enough to maybe do good without being on a modified diploma." They continued, "The reason I decided that was because they said [the Student] couldn't get [their] accommodation without being on a modified diploma, but they haven't even given [the Student] that accommodation since [they've] been on the modified diploma." The Student added, "I only did like four modified assignments" during the first 2025-26 semester and the current semester. The Student and the Parent mentioned the Algebra Teacher had offered assignment modifications. However, the Student did not finish that class because they were "so far behind [they] couldn't get caught up."

34. The Parent also claimed the District conducted an "unauthorized amendment." While a "move-in meeting" was held in early September 2025 to discuss the Student's transition, the Parent claimed they never agreed to or attended an official IEP meeting on September 4, 2025. Despite this, the Parent later received an amended IEP that removed transportation services and extra time for homework. The Parent further observed that the November 2025 IEP was updated to require that the Student "request" accommodations from teachers, a

change the Parent stated was made without their input and was problematic due to the Student's social anxiety.

35. Regarding the September 2025 meeting, the Special Education Student Contact Log entries listed the following by the Special Education Secretary:
    a. September 2, 2025 at 2:05 p.m.: The Parent was called to schedule the annual IEP meeting. They agreed to September 3, 2025 at 11:15 a.m.
    b. September 2, 2025 at 2:40 p.m.: The Parent was emailed the Team Meeting Notice, Procedural Safeguards, and the Supported Decision Making Flyer.
    c. September 2, 2025 at 7:42 p.m.: The Parent asked to change the meeting date due to "schedule conflict."
    d. September 3, 2025 at 7:40 a.m.: The Parent agreed to move the meeting to September 4, 2025 at 11:30 a.m.
    e. September 3, 2025 at 8:19 a.m.: The Parent was emailed the Team Meeting Notice, Procedural Safeguards, and the Supported Decision Making Flyer.
    f. September 4, 2025 at 10:07 a.m.: The Parent was called as a reminder for the meeting. The Parent confirmed.
    g. September 18, 2025: The Parent was emailed the "Move-In and IEP Amendment" meeting documents.

36. When interviewed, the Parent and the Complainant detailed several specific alleged implementation failures:
    a. Modified assignments: According to the Parent, the School staff reportedly refused to modify work until the Student turned something in first, which the Parent argued defeated the purpose of the modification to prevent the Student from becoming overwhelmed.
    b. Sensory and coping tools: The Complainant stated the District denied requests for a portable music player or a handheld gaming device for use during non-instructional time to "help [the Student] cope with anxiety and panic attacks" or to "decrease stimulation," citing state phone laws. The Parent shared that one of the Student's teachers allowed the Student to use earbuds with a laptop in the classroom, but the "music doesn't always work on it." Additionally, the Parent reported a teacher in the SSC allegedly shamed the Student for using an action figure as a fidget tool, causing the Student embarrassment.
    c. Flexible seating and early release: The Parent alleged the Student was subjected to assigned seating rather than flexible options and was not offered the early transition release time mandated in the IEP.
    d. Hand signals and chunking: The Parent reported that hand signals for non-verbal feedback were not being utilized for when the Student wanted to "leave the room without being conspicuous" if they were having a "panic attack." Additionally, assignments were not being chunked into smaller steps.

37. Addressing attendance and the interdistrict transfer, the Parent stated the Student's chronic migraines had been documented in IEPs for years, but the District indicated that even excused absences could result in a transfer revocation. When asked about transfer letters they received, the Parent said, "I don't remember getting any letter from them talking about the

transfer, what you have to do to stay at the school. I didn't realize there were conditions that [the Student] could get revoked. I was just notified by email that [the Student] was accepted." Once shown the transfer notification letter, the Parent recalled seeing them and said they received "more than one" of them, but they were "shocked," because they had not realized there were stipulations for the transfer. They did not recall receiving anything more specific regarding the Student's individual transfer status. The Student and the Parent stated the Student was "scared" about their transfer being revoked because the Student had a friend who had "one F" and "none of the other problems" and got their transfer revoked.

