BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of Mitchell School District 55	)	FINDINGS OF FACT,
	)	CONCLUSIONS,
	)	AND FINAL ORDER
	)	Case No. 26-054-007

I. BACKGROUND

On January 12, 2026, the Oregon Department of Education (Department) received a written request for a special education complaint investigation from the (Parent) of three students (Students) residing in the Mitchell School District 55 (District). The Parent requested the Department conduct a special education investigation under OAR 581-015-2030. The Department confirmed receipt of this Complaint and forwarded the request to the District.

Under state and federal law, the Department must investigate written complaints that allege violations of the Individuals with Disabilities Education Act (IDEA) and issue an order within sixty days of receipt of the complaint.[1] This timeline may be extended if the 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 28, 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 11, 2026.

The District submitted materials on February 11, 2026, and additional materials and a *Response* on February 21, 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, emailed February 21, 2026
2. Emails, 07/07/25-12/22/25
3. General District Documents, 2024-26
4. Evaluation and Eligibility Documents, Student 1, 06/10/21-05/09/25
5. Individualized Education Program and Amendments, Student 1, 12/04/23, 11/22/24, 11/07/25
6. Prior Written Notice, Student 1, 11/05/24, 04/04/25, 11/07/25, 02/17/26
7. Other Educational Documents, Student 1, 02/12/25-02/06/26
8. Emails regarding Student 1, 03/04/25-01/07/26

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

9. Evaluation and Eligibility Documents, Student 2, 05/20/23-03/20/25
10. Individualized Education Program and Amendments, Student 2, 11/18/24, 03/20/25, 06/04/25
11. Prior Written Notice, Student 2, 11/05/24, 03/20/25, 02/17/26
12. Other Educational Documents, Student 2, 08/30/24-05/12/25
13. Emails regarding Student 2, 01/22/25-10/15/25
14. Evaluation and Eligibility Documents, Student 3, 06/07/22-04/24/25
15. Individualized Education Program and Amendments, Student 3, 10/28/24, 01/31/25, 06/06/25, 12/15/25
16. Prior Written Notice, Student 3, 03/06/25, 05/16/25, 10/16/25, 12/22/25, 01/23/26, 02/17/26
17. Other Educational Documents, Student 3, 08/27/24-01/27/26
18. Emails regarding Student 3, 02/12/25-12/18/25

The Complaint Investigator interviewed the Parent and District personnel on February 27, 2026. 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 13, 2025, to the filing of this Complaint on January 12, 2026.

Allegations	Conclusions
When IEPs Must Be In Effect The Complaint alleged the District violated the IDEA by not offering comparable services when the Student(s)' previous out-of-state Individualized Education Programs (IEPs) documented dyslexia-related needs and dyslexia-aligned specialized instruction. (OAR 581-015-2000(36-37), OAR 581-015-2220(1)(2)(b), OAR 581-015-2230(2); 34 CFR §§ 300.39(a)(1)(b)(3), 300.323(a)(c)(2)(f))[3]	**Not Substantiated** The allegation involving the provision of comparable services occurred outside the investigative timeline. **Additional Finding** The District materially failed to implement the SDI as required by the IEPs for all three Students.

[3]This report incorporates additional regulations not specified in the initial letter to the Parties. These provisions were identified as relevant to the issues under review during the investigative process.

Allegations	Conclusions
Review and Revise The Complaint alleged the District violated the IDEA when they made decisions about removing or reducing specially designed instruction (SDI) based on incomplete and invalid data, and when the District improperly altered Student 2's annual IEP review date through an amendment and made substantive changes without a full IEP team meeting. (OAR 581-015-2225(1-3); 34 CFR § 300.324(a)(4)(6)(b)	**Substantiated in Part** The District failed to revise Student 3's IEP to address known reading fluency needs. No violation was found regarding Student 2's annual review process.
Evaluation The Complaint alleged the District violated the IDEA when they delayed completion of Student 1's and Student 3's occupational therapy (OT) evaluations, and when the District failed to conduct evaluations to determine if the Student(s) required dyslexia-related services. (OAR 581-015-2105(1)(2)(3), OAR 581-015-2110(2)(b)(4)(5)(a)(b), OAR 581-015-2170(1)(a-d)(f)(4)(a); 34 CFR §§ 300.301(a-c), 300.304(b)(c); 34 CFR § 300.305(a)(1)(2)(i-iv), 34 CFR § 300.309(a)(1)(b)(c))[4]	**Not Substantiated** OT evaluations were completed within statutory timelines and dyslexia-related assessments were conducted outside the investigative timeline.
Prior Written Notices (PWNs) The Complaint alleged the District violated the IDEA when they did not issue PWNs documenting their refusal to evaluate the Student(s), when refusing or denying SDI, declining to add baselines or goals, and making significant changes to services. (OAR 581-015-2310(2-6); 34 CFR § 300.503(a-c))	**Substantiated in Part** While the District did not refuse evaluations and was therefore not required to issue PWNs, it systematically failed to provide PWNs regarding its refusal of SDI requested by the Parent and when making changes to the Students' IEPs.

[4] *Id.*

Allegations	Conclusions
Content of IEP The Complaint alleged the District violated the IDEA when the Students' IEPs contained incomplete and inconsistent information, such as missing baselines, and failure to document services considered, provided, or refused. (OAR 581-015-2200(1); 34 CFR § 300.320)	**Substantiated** The District demonstrated a pattern of inaccurate data and conflicting progress reports that undermined the IEP's reliability as a framework for a FAPE.
Parent Participation The Complaint alleged the District violated the IDEA when incomplete and inconsistent IEP documentation impacted parent participation. (OAR 581-015-2190(1-3); 34 CFR § 300.322(a)(b))[5]	**Not Substantiated** The Parent participated in every meeting and influenced substantive changes to the Students' programs despite communication difficulties and paperwork errors.
Free Appropriate Public Education (FAPE) The Complaint alleged the District violated the IDEA when there was a delay in completing Student 1's and Student 3's OT evaluations and no interim services were provided, resulting in a denial of a FAPE for Student 1 and Student 3. (OAR 581-015-2040; 34 CFR §§ 300.17; 300.101)	**Substantiated in Part** There was no denial of a FAPE regarding evaluation delays or the provision of interim services. There was a denial of a FAPE for all three Students due to the District's material failure to provide the SDI required by their IEPs.

REQUESTED CORRECTIVE ACTION
1. Reconvening IEP teams for all three students to address IEP appropriateness. 2. Conducting comprehensive evaluations for dyslexia and related needs. 3. Providing compensatory education to remedy missed or denied services. 4. Restoring and/or providing appropriate reading and writing SDI aligned to documented needs. 5. Ensuring all IEP goals include baseline data, measurable criteria, and progress monitoring.

[5] This report incorporates corrected regulatory citations. While the initial letter to the Parties identified a different set of provisions, the investigation confirmed those were cited in error and the regulations analyzed in this report represent the appropriate standards.

6. Issuing PWNs for all refusals.
7. Correcting improper IEP amendment practices and restoring lawful annual review timelines.
8. Training staff on records review obligations, dyslexia-related SDI, Extended School Year (ESY) determinations, IEP documentation standards, meeting notice requirements, and procedural safeguards.
9. Implementing monitoring to ensure corrective actions are applied consistently and sustained over time.

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 13, 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.

Background

1. Students 1, 2, and 3 enrolled in a virtual school in the District at the start of the 2024-25 school year. Upon enrollment, the District received out-of-state special education evaluation records and an Individualized Education Program (IEP) for each of the three Students. They had also attended a virtual school in their previous out-of-state district. The first day of school for the 2024-25 school year was August 26, 2024. This out-of-state transfer, the subsequent evaluations to establish in-state eligibility, and the initiation of new District IEPs for all three of the Students occurred outside the Complaint's one-year investigative timeline as documented below.

2. The following relevant information described the special education evaluation and eligibility process for Student 1:
   a. Between 2021 and 2024, out-of-state evaluations consistently identified Student 1 as demonstrating core processing deficits and academic characteristics associated with dyslexia. A May 2021 report noted significant weaknesses in phonological awareness, decoding, and written expression, with scores largely between the 3rd and 8th percentiles, while identifying math computation and applications as relative strengths. Subsequent evaluations in May 2023 and January 2024 confirmed deficits in basic reading skills, fluency, spelling, applied math problem-solving, and sentence writing. Based on these cumulative results, Student 1 was found eligible for special education services in their previous state under the IDEA category of Specific Learning Disability (SLD) in December 2023.

b. In September 2024, the District initiated a formal evaluation for Student 1 following the Parent's signed consent. The District Statement of Eligibility for Special Education dated November 5, 2024, documented Student 1 met eligibility criteria for special education under the IDEA categories of SLD and Speech-Language Impairment (SLI). For SLD, the eligibility determination was based on an October 2024 file review by the School Psychologist and standardized cognitive, academic, visual-motor, phonological processing, visual-perceptual, and behavioral testing completed in December 2023. It was determined that Student 1 demonstrated deficits in basic reading skills, reading comprehension, math problem-solving, and written expression. The District's eligibility determinations for Student 1 were documented in Prior Written Notice (PWN) dated November 5, 2024. The first IEP for Student 1, written by the District, was dated November 22, 2024.

3. The following relevant information described the special education evaluation and eligibility process for Student 2:
   a. Out-of-state evaluations conducted for Student 2 between 2022 and 2023 established a profile characterized by academic, behavioral, and processing needs. A July 2022 initial assessment revealed average cognitive abilities but highlighted "clinically significant" conduct problems and "very elevated" concerns regarding hyperactivity, executive functioning, and learning difficulties in reading, writing, and math. Testing confirmed specific deficits in basic reading, mathematical reasoning, and written expression, resulting in eligibility for special education services under the IDEA categories of Other Health Impairment (OHI) and SLD. A May 2023 supplemental evaluation utilized additional standardized reading and writing assessments to investigate dyslexia concerns, identifying a "significantly below average" reading total index at the 1st percentile and very poor contextual writing skills. This report ultimately concluded that Student 2 demonstrated characteristics of "Mixed Dyslexia (phonological and surface)" that severely impacted reading and written language.
   b. In September 2024, the District initiated a formal evaluation for Student 2 following the Parent's signed consent. A November 5, 2024, Statement of Eligibility for Special Education in the area of SLD indicated Student 2 met eligibility criteria based on a pattern of strengths and weaknesses gathered from a review of a psychoeducational report conducted on October 12, 2024 and academic assessments conducted in 2023. It was determined Student 2 did not "achieve adequately" in basic reading skills, math calculation, and written expression. Student 2 was also found eligible under the category of OHI on November 5, 2024. The first IEP for Student 2, written by the District, was dated November 18, 2024.

4. The following relevant information described the special education evaluation and eligibility process for Student 3:
   a. Out-of-state evaluations conducted for Student 3 in 2022 established a developmental profile characterized by a "scattered profile" of cognitive and academic abilities. Although SLD was ruled out due to these inconsistencies, Student 3 was found eligible for special education services in their previous state under the IDEA categories of Autism Spectrum

Disorder (ASD), Intellectual Disability (ID), and OHI. Testing revealed weaknesses in basic reading, mathematics, and listening comprehension, alongside deficits in visual-motor integration (VMI) and phonological memory. Furthermore, a September 2022 assessment identified substantial delays in bilateral coordination, fine motor skills (including handwriting and keyboarding), and organizational skills, qualifying Student 3 for occupational therapy (OT).

b. In September 2024, the District initiated a formal evaluation for Student 3 following the Parent's signed consent. The resulting psychoeducational report reviewed 2021 data showing historical deficits, including scores in the 1st or 2nd percentile for basic reading, word attack, and reading comprehension, and the 5th percentile for written expression. Previous cognitive testing placed Student 3 below the 1st percentile for phonological processing and verbal attention. However, late-2024 (date unspecified) assessments using a different standardized tool from the previous state's report showed significant improvement in literacy, with Student 3 scoring in the average range for letter/word recognition (23rd percentile) and reading comprehension (45th percentile). Based on these results, the District concluded Student 3 possessed an age-appropriate ability to read and recognize words. In contrast, math remained a "significant weakness" (0.3rd percentile overall). On October 28, 2024, the District determined Student 3 met eligibility criteria for ASD and OHI, an eligibility the Parent agreed to on November 12, 2024. The first IEP for Student 3, written by the District, was dated October 28, 2024.

Student 1

5. Student 1 is eleven years old and in the sixth grade at a virtual school in the District. Student 1 is eligible for special education under the IDEA categories of SLD and SLI. Student 1 is a creative and motivated student who excels in mental math and hands-on problem-solving, particularly through building activities and digital learning tools. Student 1 has demonstrated significant academic growth in reading fluency and written expression, supported by a diligent work ethic and a growing ability to self-advocate.

6. An out-of-state IEP dated December 4, 2023, outlined the following relevant information for Student 1 regarding reading and writing services:
   a. Goals:
      i. Reading decoding: "By [December 2024] after completing a structured, multi-sensory phonics lesson, [Student 1] will read 10 regularly-spelled short-vowel real and nonsense words of 3 [to] 5 letters that may contain consonant blends and digraphs with 100% accuracy in 3 [out of] 5 consecutive trials as measured by teacher-charted records and/or student work samples."
         (1) Baseline: Student 1's test scores indicated their phonological processing skills were in the low average range, and their performance was only better than 16% of their peers in the same grade. Their silent reading fluency and isolated word reading scores were in the very low range.

ii. Reading fluency: "By [December 4, 2024], when given a selected third-grade or instructional level passage, [Student 1] will read with 90% accuracy in 3 consecutive trials … as measured by student work samples/teacher-charted data."
(1) Baseline: Student 1 was able to read 70% of sight words in phonics class. According to the previous district's reading assessment data, Student 1 scored at the 4.7 grade equivalent.

iii. Encoding (spelling): "By [December 2024], after completing a structured, multi-sensory phonics lesson and when dictated the words in isolation, [Student 1] will spell 8 [to] 10 regularly-spelled short-vowel real and nonsense words of 3 [to] 5 letters that may contain consonant blends and digraphs with 100% accuracy in 3 [out of] 5 consecutive trials as measured by teacher-charted records and/or student work samples."
(1) Baseline: Student 1 demonstrated limited ability to apply phonetic rules correctly in writing and scored in the very poor range for overall writing on a test of written language skills.

iv. Writing paragraphs: "By December 2024, when given a writing assignment, a graphic organizer, and a paragraph frame, [Student 1] will introduce a topic or text, state an opinion, and create an organizational structure in which related ideas are grouped as measured by student work samples/teacher charted records on 3 trials with 80% accuracy."
(1) Baseline: Student 1 was "very strong" at generating ideas and being creative, but needed prompting and support to complete graphic organizers and had not completed a paragraph draft.

v. Written expression: "By [December 4, 2024], following teacher-led prewriting activities, [Student 1] will compose a single paragraph including a topic sentence, supporting sentences, and a concluding sentence with 80% accuracy in 2 of 3 trials as measured by student work samples."
(1) Baseline: Student 1 was able to expand on their ideas and sentences when using a word bank, sentence frames, and a bubble map while writing. Student 1 was able to verbally expand on their ideas in greater detail.

b. Specialized Academic Instruction (SAI) provided from December 4, 2023 through December 3, 2024 for five sessions of 30 minutes each for a total of 150 minutes weekly in a group setting. Comments noted the weekly SAI minutes were to be distributed as follows: 30 minutes for writing, 30 minutes for math, and 3 sessions of 30 minutes each for intensive phonics instruction.

c. No Extended School Year (ESY) decision was indicated.

7. An IEP dated November 22, 2024, with revision dates of February 28, 2025, April 4, 2025, and May 9, 2025, along with correlating documents, outlined the following relevant information for Student 1:

a. A Meeting Notice dated February 12, 2025 documented the IEP amendment meeting scheduled for February 28, 2025. A Meeting Notice dated February 28, 2025 documented the meeting scheduled on April 4, 2025 to amend the IEP and discuss reevaluation. Additionally, on April 4, 2025, a Meeting Notice was issued for the May 9, 2025 OT

eligibility meeting. For the May 2025 meeting, District records showed an email reminder with a Meeting Notice, a virtual meeting link, and a copy of Parental Rights was sent to the Parent on May 8, 2025.

b. The Parent was present for all the meetings.
c. Parent concerns:
    i. November 22, 2024: The Parent expressed concerns about academic struggles in reading, writing, and math reasoning, as well as functional challenges with memory and fine motor skills impacting daily living.
    ii. February 28, 2025: The Parent requested an OT assessment to address Student 1's ongoing fine motor struggles with handwriting and daily tasks. Additionally, there were concerns that Student 1's current specially designed instruction (SDI) was too basic to meet their dyslexia-related needs or support progress toward their goals, especially as previous interventions lacked effective strategies.
    iii. April 4, 2025: The Parent expressed frustration over delays in Student 1's requested OT evaluation, urging the District to expedite the process to address Student 1's fine motor challenges with handwriting and daily tasks. Additionally, the Parent requested several procedural and instructional adjustments, including implementing quarterly progress monitoring, providing access to all class recordings, adding a calculator for math assessments, and removing spelling from Student 1's testing accommodations.
        (1) April 4, 2025, Meeting Notes for Student 1 documented that the Parent expressed frustration that Student 1 had waited the entire school year for an OT evaluation despite repeated requests. The IEP team agreed to evaluate handwriting, motor proficiency, and VMI. While Student 1 excelled at building with LEGO blocks, they struggled with "selective fine motor" tasks like tying their shoes, coloring, and maintaining a straight baseline when writing. The Parent requested the process be expedited, granted consent, and signed a Parent/Guardian Consent for Individual Evaluation that included testing in handwriting, motor proficiency, and VMI on April 4, 2025.
            (a) The Parent also requested that the same OT provider working with Student 3 be assigned to Student 1. Additionally, the IEP team agreed to the Parent's request for quarterly progress reports to better track milestones toward IEP goals.
d. Present levels of performance:
    i. November 22, 2024:
        (1) Student 1's initial reading scores were in the 85th percentile, though it was noted these were achieved with the Parent's support during testing. It was mentioned that Student 1's reading goal would be adjusted after a special education teacher heard them read a passage aloud.
        (2) Student 1's "strong" gross motor skills were contrasted with "weak" fine motor precision (pencil grip, tying shoes). It was also noted that although Student 1 struggled with "certain fine motor skills," they could still use them to build with LEGO blocks and similar toys.
    ii. December 19, 2024 (administrative correction):

(1) During the reevaluation and annual IEP process, an error was discovered on the "Services" page. It was noted the Parent agreed to an amendment without a meeting to correct errors regarding individual counseling, individual speech therapy, and ESY dates.

iii. February 28, 2025:

(1) A discrepancy was noted between reading assessment scaled scores (showing grade-level performance at 4.9 to 5.0) and oral reading fluency curriculum-based measurements (CBMs) (showing second to third-grade levels at 43 to 82 correct words per minute (CWPM)). Similar gaps existed in math, where conceptual understanding was high but basic fact fluency was low.

(2) Written expression was impacted by poor sentence structure, spelling, and organization, requiring sentence starters and graphic organizers.

(3) The Parent noted some SDI classes lacked rigor and requested enrichment alongside remediation.

iv. April 4, 2025:

(1) Student 1 maintained high grades in math (94%), science (100%), and social studies (100%), but achieved a lower mark in English Language Arts (ELA) (50.2%).

(2) SDI shifted to include targeted dyslexia strategies for reading fluency and written expression.

(3) Student 1 demonstrated growth in reading fluency, increasing from 70 CWPM at the start of the year to 114 CWPM on a third-grade passage. Student 1 was able to independently type a three-sentence paragraph and achieved 50% accuracy in punctuation and capitalization when provided a model.

v. May 9, 2025, Meeting Notes indicated the IEP team reviewed the OT evaluation results and recommended changes to Student 1's IEP.

(1) The OT evaluation report indicated the Student scored in the "severe difficulties range" for the home setting, with "severe difficulties" in the areas of vision, touch, body awareness, and balance and motion, and "moderate difficulties" in the areas of hearing, taste, and smell. Patterns of occasional "negative reactions" to a "wide range" of sensory inputs in the areas of vision, hearing, taste and smell, and balance and motion were also indicated. Areas of "significant difficulty" included placement and formation of upper- and lower-case letters. Areas below the expected threshold for Student 1's grade level were orientation, placement, start of, and sequence of upper- and lower-case letters; word spacing of lower-case letters; and placement, start of, and sequence of numbers. Based on the findings of formal and informal measures, school-based OT services were recommended to support Student 1 in writing and sensory processing skills.

(2) The OT Evaluation revealed VMI in the "very low" range and motor coordination in the "low" range. While Student 1 could functionally copy a model, their writing quality and legibility decreased during dictation or self-generation due to spelling difficulties and letter reversals. Results indicated "severe difficulties" in the home setting regarding vision, touch, body awareness, and balance. Student 1 struggled with motor planning for multi-step tasks. Typing speed was clocked at 12 words per minute (WPM). Speech-to-text accuracy was approximately 50%, hindered by

articulation errors. The team approved a lapel microphone to improve voice-typing accuracy.

(3) Changes to the IEP included:
   (a) Add assistive technology (AT) to special factors.
   (b) Add OT services to SDI (30 minutes per week) and ESY (30 minutes per week).
   (c) Add OT's recommendations on both accommodations and goals.
   (d) Add OT consultation for 60 minutes per week.
   (e) The OT would share a link with the District for purchasing the recommended lapel microphone.
   (f) Change progress notes to quarterly.

e. Goals:
   i. Math goal: "By November 2025, [Student 1] will solve multi-step word problems involving whole numbers, fractions, [and] decimals, using visual aids or equations, with 80% accuracy across three consecutive tasks." Present level: "[Student 1] struggles to solve multi-step word problems and breaks down problem-solving processes, scoring 14th percentile on the [District math] assessment. [Student 1] demonstrates emerging skills in understanding fractions and applying mathematical reasoning."
      (1) A Progress Report dated June 13, 2025 showed a mastery level of 2 (making adequate progress) and a 91st percentile score on a May 2025 District math assessment. Online Instruction Program scores showed 79% accuracy for addition and subtraction, 82% for multiplication and division, 53% for fractions, and 50% for place value. It was also noted Student 1 was making "solid progress" in math, performing "above grade-level expectations" on the District math assessment, demonstrated the ability to solve one-step problems, and was working toward multi-step and fraction-based tasks. It was noted, "Greater attendance in SDI math classes – currently about 60% – would help reinforce these concepts through direct instruction."
   ii. Reading goal: "By November 2025, [Student 1] will improve [their] oral reading fluency to 100 CWPM on a third-grade End-of-Year (EOY) [oral reading fluency] passage, as measured by [District reading] progress monitoring tools." Present level: As of November 2024, Student 1 could read 40 CWPM on a third-grade beginning-of-year oral reading fluency passage, reflecting their instructional reading level.
      (1) Progress update April 4, 2025: Student 1 read 114 CWPM. It was noted the "SDI teacher" was recently trained on dyslexia strategies.
      (2) A Progress Report dated June 13, 2025 showed a mastery level of 2 (making adequate progress) and a 96th percentile score on a May 2025 District reading assessment. A reading fluency CBM showed Student 1 read 82 CWPM with 98% accuracy. It was also noted Student 1 showed "excellent comprehension growth," which placed them "significantly above grade-level expectations." However, Student 1 needed to continue strengthening fluency skills.
   iii. Writing goal: "By November 2025, [Student 1] will write a coherent 5-sentence paragraph, including a topic sentence, three supporting details, and a conclusion, with correct capitalization, punctuation, and spelling of grade-level high-frequency words

in 4 out of 5 opportunities, as measured by teacher-created rubrics." Present level: Student 1 wrote simple sentences with emerging use of capitalization and punctuation but struggled with spelling and forming coherent paragraphs. Student 1 relied on text-to-speech tools or a scribe for written expression.

(1) Progress update, March 17, 2025: Student 1 was able to independently type a three-sentence paragraph with teacher modeling for punctuation and capitalization with 50% accuracy. Student 1 was "close to meeting this benchmark."

(2) A Progress Report dated June 13, 2025, showed a mastery level of 2 (making adequate progress) and a score of 80% accuracy on two out of three writing tasks completed "with support." An Online Instruction Program quiz showed Student 1 scored 8% on writing mechanics. It was also noted Student 1 could compose structured three- to four-sentence paragraphs when provided with teacher modeling and guided support. Student 1 demonstrated an "emerging command" of punctuation and capitalization, but struggled with grammar, spelling, and independent writing. It was noted, "Improved attendance in writing SDI sessions (currently [about] 60%) will help [Student 1] build independence with editing and revising."

iv. OT fine motor goal 1 (added May 9, 2025): "By the end of the IEP cycle, [the Student] will complete a half-page written work task, with or without the use of technology-based writing supports (including but not limited to keyboarding, speech-to-text, text-to-speech, grammar/spell check, PDF editing, etc.), in 3 out of 4 trials as measured by therapist data and student work samples." Present level: 90% of Student 1's work was dictated when composing and handwriting work, letter size, baseline contact, spacing between words, and overall neatness and legibility of writing were impacted.

(1) A Progress Report dated June 13, 2025, showed a mastery level of 2 (making adequate progress) and a score of 50% accuracy (two out of four opportunities). It was noted Student 1 was making progress toward half-page written tasks using supports such as speech-to-text and keyboarding. Although 90% of Student 1's work continued to be dictated, they were beginning to engage in composition activities with guided support. Their handwriting legibility remained "significantly" impacted by inconsistencies in letter formation, spacing, and baseline control.

(2) A Progress Report dated July 29, 2025, showed a mastery level of 2 (making adequate progress) and a score of 70% accuracy in two out of four trials as measured by virtual work samples. It was noted Student 1 was making "steady progress" in foundational writing and fine motor skills, with notable improvements in letter fluency, sequencing, and drawing details. While the OT worked through technical issues with AT, Student 1 effectively navigated multi-step tasks when given a visual model and preliminary support.

v. OT fine motor goal 2 (added May 9, 2025): "By the end of the IEP cycle, [Student 1] will type at an average rate of 16 WPM with 85% accuracy or better in 3 out of 4 trials as measured by therapist data." Present level: Student 1 typed at a rate of 12 WPM with 89 to 93% accuracy using a two-handed "hunt-and-peck" method of typing.

(1) A Progress Report dated June 13, 2025, showed a mastery level of 2 (making adequate progress) and a score of 75% (three out of four opportunities). Student 1's accuracy "exceeded" the target, and with continued keyboarding instruction and practice, Student 1 was expected to achieve the WPM typing target rate within the IEP cycle.

(2) A Progress Report dated July 29, 2025, showed a mastery level of 2 (making adequate progress) and an average rate of 16 to 19 WPM with greater than 85% accuracy in 3 out of 4 trials. It was also noted Student 1 was making "good progress" and performed best when given one initial cue or reminder (i.e., to slow down and focus on accuracy versus speed with typing).

f. SDI from November 22, 2024, through November 21, 2025: Reading, writing, and math for 30 minutes each per week.

g. SDI from May 12, 2025, through November 21, 2025: OT in the OT office for 30 minutes per week.

h. ESY services from June 16, 2025, through July 31, 2025, in the following areas:
   i. Writing in the resource room for 30 minutes per week.
   ii. OT in the OT office for 30 minutes per week.
   iii. Reading in the resource room for 30 minutes per week.

i. PWN dated April 4, 2025, documented the IEP team "decided to implement the attached IEP," because the IEP team determined that Student 1 required the services listed on the attached IEP. The decision was based on "results of current comprehensive evaluation and the Multidisciplinary Evaluation Team (MET) meeting." It was also noted, "All service options were considered by the IEP Team and those detailed on the IEP were agreed to by the Team."

8. On March 5, 2025, Special Education Teacher 4 emailed the Parent to inform them that the Evaluation Specialist would contact them soon to obtain consent for OT testing for Student 1. They said they hoped the OT assessment could be completed by the next IEP amendment meeting scheduled for April 4, 2025.

9. For the 2024-25 school year, the Parent documented Student 1 missed 8 out of 22 writing SDI sessions, 7 out of 30 reading SDI sessions, and 5 out of 34 math SDI sessions. They documented that Special Education Teacher 5 was Student 1's SDI provider for the beginning of the 2024-25 school year and Special Education Teacher 4 later provided SDI services. Documentation indicating specific dates or circumstances of the missed SDI sessions was not found in the evidence submitted for the Complaint Investigation.

10. August 26 and 27, 2025 District assessment results showed Student 1 scored at a level 1 (23rd percentile) for math and level 1 (9th percentile) for reading.)

11. Student 1's SDI schedule and attendance for reading and writing SDI sessions for September 3, 2025 through January 2026, provided by the District in a typed document, showed the following:
   a. Schedule:

i. Reading SDI: Wednesdays from 11:00 a.m. to 11:30 a.m. for the first semester and 12:30 p.m. to 1:00 p.m. for the second semester.
ii. Writing SDI: Thursdays from 11:00 a.m. to 11:30 a.m. for the first semester and 12:30 p.m. to 1:00 p.m. for the second semester.
iii. Math SDI: Thursdays from 11:30 a.m. to 12:00 p.m. for the first semester and 1:00 p.m. to 1:30 p.m. for the second semester.

b. Attended sessions (Reading and Writing):
i. September 2025: Four out of four reading and writing sessions.
ii. October 2025: Four out of five reading and writing sessions. On October 1, 2025, there was no electrical power for the reading session, but it was reportedly made up on October 6, 2025. There was no writing SDI on October 16, 2025, due to the teacher's absence.
iii. November 2025: Three out of three reading and writing sessions.
iv. December 2025: Three out of three reading sessions and two out of three writing sessions. Writing SDI was missed on December 18, 2025, due to the teacher's absence.
v. January 2026: Three out of three reading and writing sessions.

12. On September 4, 2025, the Parent emailed to say they still needed to know which days and times Student 1 had SDI classes with Special Education Teacher 3. Later that same day, Special Education Teacher 3 replied to the Parent's email and said they would submit a support ticket to determine why Student 1's SDI classes were not appearing on Student 1's online schedule.

13. On September 24, 2025, Special Education Teacher 2 emailed the Parent, outlining a plan for upcoming reading assessments and a shift in instructional focus. They planned to conduct 3-minute fluency timings at the third and sixth-grade levels to assess Student 1's stamina. Additionally, they planned to use a third-grade level reading passage to establish Student 1's baseline reading comprehension. Special Education Teacher 2 also recommended moving away from repetitive phonics and fluency goals in favor of whole-passage comprehension, noting that the shift was appropriate as Student 1 prepared for middle school. Finally, based on the Parent's use of the Online Instruction Program at home, Special Education Teacher 2 planned to specifically target comprehension-related lessons during reading SDI sessions.