The Parent also added the Student felt "so stressed," especially since they were "not getting [their] accommodations." They said the Student "comes home after school several times a week and cries, and [the Student] says it's so hard to get through [their] classes. … [The Student] doesn't want to get revoked. [The Student's] worried about [their] grades, but [they're] not getting any of [their] accommodations." They noted even though the Student has A's right now, they had talked about maybe getting a general educational development diploma (GED) because "school is so difficult for [the Student]."

38. When asked how the Student made up instruction or work after absences due to migraines, the Parent stated, "[The Student] just makes up [their] work." The Student added they complete makeup work in a study hall class.

39. In an interview with the Complaint Investigator, the Algebra Teacher explained that teachers were informed of, and had access to, the IEP accommodations through formal shared digital documents in the online student information system and via direct communication with the special education department. To track these, the Algebra Teacher typically created a notepad at the start of the year to highlight specific student needs and health protocols. They shared they would focus primarily on "things that are an exception above what the standard practice would be."

40. Regarding specific classroom accommodations, the Algebra Teacher described implementing flexible seating through individual conversations with students about their comfort. Written schedules were provided via daily agendas and audible communication of lesson plans. For noise-canceling earbuds, the Algebra Teacher noted that usage was individualized based on when it was appropriate, such as during independent work rather than during direct instruction. Testing accommodations involved chunking assessments to manage student anxiety and allowing movement breaks to circle back to the material. In Algebra, students were provided with note cards for formulas and had regular access to calculators and tactile manipulatives, such as weighted scales. Additionally, the Algebra Teacher described frequently checking in with students regarding their understanding of structured steps.

41. When asked about behavioral and instructional supports, the Algebra Teacher stated that while they had not personally used a high volume of hand signals, they interpreted the accommodation as a system for using gestures to provide feedback on off-task behavior. Assignment chunking was implemented by breaking tasks into smaller, skill-based, usable pieces. The Director of Special Programs provided a clarification regarding the use of hand

signals with the Student. They explained this accommodation was primarily the responsibility of the support staff in the SSC, including special education assistants or the Special Education Teacher. The Director of Special Programs noted that, because these staff members may not always be working directly alongside the Student, they used hand signals to respond to visual cues and provide feedback from a distance. The Director of Special Programs concluded that the "purpose or the function" of this system was intended to be carried out by that specific support team. For student transitions, the Algebra Teacher planned to include debriefing conversations or breaks when necessary. Assignment modifications in Algebra focused on ensuring students could demonstrate a basic understanding of core concepts by prioritizing key problems over volume.

42. Addressing the retroactive modification of assignments following the November 18, 2025, IEP meeting, the Algebra Teacher reported it was difficult to implement due to the Student's attendance issues and a lack of previously submitted work. While the Algebra Teacher could not recall the Student ever directly requesting shortened assignments as permitted by the IEP prior to November 2025, they noted educational assistants often attempted to engage the Student in one-to-one work. The Algebra Teacher clarified that the Student received an F grade for the first semester because, despite modifications and additional time provided in both the Algebra class and the special education room, the Student often returned tests and assignments that were blank or scribbled over. Consequently, there was no tangible evidence of skill proficiency to assign a passing grade. For absences related to chronic migraines, the Algebra Teacher stated they provided the necessary notes and assignments to the Student's support staff. From the November 18, 2025 IEP meeting forward, the Algebra Teacher explained that assignments were modified before giving them to the Student.

43. The Algebra Teacher expressed the challenges of implementing alternative methods for demonstrating mastery in Algebra. They explained that while mastery in math can typically be shown by a student describing their process or identifying specific steps, the Student's limited engagement and communication hindered this. The Algebra Teacher noted the Student often provided only "one- or two-word" responses or was physically absent from the room. Although special education assistants frequently attempted to encourage the Student through one-to-one support, the Student often refused "to produce anything that could be accurately evaluated." The Algebra Teacher emphasized it was "really hard to check for understanding" without tangible work samples, leading them to rely on conversational check-ins instead. They concluded that while they made efforts to connect with the Student personally, providing academic feedback was difficult without content-related output.