14. Between October 23, 2025, and January 7, 2026, Student 1 was included in emails to or from Special Education Teacher 3 regarding canceled or missed SDI sessions. Documentation for Student 1, maintained by the Parent, showed missed SDI services for the 2025-26 school year. The Parent also listed that their figures represented the minimum confirmed missed services, and the actual number of missed sessions may have been higher. They documented that for the 2025-26 school year, Special Education Teacher 3 provided math SDI until December 18, 2025, and then Special Education Teacher 2 took over math SDI and also provided reading SDI for the year. Special Education Teacher 1 provided writing SDI. For the 2025-26 school year, the Parent documented that Student 1 missed 11 out of 15 math SDI sessions. Documentation that was provided for the Complaint Investigation regarding

missed services for Student 1 within the Complaint timeline during the 2025-26 school year, noted the following:

a. The Parent's notes:
    i. September 4, 2025: SDI class was not scheduled despite the Parent emailing Special Education Teacher 3 "repeatedly."
    ii. October 2, 9, and 16, 2025: Student 1 was not admitted to the online classroom. The Parent reported they emailed Special Education Teacher 3 to inform them Student 1 was waiting but received no response.
    iii. October 30, 2025: The Parent noted the class was not scheduled. When they emailed Special Education Teacher 3, they were asked whether a box was checked on the schedule, and Special Education Teacher 3 reportedly said they wondered why no students had shown up.
    iv. November 6, 2025: The Parent reported Student 1 attended math SDI, but the class worked on science lessons for the week instead. The Parent said they emailed Special Education Teacher 3 about it but received no response.
    v. November 13, 2025: The Parent reported the math SDI class was not scheduled, and they emailed Special Education Teacher 3, but received no response.
    vi. November 20, 2025: Student 1 was not admitted to the online classroom despite waiting.
    vii. December 11, 2025: The Parent reported the math SDI was not scheduled, and they emailed Special Education Teacher 3, but received no response. They said Special Education Teacher 3 later sent an email explaining they were having technical issues.
b. District email documentation that was also supported by the Parent's notes:
    i. October 23, 2025: The Parent emailed Special Education Teacher 3 and said Student 1 had no class listed on their calendar and asked for a link to be sent. The Parent sent another email later that day to Special Education Teacher 3 and said they had received notification that Special Education Teacher 3 would be absent for Student 3's class, but not Student 1's. Special Education Teacher 3 replied to the Parent's email and told them they were out that day for an emergency. They explained that they sent an email in the morning canceling all classes, but it did not appear to go through. They assured the Parent they were working with the administration to resolve the technical issues.
    ii. December 4, 2025: Special Education Teacher 3 reported being out sick and instructed students to complete math assignments on the Online Instruction Program.
    iii. December 18, 2025: District records listed Student 1 missed reading SDI this day, and it was made up on January 12, 2026, between 11:00 a.m. and 12:00 p.m.
    iv. January 7, 2026: The Parent emailed Special Education Teacher 2 that Student 1 was waiting online to enter the reading SDI class. Special Education Teacher 2 replied to ensure Student 1 was using the correct link because courses were changed over the winter break. District records listed this as a missed SDI session that was made up on January 12, 2026, between 11:00 a.m. and 12:00 p.m.

15. On October 27, 2025, the Parent emailed Special Education Teacher 2 about technical difficulties with the School's Online Learning Platform not displaying emails that were sent to Student 1. Special Education Teacher 2 responded that the School's email had not been

"functioning properly." However, an operations manager was working on the issue, and in the meantime, Special Education Teacher 2 would send the Parent emails through a different platform that was known to work.

16. October 31, 2025, results from the Online Instruction Program indicated the recommended skills that Student 1 should work on based on diagnostic results. Student 1's recommended reading skills were at the pre-kindergarten and first-grade levels. Their recommended math skills were at the fourth-grade level for number and operations, second-grade level for algebra and algebraic thinking, third-grade level for fractions, first-grade level for measurement, and pre-kindergarten and kindergarten-level for geometry.

17. A November 7, 2025, IEP, along with correlating documents outlined the following relevant information for Student 1:
    a. The Parent attended the meeting. District records showed the meeting was originally scheduled for October 30, 2025, the Parent confirmed on September 17, 2025, and a Meeting Notice and Parental Safeguards were emailed to the Parent on September 24, 2025. On October 22, 2025, the IEP meeting was rescheduled for November 7, 2025, and a new Meeting Notice dated October 23, 2025, was emailed to the Parent. A reminder email was also sent to the Parent on November 5, 2025.
    b. Parent concerns: Missed SDI time for math that was not made up, and lack of progress reporting.
    c. Student grades as of November 7, 2025: Student 1 had a C- (72.97%) in language arts and a C+ (78.48%) in math.
    d. Present levels of performance:
        i. Reading:
            (1) August 27, 2025: 9th percentile on a District reading assessment.
            (2) September 30, 2025: Special Education Teacher 2 provided Student 1 with correct words, and Student 1 read 43 CWPM with 93% accuracy and 100% comprehension on an "end-of-level 5 passage." This was noted to be Student 1's "Independent Level." Also, 60 CWPM with 92% accuracy and 75% comprehension on an "end-of-level 3" passage. This was noted to be Student 1's "Instructional Level."
            (3) October 6, 2025: It was noted the Special Education Teacher 2 did not give Student 1 the correct words this time in order to accurately measure comprehension, and Student 1 read 7 CWPM with 90% accuracy and 50% comprehension on an "end-of-level 5 passage." However, it was also noted, "[Student 1] has the ability to read end of the year 5th grade level passages and identify key details to answer comprehension questions, even with several word errors."
        ii. Math: Student 1 scored in the 23rd percentile on an August 26, 2025, District math assessment.
        iii. Writing: "In the area of writing, [Student 1] demonstrates a need for additional support, specialized instruction, as well as access to accommodations in all content areas."
        iv. OT: Student 1 made "minimal progress" on their fine motor goal involving technology-based tools due to "difficulties with synthesizing the technology, which included

hardware compatibility, search for free [or] no cost tools, and seamless integration of proposed tools, such as external mic[rophone], speech-to-text, text-to-speech, word bank [or] word prediction, grammar, and spell check (with built-in punctuation correction), and [document] editing. Continuity of care was also interrupted as [Student 1] had two providers for OT since adding services to [their] IEP." Sustained attention and difficulties with motor planning appeared to affect consistency with tasks completed during OT sessions.

e. Goals:
   i. Math goal: "By November 2026, when given math problems requiring multiple steps that include fractions, integers, or line plots, [Student 1] will accurately solve problems with 80% accuracy in 3 out of 4 opportunities as measured by curriculum-based standards and teacher data." Present level: "Continues to struggle with breaking down problems and explaining processes. Mental computation is a strength."
   ii. Writing goal: "By November 2026, with [access] to assistive technology and writing prompts, [Student 1] will demonstrate the ability to compose a multi-paragraph story/essay that includes a clear topic sentence, supporting details, text evidence, transitional words and phrases, and a clear conclusion with correct capitalization, punctuation, and grammar in 3 out of 4 opportunities as demonstrated by student work samples and teacher data." Present level: Student 1's written expression was impacted by difficulty with sentence structure, frequent spelling errors, and challenges in organizing their thoughts. Supports such as sentence starters, visual models, and graphic organizers continued to be beneficial for structuring their responses.
   iii. Reading goal: "By November 2026, when given instructional level reading passages, [Student 1] will demonstrate the ability to decode grade-level multi-syllabic words and answer comprehension questions with 80% accuracy in 4 out of 5 opportunities, as measured by curriculum-based measures and teacher data." Present level: Student 1 had difficulty decoding multisyllabic words, which impacted their ability to comprehend grade-level reading passages.
   iv. OT goal 1: "By November 2026, [Student 1] will complete a half-page [typed] work task, with no more than 3 mechanical errors (i.e., spelling, grammar, proper [upper case/lower case] or punctuation), given use of technology-based writing supports (including but not limited to keyboarding, speech-to-text, text-to-speech, grammar/spell check, PDF editing, etc.), in 3 out of 4 trials as measured by learning coach/therapist data and student work samples." Present level: "15 or more mechanical errors for a half-page work task in 1 out of 1 submissions. 90% of [Student 1's] work is dictated when composing, however, [Student 1] requires additional tools for editing [Student 1's] work to make it submission-ready."
      (1) A Progress Report dated January 12, 2026, showed a mastery level of 2 (making adequate progress) and a score of 18 to 24 typing WPM with 90 to 95% accuracy in three out of four trials. It was also noted Student 1 completed six OT sessions focused on foundational keyboarding, showing recent progress by maintaining 90% accuracy across multiple trials. While sustained attention and motor planning

remained challenging, Student 1 successfully utilized movement breaks and alert-level check-ins to optimize their focus and reach a productive learning state.

v. OT goal 2: "By November 2026, [Student 1] will complete a short handwritten work task (up to 3 sentences) with 70% accuracy for letter formation, sizing, baseline contact and spacing between word, with or without strategies (including but not limited to adapted writing lines, letter strip, word bank, etc.), in 3 out of 4 trials as measured by learning coach/therapist data and student work samples." Present level: "[WPM] outcomes in a single work session vary significantly from 14 [WPM] to 36 [WPM] when trying to maintain consistent accuracy."

(1) A Progress Report dated January 12, 2026, showed a mastery level of 2 (making adequate progress) and a score of 70% or better with letter formation, sizing, and baseline contact when writing individual letters in three out of four trials.

f. SDI provided from November 8, 2025, through November 6, 2026, for reading, writing, and math for 30 minutes each per week.

g. Related service for OT in the OT office for 30 minutes per week.

h. ESY: Data would be collected and reviewed at a meeting on May 22, 2026.

i. Meeting Notes dated November 7, 2025, corroborated what was written in the IEP.

j. PWN dated November 7, 2025, indicated the District proposed to "implement the attached IEP," because the IEP determined Student 1 required the services listed on the attached IEP. The proposal was based on "file review, progress monitoring, recent grades, teacher and parent input, [District assessment] report, results of current comprehensive evaluation and the [MET] meeting." "All service options were considered by the IEP Team and those detailed on the IEP were agreed to by the Team." The team planned to implement the proposed decision on November 8, 2025. This PWN's wording was identical to the April 4, 2025, PWN.

18. In an email exchange on January 7, 2026, Special Education Teacher 2 scheduled a progress monitoring session for Student 1 to assess their reading and math goals and collect a paragraph-typing sample. In response to a request for clarification from the Parent, Special Education Teacher 2 confirmed they were collecting the writing sample on behalf of the primary writing SDI provider, Special Education Teacher 1, to evaluate how skills learned in SDI class sessions and the Online Instruction Program translated to independent paragraph writing.

19. An undated Phonics Survey showed Student 1 scored the following on selected reading and decoding skills:
    a. 80% on long vowel spellings;
    b. 47% on variant vowel spellings;
    c. 60% on low-frequency vowel and consonant spellings; and
    d. 69% on multisyllabic words.

20. An undated screenshot of Student 1's semester 1 grades for the 2025-26 school year indicated a C (70%) for language arts and a B (80.77%) for math.

Student 2

21. Student 2 is ten years old and in the fourth grade at a virtual school in the District. Student 2 is eligible for special education under the IDEA categories of SLD and OHI. Student 2 is described as an "outgoing and eager learner," who "enjoys being in class and participating." Student 2 is "thoughtful, hardworking, and a problem solver." Student 2 also likes to cook, bake cakes, and play sports such as soccer and basketball.

22. An out-of-state IEP dated September 7, 2023, outlined the following relevant information for Student 2 related to reading and writing services:
    a. Goals:
        i. Phonics: "By September 7, 2024, when given a list of 10 regularly spelled, one-syllable … [short-vowel] words (e.g., can, trim, pond), [Student 2] will verbally sound out each phoneme and then blend sounds into recognizable words with 80% accuracy across 3 consecutive trials, as measured by teacher observation and data."
            (1) Baseline: Student 2 required verbal prompting and a model to blend one-syllable words.
        ii. Reading: "By September 7, 2024, when given a list of all [the] most common words taught in phonics class, [Student 2] will read the list (20 words at a time) with 80% accuracy as measur[ed] by teacher charted data and observations."
            (1) Baseline: Student 2 was able to independently read 6 words from the most common words taught in phonics class (in, is, the, you, and, a).
    b. SAI provided from September 7, 2023, through September 8, 2024, for five sessions of 30 minutes each for a total of 150 minutes weekly in a group setting. Comments noted the weekly SAI minutes should be distributed as follows: 30 minutes for writing (no writing goal was evident in the IEP), 30 minutes for math, and 3 sessions of 30 minutes each for intensive phonics instruction.
    c. ESY: SAI provided from June 26, 2024, through July 28, 2024, for five sessions of 30 minutes each for a total of 150 minutes weekly in a group setting. Comments noted the weekly SAI minutes should be distributed as follows: 30 minutes for writing, 30 minutes for math, and 3 sessions of 30 minutes each for intensive phonics instruction.

23. An IEP dated November 18, 2024, outlined the following relevant information for Student 2:
    a. The Parent was present for the meeting.
    b. Parent concerns: The Parent reported Student 2 was performing below the third-grade level, specifically struggling with the basic concepts of writing, math, and English language arts (ELA). Key concerns included a potential dyslexia diagnosis, noting that Student 2 relied on memorization rather than conceptual understanding, and exhibited persistent difficulties with attention and short- and long-term information retention despite starting new Attention Deficit Hyperactivity Disorder (ADHD) medication. Meeting Notes from the November 18, 2024, IEP meeting for Student 2 indicated that, in response to the Parent's concerns about dyslexia support, the following accommodations would be added: spelling errors and number reversals would not be graded, and an open spelling book would be used for spelling assessments. It was also noted that the family was using a specific

program to "support children with dyslexia strategies." The Parent also requested that 30 minutes for writing SDI be added and that a school psychologist evaluate Student 2.

c. Present levels of performance:
   i. Reading: 72nd percentile on District assessment on August 26, 2024.
   ii. Math: 29th percentile on District assessment on August 28, 2024.
   iii. Writing: No present-level data or comments were listed.
d. Goals:
   i. Math goal: "By November 2025, given accommodations and modifications, [Student 2] will achieve at least 80% accuracy on [their] math coursework, assignments, and assessments in 4 out of 5 graded tasks, as measured by teacher records, assignment and assessment grades." Present level: "Average score of between 50 [to] 75 on assessments and assignments."
      (1) A Progress Report dated January 29, 2025, indicated a mastery level of 2 (making adequate progress) and a score of 100% accuracy. It was noted Student 2 had demonstrated "excellent progress" toward their goal, consistently achieving 100% on their assignments and assessments with the provided accommodations and modifications (unspecified). It was also noted Student 2's performance "exceeded" the target accuracy of 80%, which indicated "strong mastery" of the material.
   ii. Reading goal: "By November 2025, given accommodations and modifications, [Student 2] will achieve at least 80% accuracy on [their] reading coursework, assignments, and assessments in 4 out of 5 graded tasks, as measured by teacher records, assignment, and assessment grades." Present level: "Test score not accurate … Average between 1 [to] 49% on reading assignments and assessments."
      (1) A Progress Report dated January 29, 2025, indicated a mastery level of 2 (making adequate progress) and a score of 91.1 % accuracy. It was also noted Student 2 was making "great progress" toward their reading goal and had a 91.1% grade in their ELA class, with provided accommodations and modifications (unspecified). It was also noted that Student 2's performance "exceeded" the 80% target, which demonstrated "strong reading comprehension and skills."
   iii. Writing goal: "By November 2025, [Student 2] will use correct third-grade level writing conventions, including capitalization, punctuation, and grammar (e.g., subject-verb agreement, proper sentence structure), in 4 out of 5 writing tasks, achieving at least 80% accuracy as measured by teacher feedback." Present level: No data provided.
      (1) A Progress Report dated January 29, 2025, indicated a mastery level of 4 (not yet introduced) and no score. It was noted, "[Student 2] has not made progress towards this goal due to low attendance."
e. SDI provided in the resource room from November 19, 2024, through November 17, 2025, math, writing, and reading for 30 minutes each per week.
f. ESY would be collected and reviewed at a meeting on December 16, 2024.

24. On February 3 and 4, 2025, emails were exchanged between the Parent and Special Education Teacher 6 addressing an oversight regarding Student 2's writing SDI. The Parent expressed frustration that Student 2's January 29, 2025, Progress Report inaccurately stated

they made no progress due to "low attendance" and pointed out that the lack of progress was actually due to the School failing to schedule the writing SDI class for Student 2. Special Education Teacher 6 apologized for the "oversight" that prevented Student 2 from being added to writing support sessions following the IEP meeting held on November 18, 2024. They said, "I realized that I hadn't fully added [Student 2] to writing support – I had started the process but missed a setting, so it didn't go through." They offered two schedule options for Student 2 to attend writing SDI. Special Education Teacher 6 also committed to correcting the wording on the Progress Report to accurately reflect the situation and ensure that documentation for Student 2's IEP implementation was clear and accurate.

25. Between February 10, 2025, and July 29, 2025, Student 2 was included in emails to or from Special Education Teacher 1 or Special Education Teacher 6 regarding canceled or missed SDI sessions. Documentation for Student 2, maintained by the Parent, showed missed SDI services for the 2024-25 school year with the note that their figures represented the "minimum confirmed missed services," and the actual number of missed sessions may have been higher. For the 2024-25 school year, the Parent mentioned Student 2's SDI was managed by Special Education Teacher 5 for the beginning of the year, Special Education Teacher 6 for part of the year, and Special Education Teacher 2 for the end of the year. According to the Parent, Student 2 missed 15 out of 16 writing SDI sessions due to the service not being scheduled until after winter break. Student 2 also reportedly missed 2 out of 13 reading SDI sessions and 5 out of 17 math SDI sessions. The Parent noted in their documentation that there were "no SDI implementation concerns for the current [2025-26] school year." Emails that were provided by the District for the Complaint Investigation regarding missed services for Student 2 during the 2024-25 school year (within the Complaint timeline, noted the following:
    a. February 10, 2025: Special Education Teacher 6 reported being out sick and canceled the reading and writing SDI classes for the day. They said they would send out an assignment shortly. No evidence of this assignment was found by the Complaint Investigator.
    b. On February 11, 2025, the Parent emailed Special Education Teacher 6 to ask whether they were aware that the Interactive Lessons they assigned during their absence did not include text-to-speech or speech-to-text. The Parent asked, "How do you expect students in SDI, who I assume struggle with reading, to do an entire lesson on their own?" They added that the lack of assistive tools increased students' frustration. Special Education Teacher 6 replied to the Parent's email on February 20, 2025, apologizing for the frustration. They confirmed the tools the Parent mentioned were "essential" for students who struggle with reading. They said, "Unfortunately, it seems there was a misstep in assigning those lessons without considering those accessibility needs. I will make sure to be more mindful of the tools that students need to fully engage with the content in the future, especially SDI." They said they would look for alternative materials to use during their absences.
    c. February 12, 2025: Special Education Teacher 6 reported they were sick and canceled math SDI classes for the day. They included a link to an Interactive Lesson for students to work on.

i. According to the website description for the Interactive Lessons, the platform was designed to make teacher lessons interactive or gamified. There was no description of individualized instruction or practice features for students.

d. March 31, 2025: Special Education Teacher 6 reported intermittent power outages and canceled all SDI classes for the day. There were no assignment instructions provided.
e. May 6, 2025: Special Education Teacher 6 canceled reading SDI. They included a link to a video book for students to read, along with specific activity instructions.
f. July 15, 2025: The Parent emailed Special Education Teacher 1 and told them Student 2 had been waiting to get into their class (unspecified subject) since Student 1 had been in the class with Special Education Teacher 1.
g. July 29, 2025: Special Education Teacher 1 emailed the Parent and told them Student 2 was marked absent from their ESY class (unspecified subject) that day. They said they remained in the session for 10 minutes and closed the class at the 11-minute mark. The Parent immediately replied and said they had emailed Special Education Teacher 1 about Student 2 waiting, but not being admitted into the class, and that once Student 2 was admitted into the class, Special Education Teacher 1 logged off. Special Education Teacher 1 responded and explained the class was open at the scheduled time for Student 2, but they did not receive an email or message alerting them that Student 2 was experiencing difficulty getting in. Special Education Teacher 1 reiterated that they follow a strict protocol requiring a 10-minute wait in the virtual session. If no student joins and no communication is received, they will close the session at the 11-minute mark. Special Education Teacher 1 clarified that once a session is closed, they cannot see or receive notifications if a student tries to log in afterward. Special Education Teacher 1 asked the Parent to send a quick email before or during the class time if there were technical issues.

26. On February 12, 2025, the Parent emailed Special Education Teacher 6 to request an IEP meeting for Student 2, including attendance by General Education Teacher 3, the Special Programs Administrator, and the Evaluation Specialist. The Parent also asked Special Education Teacher 6 to "pull any progress data and examples [Student 2] has made in your class" and to ask General Education Teacher 3 to do the same. Special Education Teacher 6 replied on February 19, 2025, to say they would "work on" getting a meeting set up and send a list of possible dates.

27. On March 18, 2025, Special Education Teacher 6 emailed the Parent a draft of two math goals for the upcoming IEP. The Parent replied the same day that Special Education Teacher 6 had taken notes during an unspecified meeting on more specific goals with objectives, and that a goal focused on Student 2 improving their District math assessment score was "not a good goal." The drafted goals the Parent wanted changed were:
    a. "Given targeted math intervention, [Student 2] will improve [their] [District math assessment] scaled score from 948 to 1000 by March 20, 2026, as measured by progress monitoring and assessment data."
    b. "Given targeted math intervention, [Student 2] will improve [their] [District math assessment] score from 50% to 70% in the area of multiplying and dividing numbers

within 100 by March 20, 2026, as measured by progress monitoring and assessment data."

28. A Meeting Notice dated March 10, 2025, invited the Parent to a virtual IEP review and goal update meeting for Student 2 scheduled for March 20, 2025. Another Meeting Notice dated April 23, 2025, invited the Parent to a virtual eligibility determination meeting to review updated assessments for Student 2 scheduled for May 12, 2025.

29. An IEP dated March 20, 2025, and amended on May 12, 2025, along with correlating documents, outlined the following relevant information for Student 2:
    a. The Parent was present for both meetings. For the March 2025 meeting, District records showed an email was sent on March 6, 2025, with a tentative date, an email reminder was sent on March 7, 2025, and a Meeting Notice was sent to the Parent on March 10, 2025. For the May 2025 meeting, District records showed a confirmation phone call was made on April 23, 2025, and an email reminder was sent on May 9, 2025.
    b. Parent concerns: "[The] Parent shared concerns around ESY, learning, and dyslexia concerns."
    c. Present levels of performance:
        i. Reading: Following a phonics assessment and consultation with a dyslexia specialist, General Education Teacher 1 moved Student 2 to a second-grade phonics group to better match their instructional level. While the Parent supported the move, they emphasized the need for a dyslexia-specific learning style, prompting General Education Teacher 1 to seek additional specialized resources to support Student 2's needs. Student 2 had a 93% grade in ELA and a 100% grade in "Reading Tools 3." Student 2 scored in the "average range" on the District reading assessment, but the Parent indicated the score reflected support from the Parent and was not accurately reflective of Student 2's performance level. General Education Teacher 1 suggested adding SDI for reading fluency.
        ii. Math: Student 2 had a 98% grade in their math class and scored in the 49th percentile on the District math assessment.
        iii. May 12, 2025, amendment: Results from a cognitive evaluation were added. Student 2's phonological processing assessment showed "very poor to poor" results for blending words and phoneme isolation and "very poor" results for phonological awareness. ESY services were added for Summer 2025 in reading and writing due to "significant regression as well as documented working memory, fluid reasoning, and executive functioning difficulties."
    d. Goals:
        i. Math goal: "By March 2026, [Student 2] will solve addition and subtraction, and multiplication problems within 100 using strategies such as number lines or manipulatives, achieving 90% accuracy over three consecutive assessments."
            (1) A Progress Report dated June 4, 2025, indicated a mastery level of 2 (making adequate progress) and a score of 60% accuracy in single-digit addition and subtraction. Their District math assessment score was listed as 31st percentile.

ii. Reading goal: "By March 2026, [Student 2] will read instructional level reading passages with 50 [CWPM] with 80% accuracy as measured by curriculum[-]based measures and teacher observations."
    (1) A Progress Report dated June 4, 2025, indicated a mastery level of 2 (making adequate progress) and a score of 14 CWPM with 80% accuracy at the third-grade level, and a score of 25 CWPM at the first-grade level. It was also noted Student 2 had difficulty reading aloud at grade level and was working on self-confidence in reading at their instructional level.
iii. Writing goal: "By March 2026, given [SDI] in writing and appropriate prompting and graphic organizers, [Student 2] will compose a five-sentence paragraph with at least 80% accuracy in grammar and structure in 4 out of 5 trials."
    (1) A Progress Report dated June 4, 2025, indicated a mastery level of 2 (making adequate progress) and a score of 80% in single sentences. It was also noted Student 2 was working on composing a complete paragraph and had "amazing creativity" and "wonderful ideas" in writing.
iv. Writing goal (added May 12, 2025): "By March 2026, given [SDI] in writing and appropriate prompting, [Student 2] will compose a five sentence [*sic*] with at least 80% accuracy in grammar and structure."

e. SDI in the resource room from March 21, 2025, through March 19, 2026, for reading, math, and writing for 30 minutes each per week.
f. ESY: Data would be collected and discussed at a meeting on May 27, 2025.
    i. May 12, 2025, amendment: ESY would be provided from June 16, 2025, through July 31, 2025, in the areas of math, reading, and writing for 30 minutes each per week.
        (1) Math regression was noted as Student 2's District math assessment score decreased from 49th percentile on February 4, 2025, to 31st percentile on May 6, 2025.
        (2) Writing regression was noted as, "Regression on sentence writing, grammar, [and] punctuation."
        (3) Reading regression was noted as Student 2's District reading assessment score decreasing from 89th percentile on January 27, 2025, to 80th percentile on May 5, 2025.
g. Meeting Notes dated March 20, 2025, indicated the Parent shared a concern about Student 2 regressing and possibly needing ESY, but the team determined that more data would be needed to decide if ESY was warranted. The Parent also requested more information on Student 2's progress and wanted quarterly updates. Additionally, the Parent asked about possible new assessments for Student 2. The Evaluation Specialist suggested a complete cognitive and language assessment to look "deeper" at how Student 2 learned. A Parent/Guardian Consent for Evaluation dated March 20, 2025, proposed an evaluation for Student 2 that included a standardized language assessment and cognitive ability/intelligence assessment. The Parent granted consent and signed the document on March 21, 2025.
h. PWN dated March 20, 2025, indicated the IEP team proposed to "implement the attached IEP" for Student 2. The decision was based on a file review, present grades, district and state assessments, and parent and teacher input. It was also noted, "All service options

were considered by the IEP team and those detailed on the IEP were agreed to by the team." The wording on this PWN was identical to those issued for Student 1.

i. Meeting Notes dated May 12, 2025, indicated the Parent shared a concern about Student 2 needing ESY, so District assessment data was reviewed. The District reported Student 2 scored in the average range (area unspecified), however, the Parent shared they read the assessments to Student 2, which may have impacted their scores. It was noted Student 2 scored in the first-grade level in math. The notes read, "Team discussed that [Student 2] showed regression in math and in reading. Team discussed that [Student 2] may not have a severe amount of regression. Team agreed to add ESY for reading, writing, and math."

30. An evaluation report from the School, dated April 5, 2025, indicated the School team completed new cognitive and language testing and completed a file review at the Parent's request. The Parent was concerned about Student 2's short-term memory, long-term recall, and Student 2's ability to understand basic writing concepts. Results of this evaluation indicated Student 2 demonstrated weaknesses in fluid reasoning and working memory. These results were reportedly used to inform SDI and accommodations for Student 2's IEP.

31. On April 29, 2025, the Parent contacted Special Education Teacher 2 to report a conflict in Student 2's schedule, noting that a new phonics group at 11:30 a.m. on Tuesdays and Thursdays overlapped with their existing math small group classes. Special Education Teacher 2 replied the same day and explained that Student 2 had been placed with a second-grade teacher to work on phonics, fulfilling a request made during a recent annual IEP meeting. Special Education Teacher 2 apologized for the overlap between the general education small groups and included additional staff in the communication to help resolve the timing issue. They further clarified that Student 2 would continue attending an SDI small reading group on Tuesdays at 1:30 p.m. to focus on fluency and comprehension. The Parent responded with several concerns regarding the implementation of the new schedule. They said they believed the lower-level reading group was intended to be an SDI session for dyslexia intervention and were unaware it was categorized as a general education small group. The Parent questioned why the phonics class was added without first resolving the evident conflict with Student 2's math group and why it took five and a half weeks to implement a change that had been discussed during the IEP meeting on March 20, 2025.

32. On October 15, 2025, Special Education Teacher 7 emailed Student 2, and said they missed them in their SDI writing class that day and reminded them that it was an SDI class designed to support them with their IEP goals and general education coursework. They encouraged Student 2 to reach out if they had questions or needed assistance. Later that same day, the Parent emailed Special Education Teacher 7 stating that Student 2 was in class. They said they notified Student 2 of their class and saw them at the computer. They added, "Unfortunately, I was busy and did not 'SEE' [emphasis added in original] [Student 2] in the class. I tried to watch the class recording, but there are no recordings in the stream. Are there supposed to be class recordings saved for playback by the student or the parents?" The Parent concluded by asking Special Education Teacher 7 to double-check Student 2's attendance and asked if they could schedule a make-up class.

a. Special Education Teacher 7 sent an email to Student 2's account later on October 15, 2025, stating that Student 2 was not in their class that day and apologizing "if there was any confusion about which class [Student 2] was supposed to attend." They added, "Unfortunately, I do not hold make-up sessions for missed classes, and due to legal considerations related to special education, I'm unable to share class recordings with parents." As an alternative, they shared an Online Learning Platform link for Student 2 to independently complete activities.

Student 3

33. Student 3 is thirteen years old and in the seventh grade at a virtual school in the District. Student 3 is eligible for special education under the IDEA categories of ASD and OHI. Student 3 "seems to enjoy school, as demonstrated by [their] eagerness to please others and participate in class discussions/lessons. [Student 3] enjoys art and drawing. [Student 3] is friendly, encouraging to peers, and helpful at home. [Student 3] is also very athletic."