44. In an interview with the Complaint Investigator, the English Language Arts (ELA) Resource Teacher discussed the implementation of special education requirements for the Student. They explained that, because their classroom is a special education environment, they do not use a specific written system to track accommodations. Instead, they regularly review students' IEPs in the online student information system to stay informed about necessary supports. They noted that as an ELA support class, the environment and curriculum are inherently modified and inclusive of common accommodations.

45. Regarding specific classroom accommodations, the ELA Resource Teacher described several strategies:
    a. Flexible seating: Students were allowed to choose from various locations, including a couch and comfortable chairs, unless a specific seating directive was necessary for their success.
    b. Schedules and organizers: Daily "housekeeping" sessions were held to review the weekly calendar and daily agenda. Large printed schedules for different school days were also displayed in the classroom.
    c. Earbuds and sensory tools: Wired headphones were permitted during independent work. Students were also welcome to bring their own hand fidgets, and seating was adjusted for those needing physical movement.
    d. Testing and writing: Shortened test sessions were less applicable as the class had only one short final. Writing support involved the ELA Resource Teacher and an aide circulating the small class to provide one-to-one assistance during paragraph assignments.
    e. Allowing the Student to leave early to transition to another class: The ELA Resource Teacher stated they ensured students did not leave class early simply because they wanted to, but if this was a student's accommodation, they were always welcome to use that.

46. The ELA Resource Teacher further detailed instructional strategies, noting that checks for understanding were a regular practice, often conducted through hand signals (thumbs up/down) or verbal repetition of directions. They specifically used one-to-one hand signals with the Student when the Student was "shut down" or struggling to communicate or assess the Student's emotional state. Assignment chunking was built into the curriculum by breaking large tasks, such as writing an entire paragraph, into small, collective steps, such as writing a single topic sentence.

47. Addressing modifications and absences, the ELA Resource Teacher stated that, because the class was already a modified resource environment, the curriculum was inherently less rigorous than general education ELA, and they frequently broke tasks into smaller steps for the whole class to go through together. Consequently, the ELA Resource Teacher did not need to make retroactive changes following the November 18, 2025, IEP meeting, as these modifications were already in place. When the Student missed class due to chronic migraines, the ELA Resource Teacher coordinated with the Parent via email and provided one-to-one instruction upon the Student's return to help them catch up on assignments.

48. In an interview with the Complaint Investigator, the Career and Technical Education (CTE) Teacher detailed the implementation of special education requirements for the Student. They noted that because the Student was in a six-week rotation through three separate teachers, they coordinated directly with the special education team, including the Special Education Teacher, to understand the Student's specific IEP needs. The CTE Teacher utilized the online student information system to review IEP notifications and accommodations.

49. Regarding classroom accommodations, the CTE Teacher described several practices:

a. Flexible seating: The Student was allowed to choose their preferred seat, as there were no assigned seating charts.
b. Schedules and organizers: A course outline and visual representations of daily activities were provided through an online learning platform and projected onto the classroom whiteboard.
c. Earbuds and sensory tools: Students were permitted to use headphones during non-instructional work time if specified in their plans. While specific sensory materials were limited, the CTE Teacher maintained fidgets in a student resource area that were readily available to the Student upon request.
d. Testing and writing: The Student was allowed movement breaks during the single test administered during their rotation. For writing assignments, which were typically short, the CTE Teacher provided feedback through classroom walk-arounds and on submitted work.
e. Allowing the Student to leave a few minutes early to transition to another class: The CTE Teacher stated the Student had an assistant with them who helped maintain the Student's schedule and transitions between classes.