34. An out-of-state IEP dated October 16, 2023, outlined the following relevant information for Student 3 related to reading, writing, and OT services:
    a. Goals:
        i. Reading fluency: "By [October 2024], [Student 3] will read a grade level text at [a] rate of 95 [CWPM] with 95% accuracy as measured with appropriate prosody [the patterns of stress and intonation in language] in 2 [out of] 3 trials by student work samples/teacher charted records." Baseline: Student 3 was able to read a grade-level passage at a rate of 55 CWPM with 92% accuracy.
        ii. Phonics (reading): "By [October 2024], [Student 3] will be able to read novel grade-level multisyllabic words in context and/or out of context as measured by teacher-created assessment and charting in 3 out of 4 trials with 90% accuracy." Baseline: Student 3 was able to read 2-syllable words in isolation with 80% accuracy and three- to five-syllable words with 70% accuracy.
        iii. Visual motor: "By [October 2024], to demonstrate improved visual motor skills, given modified paper as needed, [Student 3] will copy 4 sentences from far point with 80% accuracy of letter formation, letter size, line orientation, and spacing for 3 of 4 trials as measured by therapist data and student work samples." Baseline: Student 3 copied five simple sentences from the board with 86% accuracy of letter size, 72% accuracy of line orientation, and 65% accuracy of spacing for one of three trials.
        iv. Fine motor: "By [October 2024], to demonstrate improved written expression, given modified paper as needed, [Student 3] will write 3 sentences with 80% accuracy of letter formation, letter size, line orientation, and spacing for 3 of 4 trials as measured by therapist data and student work samples." Baseline: Same as aforementioned visual motor goal.
        v. Fine motor: "By [October 2024], using a typing program and fingers placed on home row keys, [Student 3] will type at an average rate of 17 words per minute with 85% accuracy or better for 3 of 4 trials as measured by therapist data/observation."

Baseline: Using a typing program and fingers placed on the home row keys, [Student 3] could type at an average rate of 11 WPM with 87% accuracy for two of three trials.

vi. Reading comprehension: "By [October 2024], [Student 3] will quote accurately from a text when explaining what the text says explicitly or when drawing inferences from the text as measured by [teacher] charting on 3 out of 4 trials with 80% accuracy." Baseline: After listening to a text, Student 3 answered wh- questions with 100% accuracy.

vii. Writing composition: "By [October 2024], when given a[n] informative/explanatory writing task, [Student 3] will develop the topic with facts, definitions, concrete details, quotations, and/or examples related to the topic as measured by student work samples/teacher charted records on 2 [out of] 3 trials and a score of 3 out of 4 on a teacher created rubric." Baseline: Student 3 was able to compose a single paragraph with a topic sentence and three supporting details, but no conclusion in two of three trials.

b. SAI provided from January 26, 2024, through October 15, 2024, for five sessions of 30 minutes each for a total of 150 minutes weekly in a group setting. Comments noted the weekly SAI minutes were to be distributed as follows: Four ELA goals and one math goal (minute distribution amongst the goals was not specified).

c. ESY: SAI provided from June 24, 2024, through July 22, 2024, for five sessions of 30 minutes each for a total of 150 minutes weekly in a group setting. There were no comments specifying the SAI minute distribution.

35. An IEP dated October 28, 2024, and amended on March 6, 2025, and May 16, 2025, along with correlating documents, outlined the following relevant information for Student 3:

a. The Parent was present for all three meetings. For the October 2024 meeting, District records showed it was confirmed on October 14, 2024, and a calendar invite and Meeting Notice were sent on October 21, 2024. For the March 2025 meeting, District records showed it was confirmed on February 19, 2025, and a Meeting Notice and calendar invite were listed as sent on February 20, 2025. For the May 2025 meeting, District records showed it was confirmed on April 23, 2025, and a Meeting Notice and calendar invite were sent on May 14 and 15, 2025.

b. Parent concerns:

i. October 28, 2024: The Parent shared concerns about the following key areas: workload and related stress, testing anxiety, necessity of tests, service and staffing concerns, and assistive technology (AT).

ii. March 6, 2025: The Parent requested more frequent and up-to-date information regarding Student 3's progress, specifically asking for quarterly reports rather than updates provided only at grading periods. The Parent shared they found the writing and speech goals to be sufficiently detailed and noted visible progress in general education classes. Special Education Teacher 3 noted they used their own specific monitoring tools to track performance and reported that Student 3 had already met their reading and math goals, was earning "straight A's," and was meeting grade-level standards. Special Education Teacher 3 asked where the Parent thought Student 3 was struggling, and the Parent shared that although Student 3 loved writing, they

struggled with organization, punctuation, and including specific details. General Education Teacher 2 noted these were age-appropriate challenges but agreed Student 3 needed a more challenging writing goal. In math, the Parent expressed concern over a lack of retention, noting Student 3 still required a reference chart for basic fractions. Regarding reading, the Parent was unsure of Student 3's specific reading level but highlighted their love for chapter books. Finally, the Parent requested a discussion regarding ESY services.

c. Present levels of performance:
   i. October 28, 2024:
      (1) Reading: Student 3's District reading assessment data showed scores of Level 2 and 44th percentile. It was noted, "[Student 3] demonstrated a relative weakness in the Range of Reading and Level of Text Complexity. [Student 3] has strengths in Craft and Structure, Key Ideas, and Details, Vocabulary Acquisition and Use, and Integration of Knowledge and Ideas. Student 3 had a 97.6% (A) grade in ELA. Student 3 was reportedly able to read a grade-level passage at a rate of 55 CWPM with 92% accuracy. It was noted Student 3 met their IEP reading goal. However, their reading goal stated Student 3 would be able to read a grade-level passage at a rate of 95 CWPM with 95% accuracy.
      (2) Math: Student 3's District math assessment data showed scores of Level 1 and 26th percentile. It was noted, "[Student 3] demonstrated relative weakness in Geometric Reasoning and Measurement, Number Systems, Expressions and Equations, and Data Reasoning. [Student 3] has a relative strength in Ratios and Proportions." Student 3 has a 76.2% (C) grade in their math class. Reportedly, Student 3 was also able to solve addition and subtraction equations within 1,000 with 92% accuracy, meeting their previous IEP math goal.
      (3) Writing: It was noted that Student 3 was able to "compose a single paragraph with a topic sentence and three supporting details (no conclusion) in 2 [out of] 3 trials." It was also noted, "The team decided to continue the goal from the previous IEP to gather data on the goal for another IEP cycle."
      (4) OT: Student 3 was reportedly receiving 60 minutes of OT service per week. It was noted that Student 3 copied four sentences, on "typically ruled paper, from far point with 80% accuracy in letter formation, letter size, and spacing, for one of three trials. Additionally, Student 3 typed at an average rate of 12 to 18 words per minute with 87% to 98% accuracy on three of three trials using a typing program with fingers placed on the home row keys. Finally, Student 3 copied five simple sentences from the board with 86% accuracy in letter size, 72% accuracy in line orientation, and 65% spacing accuracy for one of three trials.
   ii. March 6, 2025:
      (1) Reading: Student 3 had a grade of 99.2% (A) in ELA. It was noted, "The team determined that [Student 3] is at grade level with reading and no longer needs a goal. [Student 3] will focus on deficits in language with the [SLP]."
      (2) Math: Student 3 earned a grade of 99.3% (A). It was noted Student 3 had met their October 28, 2024, math goal, and two new goals were proposed.

(3) Writing: It was noted Student 3 had met their October 28, 2024, writing goal, and it was noted, "The team determined the [OT] would serve [Student 3's] writing specifics. No new goal is needed."

iii. May 16, 2025: It was noted that progress reporting was changed from twice a year to four times per year. Additionally, Student 3 was receiving all A's in their academic general education classes.

d. Goals:

i. Reading goal: "By the next IEP, [Student 3] will [d]etermine a theme or central idea of a text and how it is conveyed through particular details and provide a summary of the text distinct from personal opinions or judgments with 80% accuracy as measured by teacher data and observation." Present level: "This is a new goal; for 2024, [Student 3] met [their] previous IEP goal."

(1) A Progress Report dated January 31, 2025, indicated a mastery level of 2 (making adequate progress) and a score of 60% accuracy. Another version of the IEP Progress Report, with the same date, also listed a mastery level of 2 but reported 75% accuracy.

(2) A March 6, 2025, amendment noted Student 3 was reading at grade-level and no longer needed a reading goal. There was no updated data specific to this statement other than Student 3's ELA grade.

ii. Writing goal: "By the next IEP, when given an informative/explanatory writing task. [Student 3] will develop the topic with facts, definitions, concrete details, quotations, and/or examples related to the topic as measured by student work samples/teacher charted records on 2 [out of] 3 trials and a score of 3 out of 4 on a teacher-created rubric." Present level: As stated in the earlier present levels of performance section.

(1) A Progress Report dated January 31, 2025 indicated a mastery level of 2 (making adequate progress), and it was noted, "[Student 3] can compose 2 paragraphs with a topic sentence and three supporting details in two out of three trials."

(2) A March 6, 2025, amendment noted Student 3 had met their October 28, 2024, writing goal and did not need a new goal. Instead, the OT would provide any writing-specific services. No additional supporting information or data was listed for discontinuing the writing goal.

iii. Math goal: "By the next IEP, [Student 3 will] [f]luently add, subtract, multiply, and divide positive rational numbers using accurate, efficient, and flexible strategies and algorithms with 80 percent accuracy, as measured by teacher data and observations." Present level: "This is a new goal; for 2024, [Student 3] met [their] previous IEP goal."

(1) A Progress Report dated January 31, 2025, indicated a mastery level of 2 (making adequate progress) and a score of 55% accuracy. Another version of the IEP Progress Report with the same date also listed a mastery level of 2 but reported 75% accuracy.

(2) A March 6, 2025, amendment noted Student 3 met this IEP goal at 88% accuracy. The assessment or measurement for this score was not listed.

iv. OT goal 1: "By the next IEP, using a typing program and fingers placed on the home row keys, [Student 3] will type at an average rate of 20 WPM with 85% accuracy or

better for 3 of 4 trials as measured by therapist data/observation." Present level: "This is a new goal for 2024."

(1) A Progress Report dated January 31, 2025, indicated a mastery level of 1 (mastered) and it was noted, "Over the last 5 trials, [Student 3] demonstrates 95% accuracy when typing and speeds of 30, 18, 22, 24, and 21 WPM. [Student 3] continues to demonstrate interest in typing and often prefers to work on typing skills. [Student 3] demonstrates high accuracy and good speed. [Student 3] demonstrates challenges with punctuation."

(2) A March 6, 2025, update stated, "New data is being gathered to determine if this goal is necessary."

(3) A Progress Report dated May 22, 2026, indicated the goal had been met and Student 3 scored 31 WPM with 97% accuracy and 36 WPM with 97% accuracy across 2 trials. It was also noted during their OT reevaluation that Student 3's scores on two 1-minute typing tests were "beyond the threshold for WPM." No other explanation was given.

(4) A Progress Report dated June 6, 2025, indicated a mastery level of 1 (mastered) and noted Student 3 was typing 31 WPM with 97% accuracy and 36 WPM with 97% accuracy across two trials.

v. OT goal 2: "By the next IEP, [Student 3] will write three sentences independently and edit (using a checklist) [their] writing for mechanical errors (spatial organization, line orientation, letter formation/sizing) with 80% accuracy 3 out of 4 trials as measured by therapist data and student work samples." Present level: "This is a new goal for 2024."

(1) A Progress Report dated January 31, 2025, indicated a mastery level of 2 (making adequate progress) and it was noted, "Provided a visual, [Student 3] continues to edit work with 100% accuracy with moderate assistance. Given instructions to edit independently [Student 3] can edit to 70% accuracy. [Student 3] is doing well with good spatial awareness, letter sizing for short and tall letters, however [Student 3] continues to demonstrate inconsistent accurate sizing for sinking letters. Currently, [the OT] is utilizing repetition and visual[s] to improve consistency with sinking letter[s] (p, q, y, j, g)."

(2) A March 6, 2025, update stated, "New data is being gathered to determine if this goal is necessary."

(3) A Progress Report dated May 22, 2025, indicated Student 3 was making adequate progress and scored 80% or better with "baseline contact and sizing of letters in 3 out of 4 trials." It was also noted an area of growth included the decrease in overall sizing of Student 3's written letters, as well as their word spacing, which enabled them to increase the number of words written on a single line. Student 3 also continued to "do well" using a checklist to edit their work.

(4) A Progress Report dated June 6, 2025, indicated a mastery level of 2 (making adequate progress) and noted Student 3 demonstrated 80% or better accuracy with "baseline contact" and sizing of letters in 3 out of 4 trials.

vi. OT goal 3: "By the next IEP, [Student 3] will demonstrate improved visual motor skills to copy 4 sentences from far point with 80% accuracy in letter formation, letter size,

line orientation, and without omission or addition of letters, for 3 of 4 trials as measured by therapist data and student work samples." Present level: "This is a new goal for 2024."

(1) A Progress Report dated January 31, 2025, indicated a mastery level of 2 (making adequate progress) and it was noted, "[Student 3] demonstrates between 70-80% accuracy. [Student 3] will often omit or add letters to [their] writing, [their] letter formation and line orientation are typically accurate. [Student 3] continues to demonstrate challenges switch[ing] letter sizing with short letters."

(2) A March 6, 2025, update stated, "New data is being gathered to determine if this goal is necessary."

(3) A Progress Report dated May 22, 2025, indicated Student 3 was making adequate progress and demonstrated adequate baseline contact of their written letters, letter sizing, and omissions or additions with 80% accuracy or better. It was also noted that, during their OT reevaluation, Student 3 copied text from a distance of six feet with no errors in omissions or additions. There were "noted difficulties" with spacing between words and chunking beyond two to three letters when copying. Notes stated the goal would be discontinued because "far-point copy [was] not a functional school-based expectation at [the] time." The OT would send the Parent information regarding "medical-based vision therapy assessment."

(4) A Progress Report dated June 6, 2025, indicated a mastery level of 2 (making adequate progress) and noted Student 3 demonstrated adequate baseline contact, letter sizing, and omissions or additions with 80% accuracy or better.

vii. Math goal (added March 6, 2025): "By the next IEP, [Student 3] will solve real-world and mathematical problems involving area, surface area, and volume with 70% accuracy in 2 [to] 3 trials as measured by teacher probes, data, and observation." Baseline: The District assessment skill score was listed as 22% and 19%. No other information was listed.

(1) A Progress Report dated January 31, 2025, indicated a mastery level of 2 (making adequate progress) and a score of 55% accuracy.

(2) A Progress Report dated June 6, 2025, indicated a mastery level of 2 (making progress) and a score of 60% accuracy. It also listed a "baseline" score of 19% according to the District math assessment, and it was noted Student 3 was earning a 99% in their sixth-grade math class.

viii. Math goal (added March 6, 2025): "By the next IEP, [Student 3] will write, read, and evaluate expressions in which letters stand for numbers. Apply knowledge of common mathematical terms to move between the verbal and mathematical forms of an expression, including expressions that arise from authentic contexts, with 70% accuracy in 2-3 trials measured by teacher probe, data, and observation." Baseline: The District assessment skill score was listed as 22%. No other information was listed.