50. The CTE Teacher further explained that they regularly introduced activities by reviewing expectations and addressing individual questions. While the CTE Teacher did not personally use a formalized system of hand signals for behavioral feedback, they ensured assignment chunking by offering students a choice between completing work in paper or virtual formats. An assistant helped manage the Student's schedule and transitions between classes. For modifications, the Student was permitted to "pick and choose" questions on assignments to meet a 50% completion target.

51. Addressing retroactive modifications and absences, the CTE Teacher stated they had the Student for a total of 14 or 15 days, and some of their assignments were "just simply missing because of lack of attendance and getting submitted." However, they said the Student mostly completed paper assignments, so the CTE Teacher held onto the Student's paper assignments and made the necessary adjustments following the November 18, 2025, IEP meeting. When the Student missed class due to chronic migraines, the CTE Teacher directed them to the course outline and assignments posted on the online learning platform, which provided access to slideshows and work that could be printed or completed at home.

52. In an interview with the Complaint Investigator, the Assistant Principal provided information regarding the implementation of special education requirements and the status of the Student's interdistrict transfer. The Assistant Principal stated that, following the decision to place the Student on a modified diploma path in October 2025, a meeting was held with teachers to inform them that all assignments should be abbreviated by 50%. The Assistant Principal also noted that staff were instructed they could retroactively modify work from the beginning of the semester, though the Assistant Principal did not personally monitor every individual assignment for compliance.

53. Regarding the timing of modifications, the Assistant Principal clarified a previous email sent to the Parent, which indicated that coursework could not be modified until the Student

officially began a modified diploma path. The Assistant Principal explained that while middle schools often modify assignments without affecting diploma status, high school requirements differ significantly due to the need for credit accumulation. Therefore, in order to modify high school-level work, the Student needed to be on a modified diploma path due to credit requirements. Furthermore, the Director of Special Programs clarified that supports listed in the Student's 2024 IEP, such as "alternate methods to demonstrate mastery," and "reduced amount of work," were categorized as accommodations rather than modifications because they did not lower the overall knowledge the Student was required to demonstrate.

54. The Assistant Principal addressed the School's transfer policy, noting that general warning letters are sent roughly every six weeks to any transfer student with poor grades, behavior issues, or attendance below 90%, regardless of whether they have an IEP. They confirmed that one such warning letter was mailed to the Student on November 21, 2025, because the Student's performance mark fell below the 2.0 GPA requirement. The Assistant Principal clarified that the letter serves as a warning that a transfer is at risk of being revoked, rather than an immediate notification of revocation. They reported that the letter also serves to show families the transfer expectations.

55. Regarding disability-related absences, the Assistant Principal reported the School did not receive formal information about the Student's chronic migraines until late in the semester, noting that an Individualized Health Plan (IHP) for migraines was not established until December 8, 2025, which was after the transfer warning letter had been sent. Prior to that, the School had received a doctor's note regarding the Parent's medical condition (narcolepsy) as an explanation for morning tardiness.

56. In an interview with the Complaint Investigator, the Special Education Teacher explained that general education teachers were informed of accommodations through private meetings during staff development and multiple group staff meetings. Additionally, special education assistants monitored compliance by checking in with teachers and accompanying the Student to classes, utilizing a tracking sheet to record daily activities.

57. Regarding the timeline for modifications, the Student transitioned to a modified diploma path on October 21, 2025, though these changes were not formally added to the IEP until the annual meeting on November 18, 2025, due to scheduling delays. During this period, the Special Education Teacher and the Assistant Principal instructed teachers to modify assignments to help the Student succeed. The Special Education Teacher stated that teachers were asked to retroactively modify work from the beginning of the year and claimed that any work turned in was adjusted, with report card grades reflecting those modifications. The goal was to give the Student the opportunity to turn in any work from the beginning of the year forward for credit.

58. The Special Education Teacher confirmed the Modified Learner Grading Targets and Standards Form was intended for teacher reference, though they were unsure of the exact date it was distributed. The Assistant Principal referenced a specific math test from November 13, 2025, noting that the document should have contained fewer questions than

what was observed. Regarding the Student's chronic migraines, the District received notification from the Parent on December 9, 2025, stating an IHP had been established the previous day. While no formal IEP meeting was held to address this, the Assistant Principal discussed the potential impact on attendance and instruction with the Parent.

59. Addressing the Parent's suggestion that the Student rest in a dimly lit annex to avoid absences, the Special Education Teacher explained the room was unsuitable because it was either fully lit or "completely black" without the lights on and had no windows. The annex is also considered a multi-use room and is seldom available for just a single student. The special education classroom was proposed as a safer alternative because it was "very dim" and quiet. For instructional makeup, staff collected missing assignments when the Student checked in, and the Parent coordinated directly with teachers via email to receive work. The Special Education Teacher concluded by stating the Student was experiencing success but expressed concern that "outside influences" might be affecting their school days.

60. The Special Education Teacher also stated that the School staff had established a plan with teachers to provide instructional makeup by collecting missing assignments when the Student or staff checked in at the School. Support staff members frequently visited teachers to retrieve work from the current or previous day and provided it to the Student upon their return. Additionally, the Parent actively coordinated with teachers via email to monitor and receive assignments, which teachers then sent directly to the Parent.

61. In their written response to interview questions from the Complaint Investigator, the English Teacher stated they were informed of the Student's special education requirements by attending the IEP meeting on November 18, 2025. To track implementation, the English Teacher utilized the online student information system to "flag" students with an IEP and added that designation to personal grade sheets used for recording scores.

62. Regarding classroom accommodations for the Student, the English Teacher described several practices:
    a. Flexible seating: The Student was seated at the front of the room near the podium to facilitate check-ins for understanding and conversations regarding modified work.
    b. Schedules and organizers: The English Teacher provided a "week at a glance" outline outside the classroom and a daily agenda within the digital slide deck used during class. These slides also included timers and additional guidance to help students navigate assignments.
    c. Earbuds and sensory tools: While earbuds were available, the English Teacher noted the Student had not "advocated for" their use. Sensory tools were not readily available in the classroom, and the Student had not expressed interest in them.
    d. Testing: The English Teacher stated that shortened test sessions could be conducted in the Special Education Teacher’s classroom if needed, but the Student had not requested this support.

    The English Teacher further detailed instructional strategies, noting that they checked in with the Student 10 to 15 minutes after a writing assignment began to provide help or guidance. The English Teacher utilized physical proximity to visually check for understanding before the

Student began tasks. For behavioral feedback, the English Teacher used a simple "thumbs up" to acknowledge positive participation. The English Teacher also implemented assignment chunking by laying out pre-writing and brainstorming tasks in a way that allowed the Student to focus on individual steps using graphic organizers. Because the Student was in this class at the end of the school day, pre-transition early release was not applicable.

63. Addressing modifications and absences, the English Teacher reported that they communicated with the Parent via email regarding assignments assigned before the formal modification period began. Grades were adjusted for work that was submitted and met the completion requirements established in the Student's modifications. The English Teacher clarified that the Student finished the first semester of English with a 70% based on modified work rather than a failing grade. When the Student missed class due to chronic migraines, the English Teacher stated that all notes and assignments were accessible on the online learning platform. The English Teacher also coordinated with the Parent to allow the Student to type and share assignments via email upon completion instead of waiting to return to the School to turn in printed copies.

64. In their written response to interview questions from the Complaint Investigator, the Science Teacher stated they were informed of the Student's special education requirements through the online student information system and via team meetings and one-to-one conversations with staff, including the Special Education Teacher and the Assistant Principal. Tracking was managed through seating charts and email communications. The Science Teacher also noted that grades in the gradebook were recorded higher than what appeared on turned-in papers to reflect the implementation of accommodations.