(1) A Progress Report dated June 6, 2025, indicated a mastery level of 2 (making progress) and a score of 60% accuracy. It also listed a baseline score of 22% according to the District math assessment, and it was noted Student 3 was earning a 99% in their sixth-grade math class.

ix. OT goal (added May 16, 2025): "By the next IEP, given [a] visual checklist, [Student 3] will independently write and edit a 5-sentence handwritten passage with 80% accuracy for overall mechanical errors … at [a] rate of 36 letters per minute in 3 out of 4 trials as measured by therapist data and student work samples." Baseline: "Multiple errors for proper [upper and lower case] and reversals, 0 [to] 44% accuracy for letter size/height for [their] grade level, oversized spacing between letters/words resulting in 3 [to] 4 words per line, and 27 [to] 28 letters per minute speed with writing."
   (1) A Progress Report dated June 6, 2025, indicated a mastery level of 4 (not yet introduced) and noted the goal was new as of May 16, 2025. The OT would continue working on it during summer ESY, and new data would be collected.
   (2) A Progress Report dated July 29, 2025, indicated Student 3 was making adequate progress and scored 80% accuracy in two out of four trials given one to two cues. It was also noted, "Slow but steady progress in this area for session-based activities given [3] verbal reminders/cues for accessing strategies (visual checklist, word bank, speech-to-text, typing, [virtual] post-it for visual editing checklist, etc.) with session-based work. Skills not yet generalized to other functional work."

x. OT goal (added May 16, 2025): "By the next IEP, [Student 3] will complete a half-page typewritten workpiece, with no more than 2 total errors for proper [upper and lower case], word spacing, and spelling errors, with or without the use of technology-based writing supports and strategies (visual checklist, grammar/spell check, etc.) in 3 out of 4 trials as measured by therapist data and student work samples." Baseline: 15 to 18 errors for proper upper and lower case, extra spacing between words, and grammar/spelling errors per half-page typewritten workpiece.
   (1) A Progress Report dated June 6, 2025, indicated a mastery level of 4 (not yet introduced) and noted the goal was new as of May 16, 2025. The OT would continue working on it during summer ESY, and new data would be collected.
   (2) A Progress Report dated July 29, 2025, indicated Student 3 was making adequate progress and scored 80% accuracy or better in four out of four trials. It was noted, "Steady progress in this area using digital tools such as typing, grammar/spell check and visual checklist given 1 [to] 2 verbal cues/reminders for editing typewritten work with session-based work. Skills not yet generalized to other functional work."

e. SDI in the resource room from October 29, 2024, through October 26, 2025 for math, writing, and reading for 30 minutes each per week.
   i. The March 6, 2025, amendment showed only SDI in math remained the same. Reading and writing SDI was removed from the IEP. No PWN was provided documenting this change.

f. OT related services provided by the OT in the OT's office for 60 minutes per week from October 29, 2024, through October 26, 2025.
   i. May 16, 2025, update: OT services decreased to 30 minutes per week from May 17, 2025 through October 26, 2025. No PWN documenting this change was provided.

g. ESY: October 28, 2024, and March 6, 2025, ESY update indicated available data did not demonstrate the need for ESY services.

i. May 16, 2025, update: It was determined Student 3 would receive ESY services for OT for 30 minutes per week and counseling for 45 minutes per week from June 16, 2025, through July 31, 2025. No PWN documenting this change was provided.

h. IEP Meeting Notes dated March 6, 2025, corroborated the information included in the aforementioned IEP updates. Additionally, it was noted this meeting occurred at the Parent's request. For reading, the notes said, "[The] team agreed that [Student 3] no longer needs reading SDI due to [their] high skills. [The] team discussed that [Student 3] is at a level one in reading fluency and may struggle in this area. [Special Education] Teacher (unnamed) will measure fluency again. [The] Parent shared that [they need] to know more about phonological awareness and would like to work on this at home too. Create a goal around fluency using instruction around phonological awareness." There was no reading goal included on the March 6, 2025, amended version of the IEP. The Parent also requested more information about OT and an updated OT evaluation. The District obtained consent the same day for an evaluation for Student 3 to include a file review, Parent and teacher input, a test of motor proficiency, a sensory processing assessment, a VMI assessment, and a handwriting assessment.
   i. The Meeting Notes also documented a team discussion about determining Student 3's need for ESY services. District staff suggested that ESY was not appropriate because Student 3 demonstrated "continued growth and high skills" and had shown progress on District assessment data following the winter break. The Parent disagreed, asserting that Student 3 would lose skills over the summer. They specifically highlighted concerns regarding regression in math. To resolve the disagreement, the team committed to conducting current math assessments. The team agreed to measure Student 3's progress and check for regression immediately following spring break. A final decision on ESY was deferred until the team could meet again in the spring to review the post-spring break regression data. In the meantime, the team discussed alternative summer school options.

i. IEP Meeting Notes, dated May 16, 2025, corroborated the information included in the aforementioned IEP updates. Additionally, it was noted the purpose of the meeting was to review Student 3's eligibility for an OT evaluation. Student 3 reportedly "exceeded" their previous typing goal. OT goals were added, and the notes listed OT services as 60 minutes per week for the "school year." ESY was also discussed. The Parent did not think OT services over the summer were necessary, but Special Education Teacher 1 recommended it. The Parent felt ESY was needed for math because Student 3 showed "a lot" of regression over time. Special Education Teacher 1 shared that Student 3 needed more data showing regression because their District math assessment and classroom math grades did not "qualify" Student 3 for ESY. It was noted the Parent was "upset" by this. Special Education Teacher 3 also reported that Student 3 was not "regressing multiple grade levels" and therefore did not show a need for ESY. The Parent shared that Student 3 was using technology to give them the math answers instead of solving them on their own. It was suggested that teachers use paper-and-pencil math assessments instead of technology-based ones.

j. PWN dated March 6, 2025, indicated the IEP team proposed to "implement the attached IEP" for Student 3. The rationale was, "The IEP team has determined that [Student 3]

requires the services listed on the attached IEP." The action was based on the results of a current comprehensive evaluation and the [MET] meeting. It was also noted, "All service options were considered by the IEP team and those detailed on the IEP were agreed to by the team."

k. PWN dated May 16, 2026, contained the exact wording of the March 6, 2025, PWN. Only the dates differed. Both PWNs were identical to those issued for Student 2 and Student 1 and did not list specific changes made to Student 3's IEP.

36. A January 27, 2025, District reading assessment report indicated Student 3 scored at Level 2 (48th percentile). The report suggested sixth-grade level instructional and practice skills for informational text and literature, and seventh-grade level skills for vocabulary.

37. A January 28, 2025, District math assessment report indicated Student 3 scored at Level 1, a 4.9 grade equivalent, and at the 28th percentile. The report suggested fourth-grade level instructional and practice skills in data reasoning and fifth-grade level skills in numeric reasoning, including fractions. It was noted Student 3 had extended time to complete this assessment. Additional test sessions were listed:
    a. May 6, 2025: 4.2 grade equivalent, 16th percentile. It was noted Student 3 had extended time to complete this assessment.
    b. August 26, 2025: 4.3 grade equivalent, 17th percentile. It was also noted that for this test session, extended time, audio, accommodations, and AT were enabled.

38. On February 12, 2025, the Parent emailed Special Education Teacher 3 to request an IEP meeting that included General Education Teacher 2, General Education Teacher 4, OT 4, and Special Education Teacher 1. The Parent requested that all invitees create a progress report with data and examples and also bring forth any concerns or areas of weakness witnessed in their respective classes.

39. Between February 13, 2025, and May 20, 2025 , Student 3 was included in emails to or from Special Education Teacher 1 or Special Education Teacher 3 regarding canceled or missed SDI sessions. Documentation for Student 3, maintained by the Parent, showed missed SDI services for the 2024-25 school year with the note that their figures represented the "minimum confirmed missed services," and the actual number of missed sessions may have been higher. For the 2024-25 school year, the Parent documented that Student 3 missed 13 out of 26 writing SDI sessions with Special Education Teacher 1, 10 out of 26 reading SDI sessions, and 12 out of 27 math SDI sessions both with Special Education Teacher 3. Email documentation provided for the Complaint Investigation regarding missed services for Student 3 within the Complaint timeline during the 2024-25 school year, noted the following:
    i. February 13, 2025: Special Education Teacher 3's internet was down for the day, and they instructed students to complete the fifth-grade level math worksheet attached to the email.

ii. February 19, 2025: Special Education Teacher 3 reported issues with the School's Online Learning Platform that day and instructed students to complete a reading worksheet and answer 20 questions about the reading from the previous week.
iii. On March 5, 2025: The Parent emailed Special Education Teacher 1 to inform them that Student 3 had SDI for writing that day, but it was not on their schedule. They said they had not received any cancellation emails and asked Special Education Teacher 1 to check for any issues with the online learning system. Special Education Teacher 1 replied the same day to inform the Parent that they were having trouble with the internet, were unable to open their class, and that it had been deleted from all students' schedules. They said they were working on getting it fixed and would give Student 3 credit for checking in.
iv. March 13, 2025: Special Education Teacher 3 apologized to students and learning coaches for the microphone and camera issues that day, which "could not be resolved before class." They directed students to check in with their math teachers and start on any missing assignments.
v. March 20, 2025: Special Education Teacher 3 reported they were out sick that day and could be reached by email if needed. They also sent a follow-up email with two math worksheets attached and said, "Here are the math worksheets to fill out for your attendance today. Please pick one, and send me back your answers."
vi. April 2, 2025: Special Education Teacher 3 reported they were out sick for the day and canceled writing SDI. No assignment instructions were given.
vii. April 16, 2025: Special Education Teacher 3 reported they were out sick. They instructed students to use the time to catch up on missing assignments.
viii. May 6, 2025: Special Education Teacher 3 reported they were "out for medical" that day and instructed students to read the attached passage and answer questions about it. The attached document was a math worksheet.
ix. May 20, 2025: Special Education Teacher 3 instructed students and learning coaches to complete one reading and one math assignment for their grade level from the two choices given. They said, "If the grade level is too hard, choose a lower level. I aim to see how much you remember from this year's classes. … This is for me so I can better teach you and learn more about your skills. … Some of your SDI classes will be canceled this week due to medical issues I am attending to."

40. On March 7, 2025, OT 4 emailed the Parent to apologize for "missing the IEP meeting." They explained they had been available for the original date but had a conflict when it was rescheduled. They said they had informed the team they would not be able to attend but regretted not communicating directly with the Parent. They also stated they had received the Parent's request for a change in OT provider and wanted to follow up with IEP goal progress, demonstrating Student 3 had met their previous OT goals. The Parent explained they wanted the OT to be part of the meeting because they had questions about OT that had been "waiting" through all of Student 3's IEP meetings, during which the OT had not been present. They also stated their request was for Student 3 to have a "whole new OT evaluation" to see what Student 3 needed help with, rather than just creating new goals without an updated assessment of needs.

41. On March 12, 2025, the Parent emailed Special Education Teacher 1 and reported that Student 3 was in tears and experiencing a "meltdown" after being told by Special Education Teacher 1 that they were not supposed to be in Special Education Teacher 1's current class. The Parent noted that they reassured Student 3 that their writing instruction would likely continue on a different day or time, as writing SDI was a requirement in their IEP and to the Parent's knowledge, was never "dissolved." Consequently, the Parent requested an explanation regarding the incident and a clear plan for Student 3's ongoing services. Special Education Teacher 1 apologized for Student 3's distress and clarified that the incident stemmed from a miscommunication regarding the implementation of their IEP. Based on Student 3's strong grades and assessment scores, Special Education Teacher 1's initial understanding was that reading and writing SDI would be discontinued while math support remained in place. However, following a consultation with Special Education Teacher 3, it was confirmed that Student 3 would remain in reading and writing SDI classes until the OT evaluation was fully completed. Once that evaluation was finalized, Special Education Teacher 1 said they anticipated that Student 3 would be removed from those specific supports and would likely receive a new OT goal instead.

42. On March 19, 2025, OT 1 emailed the Parent informing them they were the assigned provider for OT services and evaluation for Student 3. They said they had Student 3 scheduled the following day and were hoping to begin testing. They encouraged the Parent to inform them if the appointment time needed to be adjusted.

43. On April 24, 2025, the Parent emailed Special Education Teacher 3, expressing confusion about an IEP meeting scheduled for 3:00 p.m. that day to discuss Student 3's OT evaluation results. Although the meeting was noted in the Parent's records from the previous IEP meeting, the OT was unaware of it, and no meeting link was sent to the Parent. Furthermore, the Parent received a new, 30-minute meeting proposal for May 9, 2025, from the Evaluation Specialist, of which the OT was aware. Special Education Teacher 3 replied to the Parent's email and apologized for "not communicating sooner." They said, "We did have a tentative 'penciled in' meeting for today; however, the OT evaluation was not completed, so we did not make it official with the team meeting notice and the calendar invites. The new date gives us more time to complete the evaluation. Currently, our status is that I am waiting for the evaluation to be completed and uploaded to our [online records] system." OT 1 responded later that same day, notifying Special Education Teacher 3 and the Parent that the OT evaluation report was uploaded to the online records system.

44. An OT re-evaluation report from OT 1 dated April 24, 2025, indicated the primary concerns for Student 3 included coordination, balance, motor skills, writing size and spacing, hand-eye coordination, and regulation. The OT evaluation revealed a discrepancy in sensory perception, with the Parent reporting "severe" difficulties in the home setting while Student 3 self-reported moderate difficulties. The Parent identified severe challenges in vision and body awareness, whereas Student 3 rated most areas (except taste and smell) as moderate. Student 3 scored in the severe range for planning and ideas, indicating consistently impaired

performance in tasks that require ideation and motor planning. Based on the findings of formal and informal measures, school-based OT services were recommended in the areas of visual motor, perceptual skills, and functional writing skills.

45. On June 3, 2025, the Parent emailed the School team to request the reason Student 3 was "denied ESY." They also requested all supporting documentation that "aided in the denial determination." The Special Programs Administrator replied to the Parent the same day and included a screenshot of the ESY section of Student 3's IEP, which showed that ESY services were listed for counseling and OT in the May 12, 2025 update to the October 28, 2024 IEP. They explained, "[Student 3] has not been denied ESY services, and I believe that you may receive further updates on how and when it will be delivered in the near future. We do utilize our related service providers for some of our services, and they will need to coordinate service times."

46. OT 2's contact log for the Parent and Student 3, documented the following between August 24, 2025, and September 10, 2025:
    a. OT 2 sent an email or made a phone call to the Parent and received no reply each time on August 12, 24, and 27, 2025 and September 2, 3, and 10, 2025.
    b. They recorded "no call/no show" sessions on August 27, 2025, and September 3 and 10, 2025.