65. Regarding classroom accommodations, the Science Teacher described several practices:
    a. Flexible seating: The Student sat at the front of the room near the door, which was the location they chose as being most comfortable.
    b. Schedules and organizers: A daily schedule was written in front of the Student to copy into a notebook, and timers were displayed on the classroom screen for warm-ups and assignments. Instructional slides were laid out visually, and the Science Teacher underlined necessary information while allowing the Student to organize their own notes.
    c. Earbuds and sensory tools: Corded headphones were made available for use with a laptop, though the Student had not requested them. The Science Teacher monitored seat partners to ensure appropriate noise levels.
    d. Testing and math tools: A calculator was kept on a wall near the Student's seat for easy access. The Science Teacher made it clear the Student could test in a different location or take breaks, though the Student often performed well on science tests without these extra supports. However, if the Student asked for the accommodation, it was readily available.

    The Science Teacher further detailed instructional strategies, noting that check-ins were conducted verbally or by glancing at the Student's work as the Science Teacher walked by. For behavioral feedback, the Science Teacher used a "thumbs up, thumbs down" hand signal to confirm whether the Student felt comfortable with the current workload. Assignment chunking was a standard strategy for the entire class, where new processes were broken into

one or two steps followed by a class-wide check-in. Although the Student was aware that early transition was an option, they had not made it a habit.

66. Addressing modifications and absences, the Science Teacher reported their initial method was to give standard assignments to assess the Student's strengths and apply modifications during the grading process. While the Student received an F grade during the first quarter due to missing work, their grade improved as their attendance increased. The Science Teacher retroactively increased scores on several assignments, and the Student ended the semester with a B grade despite a calculated 73.6%. When the Student missed class due to chronic migraines, the Science Teacher provided access to online simulations and instructional videos to fill the gap. The Student was also offered extra help during lunch or support periods, though the Science Teacher noted the Student had not utilized these times.

IV. DISCUSSION

When IEPs Must Be In Effect

The Complainant alleged the District failed to provide modified assignments (less writing, shorter assignments) for the first part of the 2025-26 school year as required by the Student's IEP. Additionally, the Complainant alleged the District failed to provide specific IEP-mandated accommodations, including the use of headphones, fidgets, visual tools and organizers, flexible seating, shortened test sessions, check-ins, hand signals, chunking of assignments, and early transition times.

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. Each school district must ensure that the IEP is accessible to each regular education teacher, special education teacher, related service provider and other service provider who is responsible for its implementation, and inform each teacher and provider of his or her specific responsibilities for implementing the child's IEP and the specific accommodations, modifications and supports that must be provided for or on behalf of the child in accordance with the IEP.[3]

The Student enrolled for the 2025-26 school year with an IEP that included accommodations such as flexible seating, shortened test sessions, chunked assignments, and assignments shortened to demonstrate mastery when requested. On October 21, 2025, the Parent and District staff signed a declaration of intent for the Student to pursue a modified diploma. Subsequently, on November 18, 2025, the IEP team formally amended the IEP to include a modification for assignments. The Parent alleged that the District implemented "zero" accommodations and forced the modified diploma decision. The District asserted that accommodations were consistently available but often unutilized by the Student, and that assignments were properly modified based on the Student's output.

[3] OAR 581-015-2220(1)(3); 34 CFR §300.323(a)(d)

The evidence did not support the Parent's claim that they were forced to choose a modified diploma. Records indicated the Parent actively participated in the decision, signed the consent form, and expressed during meetings that they simply wanted the Student to graduate. Furthermore, the Parent's assertion that no accommodations were implemented was contradicted by staff testimony and the Student's own observations. The Student noted seeing the Special Education Teacher speaking with general education teachers, specifically about the accommodations. Multiple teachers provided consistent, detailed descriptions of how they implemented flexible seating, visual schedules, chunking, and check-ins within their individual classrooms.

Prior to the November 18, 2025 IEP meeting, the Student's IEP included an accommodation for shortened assignments "when requested." The Parent claimed the “when requested” part was added without their knowledge during the November 18, 2025 IEP meeting. The accommodation designating the Student to request support, however, was already included in the December 2024 IEP and was not added in November 2025. Teachers accommodated the Student by adjusting expectations for whatever work was submitted, which was reportedly very little due to task avoidance. Following the formal addition of modifications on November 18, 2025, teachers proactively modified assignments before giving them to the Student.

The Parent specifically expressed concern over the denial of a portable electronic device for the Student to carry and use during panic attacks. However, there was no mention of specific panic attacks in the IEP documentation or meeting notes. In accordance with state policy regarding personal devices, the District offered viable alternatives, such as using school-issued laptops with wired headphones. Staff noted the Student rarely, if ever, requested these available alternatives. Finally, while the District did not utilize a centralized tracking sheet for every daily accommodation, special education procedures do not strictly require such documentation. When interviewed, multiple District staff consistently and credibly reported that the Student’s accommodations were implemented as required.

The Department does not substantiate this allegation.

Free Appropriate Public Education (FAPE)

The Complainant alleged the District failed to consider the Student’s disability-related absences (chronic migraines) when addressing attendance and establish a plan to ensure the Student could make up work and instruction missed due to their medical condition to ensure a FAPE.

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.[4]

FAPE means special education and related services that are provided at public expense, under public supervision and direction, and without charge, meet the standards of the State Education Authority, including the requirements of the law, include an appropriate preschool,

[4] OAR 581-015-2040(1); 34 CFR § 300.101(a)

elementary school, or secondary school education, and are provided in conformity with an IEP that meets the requirements of the law.[5]

District policy JECC-AR(2), regarding in-District transfers, states that student transfers may be revoked or denied for "overcrowding at the requested building" or "failure to maintain minimum standards of attendance, behavior, or academics." Failure to meet those minimum standards is considered "attendance below 90% in a grading period," "any behavior that results in suspension or expulsion," and "grade point average below 2.0."[6]

The Student's IEP and evaluation history noted diagnoses, including migraines. On November 21, 2025, the District issued a standard transfer revocation warning letter noting the Student's attendance had fallen to 79%. The Parent alleged the District failed to consider the disability-related nature of these absences and failed to establish a plan for making up missed instruction. The District responded that formal medical documentation for chronic migraines was not received until December 2025, after the warning letter was sent. The District also maintained that a makeup plan was actively utilized via the Student's structured support classes, without academic penalty.

The investigation revealed that the November 21, 2025, transfer warning letter was a standard administrative procedure applied universally to all interdistrict transfer students within the District. At the time the letter was generated, the Student's grades were low, and attendance had dropped below the 90% threshold. However, statements from both the Parent and the Assistant Principal confirmed that no further action specific to the Student occurred regarding the transfer. When the Parent contacted the School regarding the letter, the Assistant Principal indicated that they did not even need to hold a meeting to discuss the matter, effectively treating the automated notice as a non-issue rather than an active revocation process. There was no evidence provided to support the allegation that the Student was penalized academically because of their attendance or that their transfer was legitimately in jeopardy.

Regarding a plan for the Student to make up work following absences, evidence showed the District established functional procedures to ensure the Student could access missed instruction. The Student was scheduled into a structured support class during the first periods of the day, where staff checked in to identify missing work and frequently retrieved assignments directly from general education teachers. The Parent also coordinated with teachers via email to monitor assignments, and the Student confirmed they utilized a study hall to complete makeup work. The District accepted this makeup work without academic penalty for the excused absences.

The Department does not substantiate this allegation.

VII. CORRECTIVE ACTION

In the Greater Albany School District
Case No. 26-054-005

[5] OAR 581-015-2040; CFR § 300.17

[6] District policy JECC-AR(2), In-District Transfer Information, 12/15/25

No corrective action is ordered in this matter.

Dated: this 10 Day of March 2026



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Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing Date: March 10, 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).)