47. An August 27, 2025, District reading assessment report indicated Student 3 scored at Level 2, 43rd percentile.

48. A Notice of Team Meeting, dated September 8, 2025, invited the Parent to a virtual IEP meeting for Student 3 scheduled for October 16, 2025. An IEP dated November 14, 2025, along with correlating documents, outlined the following relevant information for Student 3:
    a. The Parent was present for the meeting. District records showed an email was sent to schedule the meeting on September 2 and 4, 2025, the meeting was confirmed on September 8, 2025, and a reminder was sent on October 6, 2025. District records showed that on November 5, 2025, the meeting was rescheduled for November 14, 2025, and new meeting invites were sent on November 6, 2025. Other undated District-provided notes indicated the IEP meeting convened on October 16, 2025, however, the SLP in attendance was not "the family's preferred SLP," and therefore, the Parent declined to continue the meeting. The meeting was rescheduled for November 16, 2025. The delay was "due to coordinating with parents, all external services, and the 6 [general education] teachers."
    b. Student 3's strengths: Special Education Teacher 3 reported Student 3 was getting "straight A's" in their classes, met their previous math goal, and was making progress in the general education math class.
    c. Parent concerns: The Parent was concerned that Student 3's academic success, which the Parent attributed to teachers helping Student 3 catch up, could be masking underlying academic, social, and behavioral struggles that the School had not yet recognized.

d. Present levels of performance:
    i. Reading: It was noted that Student 3 scored in the 43rd percentile on the District reading assessment, had an A in language arts, and did not demonstrate a need for SDI for reading, but benefited from access to accommodations in all content areas.
    ii. Math: Student 3 scored in the 17th percentile on the District math assessment and held an 84% grade in their general education math class. Special Education Teacher 3 reported Student 3 was "near grade level," but struggled more in math. It was noted that Student 3 met their two previous IEP math goals. No supporting data was listed.
    iii. Writing: It was noted that Student 3 sometimes struggled to start writing and get their thoughts on paper. However, it was also noted that Student 3 did not demonstrate a need for SDI for writing but would benefit from accommodations.
    iv. OT: Following an updated assessment on May 16, 2025, Student 3's IEP was updated with one-year OT goals focused on correcting mechanical errors in their handwriting and typed work. Key areas of need included developing independence in using support strategies, such as visual checklists and word banks, and improving their organization and self-advocacy when tasks become complex or lengthy.
e. Goals:
    i. Math goal 1: "By November 2026, [Student 3] will apply and extend [their] understanding of addition, subtraction, and absolute value to accurately add and subtract rational numbers (including positive and negative fractions and decimals) in authentic, real-world contexts. [Student 3] will demonstrate this by correctly solving problems using the concept of subtraction as adding the additive inverse (p - q = p + (-q)) with 80% accuracy across 3 consecutive classroom assessments or teacher-collected work samples." Present level: "This is a new goal [November 14, 2025]."
        (1) A Progress Report, dated December 15, 2025, indicated a mastery level of 2 (making adequate progress). It was also noted the goal was new and not expected to be met. Additionally, it was noted Student 3 scored a 92% in their seventh-grade math class at the onset of the goal and was making adequate progress toward the new goal.
    ii. Math goal 2: "By November 2026, [Student 3] will apply and extend [their] understanding of multiplication and division of fractions to accurately multiply and divide rational numbers (including positive and negative fractions and decimals). [Student 3] will interpret and use these operations to solve real-world problems in authentic contexts, demonstrating correct procedures and reasoning with 80% accuracy across 3 consecutive classroom assessments or teacher-collected work samples." Present level: "This is a new goal [November 14, 2025]."
        (1) A Progress Report dated December 15, 2025, indicated the same progress for the second math goal as for the first math goal.
    iii. OT goal 1: Same as the May 16, 2025, goal.
        (1) A present level update and a December 15, 2025, Progress Report indicated Student 3 was performing in the 50% to 80% range for accuracy, with overall mechanical errors primarily for proper upper and lower case, letter sizing and height, and spelling. Student 3 was performing in the 50% range for overall word

spacing and demonstrated a letter-writing speed of 27 to 28 characters per minute.

iv. OT goal 2: Same as the May 16, 2025, goal.

(1) A present level update indicated Student 3 was performing in the 7 to 13 range of errors for a half-page typewritten workpiece in three out of four trials. Errors were primarily for spelling, as measured by therapist data and student work samples. Student 3 also independently implemented technology-based writing supports and strategies prior to turning work in on zero out of four opportunities.

f. SDI for math was listed as 30 minutes per week provided by the special education teacher in the resource room from November 15, 2025, through November 13, 2026.

g. Relevant related services were listed as follows from November 15, 2025, through November 13, 2025:

i. OT consultation to the Parent provided by the OT in the OT therapy office for 45 minutes per month.

ii. OT provided by the OT in the OT therapy office for 30 minutes per week.

h. ESY services were listed for OT provided by the OT in the OT therapy office for 30 minutes per week from July 16, 2026, through July 31, 2026.

i. Meeting Notes from the November 14, 2025, IEP meeting supported what was written in the IEP and noted that Student 3 had been doing extra asynchronous math work and had successfully demonstrated skills from the previous IEP math goals in the general education math class.

j. PWN dated October 16, 2025, documented the cancellation and rescheduling of the annual IEP meeting due by October 27, 2025. Because a new SLP was unable to attend, the Parent requested to cancel the meeting to ensure the full support team was present. Although this pushed the IEP past its October 27, 2025, due date, the IEP team agreed to prioritize the Parent's participation and rescheduled the meeting for November 6, 2025. Additionally, it was noted the team addressed a breakdown in communication between the Parent and the OT. Although the OT reported multiple attempts to contact the Parent, the Parent reported not receiving any communication. The team resolved this by updating the Parent's preferred email address in the system and sending a formal introductory email to link the Parent and the OT directly.

49. Between September 18, 2025, and December 11, 2025 , Student 3 was included in emails to or from Special Education Teacher 3 regarding canceled or missed SDI sessions. Documentation for Student 3, maintained by the Parent, showed missed SDI services for the 2025-26 school year with the note that their figures represented the "minimum confirmed missed services," and the actual number of missed sessions may have been higher. For the 2025-26 school year, the Parent documented that, excluding Student 3's absences, Student 3 missed 10 out of 13 math SDI sessions. Documentation provided for the Complaint Investigation regarding missed services for Student 3 within the Complaint timeline during the 2025-26 school year, noted the following:

a. The Parent's notes:

i. November 20, 2025: The Parent reported Student 3 was not let into the online class despite waiting.

b. District email documentation that was also supported by the Parent's notes:
    i. September 18, 2025: The Parent emailed Special Education Teacher 3 to inform them that math SDI was not on Student 3's schedule, and when Student 3 tried to use the virtual link from September 11, 2025, they could not get into the class. Special Education Teacher 3 responded on September 19, 2025, and said, "There are many glitches this year, I apologize. My understanding is that students' calendars are not linking to our classes properly with the new system. My supervisor and principal are working on fixing this issue. I will keep you posted next week on the solutions."
    ii. September 25, 2025: The Parent emailed Special Education Teacher 3 to inform them that Student 3 was waiting to get into class. According to the Parent's notes, they did not receive a response and indicated this was a missed session.
    iii. October 2, 2025: The Parent emailed Special Education Teacher 3 to inform them that the math SDI was not listed on Student 3's schedule, and that despite using the provided virtual link on the calendar for October 9, 2025, Student 3 could not access the class. The Parent stated, "This is the 3rd week in a row that has been an issue for this class. Please resolve this and get [Student 3] scheduled for make[-]up sessions. Please respond so that I know you are getting this message and with the plan going forward."
    iv. October 23, 2025: Special Education Teacher 3 reported being out sick and instructed students to complete math assignments on the Online Instruction Program.
    v. October 30, 2025: The Parent emailed Special Education Teacher 3 to report that Student 3 was in the class with another student but could not see or hear anything. Special Education Teacher 3 replied that their microphone and camera were "having issues," but they were there and "chatting" with Student 3. They said they had been having technical problems all day and apologized for the inconvenience.
    vi. November 12, 2025: Special Education Teacher 3 reported they would be "out for Medical" and classes were canceled. No assignment instructions were given.
    vii. November 13, 2025: Special Education Teacher 3 reported they would be "out for medical" and would be checking their email, but classes were canceled.
    viii. December 4, 2025: Special Education Teacher 3 reported being out sick and instructed students to complete math assignments in the Online Instruction Program.
    ix. December 11, 2025: Special Education Teacher 3 apologized to all students who had class with them that day but were unable to access the class. Special Education Teacher 3 said, "There seems to be a glitch on my end, and students are unable to access my class today." They gave asynchronous reading and math assignments and said the system would be serviced over the winter break.
c. Undated documentation from the District noted, "On each missed date, an email was sent to parents and the student with [Online Instruction Program] assignments aligned to the student's IEP goals. Prior to the missed sessions, parents were notified by email that if services could not be delivered due to system issues, technology outings [*sic*], or staff absence, [Online Instruction Program] assignments aligned to goals would be preloaded for student access. In addition to the service provider sessions[,] [t]he K[-]12 company experienced multiple glitches, shutdowns, freezes, and numerous technical issues, [i]ncluding [i]nstances where parent contact was completely unavailable school-wide."

d. Additional undated documentation from Special Education Teacher 3 regarding make-up sessions noted, "Initially, I proposed Friday sessions at 1:00 [p.m.], but they could not be accommodated due to IEP times. No new time was created because [the online system] could not schedule an additional class for a single student. Also, I was advised to ask [the Parent] for a facilitated IEP to discuss whether we, as a school, needed to make up the sessions. I did not set these up because I needed IEP facilitator approval per admin[istration]. I do not have permission to add a class in [the online system] or [Online Learning Platform]." They also noted they provided two "tutoring" sessions during week two for 30 minutes each for a total of 60 minutes of make-up services provided.

50. On November 6, 2025, Student 3 was included in an email sent by Special Education Teacher 3 apologizing to students and learning coaches for the inconvenience - the School's email had reportedly been down for a week and a half, and the Online Learning Platform had issues for some of the SDI classes. Special Education Teacher 3 requested that students and learning coaches resend any correspondence they had not responded to.

51. On December 16, 2025, the Parent emailed Special Education Teacher 3 to tell them they received Student 3's updated IEP, Parental Rights, and IEP Progress Report via Student 3's email account rather than receiving it at their personal email account. The Parent also stated the IEP did not include amendment notes, an amendment title, or PWN, and it did not correct the other errors they had previously documented. They also said the IEP Progress Report, dated December 15, 2025, should have been issued in October 2025, per the previous IEP, and while they understood that data for that period might be incomplete, they were requesting a report that summarized "all available evidence from that reporting period, including work samples, assignments, assessments, attendance, and any SDI session notes." The Parent stated, "If any data [is] missing, please include an explanation in the report. The report should also reflect current progress to provide an accurate picture of [Student 3's] status."

52. A Quick Lookup report for semester one of the 2025-26 school year indicated Student 3 had an A (92.57%) for language arts and an A (93.49%) for math.

General or Combined Findings of Fact

53. On June 26, 2025, OT 1 emailed the Parent and outlined the virtual meeting platform logistics for their OT sessions and requested specific materials for Student 1 and Student 3 as follows:
    a. To resolve ongoing audio issues, Student 1 would meet via an alternative virtual meeting platform, which allowed for better microphone and speaker settings. The platform Student 1 used could be determined on a weekly basis. Student 3 would continue using the original virtual meeting platform.
    b. OT 1 requested at least two ESY or homeschool assignments for Student 1 and Student 3 to use as practical applications during their sessions.
    c. OT 1 requested a specific assignment needing corrections that was mentioned in a previous meeting for Student 3 so they could practice editing and checking work.

54. On June 30, 2025, OT 1 emailed the Parent the following updates and offered support to Student 1 and Student 3 as follows:
    a. OT 1 attached two examples of adapted writing lines designed to help Student 1 show their work on math assignments. They offered to trial those specific strategies with Student 1 during their upcoming OT session.
    b. OT 1 summarized the Executive Function Profile completed by the Parent and included new recommendations and strategies to address Student 1's executive functioning needs.
    c. OT 1 offered to schedule a call the following week to discuss the strategies in more detail and confirmed upcoming OT sessions for Student 1 and Student 3.

55. On July 7, 2025, Special Education Teacher 1 emailed the Parent to let them know the ESY class was canceled for the day due to a family emergency. Students were encouraged to log in to the Online Instruction Program and complete their assigned review activities. It was not clear whether this message pertained to Student 1, Student 2, or Student 3.

56. On July 7, 2025, OT 1 emailed the Parent regarding logistical and instructional points for Student 1 and Student 3 as follows:
    a. OT 1 was checking in on Student 1's math accommodations and planning an upcoming session for Student 1 and Student 3. The session would focus on a writing assignment they both had, while exploring various AT tools. OT 1 asked the Parent to send them a blank copy of the assignment as they were unable to find it.
    b. Due to previous audio issues with Student 1's setup, OT 1 recommended using a virtual meeting program and having a backup device, such as a tablet, ready to handle audio in case the primary computer failed.

57. On July 8, 2025, Special Education Teacher 1 emailed the Parent to let them know the ESY writing class was canceled for the day due to "scheduling issues caused by the [S]chool's recent transition to a new system." Students were encouraged to log in to the Online Instruction Program and work on language arts games or activities that interested them. It was not clear whether this message pertained to Student 1, Student 2, or Student 3.

58. On August 4, 2025, OT 1 emailed the Parent and included specific instructional recommendations for Student 1 and Student 3 as follows:
    a. Student 1: OT 1 provided a letter formation guide and "grooved writing" resources. They recommended short practice sessions focusing on two letters per session.
    b. Student 3: Regarding writing supports, Student 3 continued to use a word bank, an editing checklist, and speech-to-text tools in a word processing program to support their grammar and spelling.
    c. Student 1 and Student 3: After resolving an account lockout, OT 1 tested various accessibility features within a computer program, including document editing, speech-to-text, draw-to-text, and text-to-speech, to create a streamlined workflow for the students.
    d. OT 1 concluded their email with a plan to follow up closer to the start of the school year to implement the accessibility tools described above.

59. In an email to Special Education Teacher 3 on August 25, 2025, the Parent expressed significant concern over a lack of communication from Student 3's service providers and requested logistical updates to help stabilize Student 3's routine. There was also notable confusion regarding OT, while Student 1's provider reported not having Student 3 on their caseload, an unidentified individual left a voicemail claiming to be Student 3's OT without providing a name or contact details. To help coordinate the missing services and reduce Student 3's anxiety, the Parent requested a complete schedule of Student 3's general education and special education classes and inquired about the official start date for the special education program. Finally, the Parent requested the name of Student 1's case manager to ensure all lines of communication were properly established.
    a. On August 26, 2025, Special Education Teacher 3 responded to the Parent's email. They said they would "look into" the items listed by the Parent and notified the Parent that the Online Learning Platform had changed for the new school year and had "unfortunately caused some delays" for several case managers, including themselves. Special Education Teacher 3 also mentioned the current week was dedicated to Districtwide assessment and SDI instruction and classes would begin on September 2, 2025.

60. On October 10, 2025, the Parent emailed the Special Programs Administrator and Special Education Teacher 3, expressing concerns about a breakdown in communication with Special Education Teacher 3. The Parent reported that Special Education Teacher 3 only replied to emails approximately half of the time and frequently failed to provide answers or follow through on promised resolutions. A primary frustration involved Student 1 and Student 3's inability to access virtual math SDI classes. The Parent noted that Special Education Teacher 3 had not responded to requests for help or makeup sessions and had failed to notify the Parent, as the learning coach, when the students missed their sessions. The Parent emphasized that, while they understood the challenges of adjusting to the new Online Learning Platform, they expected clear, open communication. To resolve these issues, the Parent requested administrative assistance with the following:
    a. Fixing and securing access to future math SDI sessions for both students.
    b. Scheduling makeup sessions for the missed instruction.
    c. Facilitating Student 3's entry into OT services.
    d. Ensuring that all required general education and special education staff were present for Student 3's upcoming IEP meeting.
    e. Establishing a formal communication agreement to ensure these issues did not recur.

61. On October 10, 2025, the Special Programs Administrator responded to the Parent's complaint regarding communication and service access for Student 1 and Student 3. The Special Programs Administrator thanked the Parent for outlining the specific issues and acknowledged the importance of consistent communication and reliable access to services for both students. They committed to connecting directly with Special Education Teacher 3 prior to the scheduled IEP meeting on October 16, 2025, to review the Parent's concerns and work toward resolving them ahead of time. The Special Programs Administrator explained that resolving these issues beforehand would allow the IEP team to use the upcoming meeting time to focus on solutions and next steps together. They also stated that

the full team would follow up during that IEP meeting to confirm that the necessary supports were in place to ensure a smooth and successful experience for both students going forward.

62. On October 13, 2025, Special Education Teacher 3 responded to the Parent's concerns from the October 10, 2025, email with an apology and a plan for specific corrective actions. The key resolutions provided included:
    a. Special Education Teacher 3 confirmed they were working with the technology and scheduling teams to ensure Student 1 and Student 3 could access their math SDI sessions without further technical barriers.
    b. To account for the missed instruction, Special Education Teacher 3 proposed holding makeup sessions on Fridays at 1:00 p.m.
    c. Regarding Student 3's OT, Special Education Teacher 3 committed to contacting the provider immediately to confirm placement and promised to share an update as soon as it was received.
    d. Special Education Teacher 3 identified that the contact email and phone number listed in the School's information system appeared to be incorrect/outdated and notified the administration to update Student 1 and Student 3's records.
    e. Special Education Teacher 3 confirmed that invitations were sent to all required staff for Student 3's upcoming meeting and noted that any providers unable to attend would submit written reports on Student 3's performance.
    f. Special Education Teacher 3 agreed to the Parent's request for a communication protocol, committing to a response time of one to two school days, even if only to provide a status update while waiting for more information.

63. The Parent replied to Special Education Teacher 3's October 13, 2025, email the same day, addressing multiple topics in one email. Relevant concerns included the following:
    a. Access resolutions: The Parent requested an update on the previously discussed technical and scheduling issues that were preventing Student 1 and Student 3 from accessing SDI classes.
    b. Attendance monitoring: The Parent requested that Special Education Teacher 3 check their email at the start of sessions if Student 1 or Student 3 were not logged on to see if a status message was sent.
    c. Friday make-ups: The Parent expressed confusion regarding the 1:00 p.m. make-up sessions. The Parent noted that the Students had different needs and classes and Student 3 had a Student Council conflict. They also needed to know when the sessions would start and which virtual link to use.
    d. OT issues: Despite the Parent reportedly updating their contact information multiple times, there had been no successful contact from OT 2. The Parent also noted that the reported protocol for Special Education Teacher 3, as the case manager, to intervene after failed communication was not followed. The Parent first requested that Student 3 be assigned to OT 3 and then expressed a strong preference for Student 3 and Student 1 to be reassigned to OT 1, who had completed their OT evaluations and worked with both of them over the summer. The Parent asked for a specific explanation as to why the Students were assigned new OT providers.

e. IEP meeting and compliance: The Parent pointed out that while they received a virtual meeting link, they had not received the formal Meeting Notice or the Parental Rights/Procedural Safeguards required by IDEA. The Parent was also concerned that Student 3's teachers were missing from the meeting invite, which at the time only included a counselor (unnamed), an autism consultant (unnamed), and an unfamiliar OT (unnamed).

64. Between October 20 through October 22, 2025, a series of emails were exchanged about OT providers. Special Education Teacher 2 informed the Parent that OT 5 would serve as a substitute OT for an upcoming IEP meeting (Student unnamed) on October 30, 2025, because the current provider, OT 3, had a scheduling conflict. However, OT 3 later clarified they were never actually available for the meeting and had not been consulted about their schedule before the session was set. OT 3 explained that internal communication challenges and specific School policies regarding response times contributed to the misunderstanding. In response to these developments, the Parent formally requested that Student 1 and Student 3 both be transitioned back to their original OT provider, OT 1, to ensure continuity of care. While the Parent expressed sincere gratitude for OT 3's positive impact on Student 1, they suggested that having both the outgoing and incoming therapists attend the next IEP meeting would be the most logical way to review progress and establish new goals.

65. On December 15, 2025, the Parent emailed the Principal to formally document what they characterized as a failure to implement the IEPs for Student 1 and Student 3. The Parent alleged the School had denied the Students their SDI, committed multiple procedural violations, and failed to maintain professional communication. Key issues included:
    a. Denial of SDI math services: Student 1 and Student 3 had reportedly missed the majority of their required math instruction for the semester. The Parent noted that sessions were often not scheduled, the Students were left in digital waiting rooms and not admitted, or Special Education Teacher 3 was absent without scheduling make-up sessions. In some instances, the Parent reported sessions occurred but did not include actual SDI instruction.
    b. Procedural and IEP inaccuracies: The Parent identified several errors in Student 3's most recent IEP document, dated November 15, 2025. The Parent stated that no progress reports were provided, progress reporting periods from the last IEP were removed, baseline data was missing from most goal areas, and there was no data demonstrating that previous math goals were met. They also said ESY was not discussed, no goals were created for reading and writing despite the Parent's concerns discussed during the meeting, and the IEP date was incorrect and not reflective of staff delays in meeting required timelines. They also claimed the OT information regarding assistance with writing assignments was misleading, no Meeting Notice or Parental Rights were received, and Meeting Notes and "narrative sections" contained inaccuracies. Additionally, the Parent alleged they were interrupted and told they were "off topic" when asking to review the data used to determine Student 3's progress.
    c. Communication failures: The Parent claimed that repeated emails regarding missing links and access issues were met with silence or vague responses.

d. Formal requests for action: The Parent requested immediate changes, including that Special Education Teacher 3 be removed as Student 3's case manager and as the SDI math teacher for Student 1 and Student 3, the immediate scheduling of all missed SDI minutes, and a written plan for future consistent SDI delivery. The Parent also formally requested all assessments, work samples, and progress monitoring records used to measure the Students' goals. Finally, the Parent requested immediate administrative correction of all identified errors in Student 3's IEP document.

66. On December 16, 2025, the Special Programs Administrator acknowledged the Parent's concerns regarding Student 3's and Student 1's services and confirmed they were being taken seriously. To resolve communication issues, the Special Programs Administrator verified the current phone number on file and shared their availability for a direct conversation that day. Respecting the Parent's request, the School committed to providing all future action plans and remedies in writing to maintain clarity and accuracy. The Special Programs Administrator stated the team was currently reviewing all raised items and would soon provide a thorough written response detailing implementation timelines and staff responsibilities. Later that same day, the Special Programs Administrator emailed the Parent again and stated they had conducted a thorough review of internal records and staff consultations, confirming that Student 3 and Student 1 experienced "interruptions and inconsistencies" in their math SDI services due to staff illnesses and technical barriers. They stated, "While some sessions did occur, we recognize that the overall consistency of service delivery did not meet expectations." To remedy these issues, the following immediate actions were outlined:
    a. Staffing and assignments: Special Education Teacher 2 would take over Student 1's math SDI services, and Student 3's staffing would be reviewed to better align with their needs.
    b. Compensatory planning: An IEP meeting would be scheduled for Student 3 to review service delivery and discuss the need for compensatory education.
    c. Operational consistency: All SDI sessions would be "recorded, even if no students attend." Also, attendance would be tracked consistently, and updated progress notes for Student 1 and Student 3 would be provided.
    d. Communication and access: Accessible links would be provided weekly, and the School would promptly notify the family of any cancellations or technical issues via email and announcements.
    e. Ongoing collaboration: Acknowledging the Parent preferred written communication, the team committed to communicating in writing and working collaboratively to ensure Student 1 and Student 3 received the services and support they were entitled to and to "restore consistency in service delivery moving forward."
    f. This information was also documented for Student 3 via PWN dated December 22, 2025.

67. On December 18, 2025, in response to the Parent's concerns stated in their December 16, 2025, email, Special Education Teacher 2 provided an updated schedule for Student 1's SDI and outlined a detailed progress monitoring timeline, including reporting progress four times per year.
    a. Math SDI: These sessions began with Special Education Teacher 2 on December 18, 2025.

b. Reading SDI: These sessions continued with Special Education Teacher 2 on Wednesdays at 11:00 a.m.
c. Writing SDI: These classes would be held with Special Education Teacher 1 on Thursdays at 11:00 a.m.
d. Evaluation Session: A specific evaluation time was set for Monday, January 12, 2026, to assess math and reading comprehension progress and to collect writing samples.
e. January 29, 2026: End-of-semester 1 progress reports would be issued for all service areas.
f. March 30, 2026: A progress monitoring week would follow spring break.
g. April 10, 2026: IEP goal progress reports would be provided for reading, writing, and math.
h. May 22, 2026: A proposed IEP meeting would take place to review data and determine if Student 1 required ESY services.
i. June 3, 2026: End of Semester 2 progress reports would be finalized.

68. Also on December 18, 2025, Special Education Teacher 3 emailed the Parent to inform them of their responses to the Parent's concerns regarding Student 3. They said they completed the progress notes on Student 3's IEP and added PWN to document the updates. They also said, "I am committed to improving consistency and communication around SDI sessions. Please let me know if you experience any difficulty accessing class links so that I can support you promptly." Regarding missed SDI minutes and ESY, Special Education Teacher 3 recommended scheduling an IEP meeting to determine next steps.

69. In a follow-up email dated December 19, 2025, the Parent acknowledged the School's proposed corrective actions but maintained that future commitments did not excuse past failures to implement IEP services. They requested specific, written details regarding several key areas to ensure accountability and a shared understanding of the next steps for Student 1 and Student 3. The Special Programs Administrator responded to each of the Parent's complaints on December 22, 2025, and mentioned they were also consulting with the Department. The following topics were discussed:
    a. The Parent requested confirmation on whether Special Education Teacher 3 remained the case manager and SDI teacher, asking for a written rationale if no change was planned.
        i. The Special Programs Administrator confirmed that Student 3's math SDI and IEP case management assignments remained unchanged at the time. Additionally, they explained that steps had been taken to address service implementation concerns, and ongoing monitoring would continue.
    b. The Parent asked for a review of the instructional effectiveness of Student 1's writing SDI and a timeline for any planned changes.
        i. The Special Programs Administrator stated Student 1's services would continue as documented, as the School believed instructional data showed Student 1 was making academic progress.
    c. The Parent requested a tally of missed minutes and a delivery timeline for Student 1 and Student 3, noting that direct make-up instruction could and should begin promptly without waiting for an IEP meeting.

i. The Special Programs Administrator stated that the District maintained that missed SDI minutes and potential remedies were most appropriately addressed through the formal IEP team process.

d. Data and progress: The Parent requested all data used to justify marking prior goals as "met" and a plan to establish missing baseline data in compliance with the IDEA.
   i. The Special Programs Administrator stated that progress notes had been sent and that further discussions regarding data, baselines, or goal development should occur during an IEP meeting.

e. Reporting and documentation: The Parent requested the missing October 2025 IEP Progress Report and sought clarification on the new SDI recording policy, noting it contradicted previous statements from the School that SDI sessions could not be recorded or shared.
   i. The Special Programs Administrator said the School would record SDI sessions to support instructional access, documentation, and continuity of services.

f. Communication protocols: The Parent insisted that all official correspondence and IEP documents be sent directly to them rather than to the Students' email accounts.
   i. The Special Programs Administrator stated that official documents would be shared through methods to ensure the Parent received them. Additionally, they recommended that a facilitated IEP meeting from the Department be scheduled after the winter break to ensure a collaborative process.

70. On January 12, 2026, the Parent filed this Complaint.

71. Separate PWNs dated February 17, 2026, documented the District's proposals to offer make-up SDI sessions for Student 1 and Student 2. PWN dated January 23, 2026, addressed missed SDI for Student 3. Relevant information included:
   a. Student 1 missed SDI for math, but it did not specify how much SDI was missed or when. The make-up sessions were intended to support continued progress toward IEP goals. Student 1's make-up sessions were scheduled to begin on Monday, February 23, 2026, from 2:00 p.m. to 2:30 p.m. and continue weekly. There was no end date or number of sessions specified. It was also noted, "Additional make-up sessions may be scheduled as needed, and [virtual class] links will be provided for each session."
   b. Student 2 missed SDI for reading and social skills classes, but the record did not specify how much SDI was missed or when. The make-up sessions were intended to support continued progress toward IEP goals. Three make-up sessions were listed to occur on February 26, March 5, and March 12, 2026, at 1:00 p.m. It was also noted, "Additional make-up sessions may be scheduled as needed, and [virtual class] links will be provided for each session."
   c. For Student 3, it was noted, "[The] District stands ready to conduct an ODE facilitated IEP meeting to address parent concerns. [The] District would like to provide additional SDI make up sessions that coordinate with student and family's needs. [The] District would like to review parent concerns in regard to ESY." It was also noted, "[The] Parent shared with the IEP case manager that they wanted to wait until they heard back from ODE before they would like to proceed with an IEP meeting."

72. According to the Teacher's Guide for the Online Instruction Program used for asynchronous learning during teacher absences, the program served as an individualized instructional tool, using an adaptive algorithm that adjusted question difficulty in real time based on a student's performance. The program provided personalized action plans and skill recommendations tailored to each student's unique knowledge gaps and previous work. Educators could individualize instruction by using "Trouble Spots" reports to identify specific concepts a student is struggling with and assign custom-built skill plans that reinforce exact lesson targets. Additionally, the platform supported diverse learner needs through adjustable features such as extended audio support and the option to hide grade-level indicators to focus on individual skill levels. These features ensure the content and delivery of instruction are aligned to each student's unique educational needs.

73. In an interview with the Complaint Investigator, the Parent stated they inquired if the School had dyslexia intervention before enrolling the Students. They reported they were told the School had both a dyslexia intervention program and a dyslexia specialist. However, according to the Parent, upon enrolling, the School "said they don't offer anything with a specific dyslexia program." The School then offered to "look into see what they could do at the initial IEP meeting for each of [the Students]."

74. The Parent asserted, "In Oregon, they don't add any baseline data on their IEP goals. They go over in the meeting present levels, but then under the goals for the IEP, they don't have a baseline where they started so that we can see how far away their goal is or measuring it backwards at the end of the year." They reported there was no baseline data on any of the three Students' IEPs. The Parent also indicated they did not have the opportunity to agree or disagree with the IEP after the virtual meeting.

75. The Parent reported they requested educational records for all three Students after the January 2026 progress reports came out. They asserted, "[The School was] saying that they're showing progress or approaching mastery in [their goals], and I just have a hard time believing that there is this much progress being made when there's so many SDI classes that have been missed." The Parent further explained that, in addition to the SDI missed due to staff absences, SDI was not provided during the Districtwide math and reading assessment, which occurred immediately after the 2025 winter break. Therefore, the three Students had not received SDI for at least three weeks.

76. Regarding technical issues with the School's student information system (SIS), the Parent reported, "When they send information, it goes to my student's email and not to me. ... I get a copy of all their emails that are sent to them, but it was sent to their email address instead of to my email address, which I look at differently. I see stuff for them and I just mark it to their boxes. But if it's addressed to me, then it gets better attention. So there's that technical issue … ." They further explained, "I actually don't get … formal meeting notices. I get a [virtual] link. … I don't get who's going to be at the meeting, what it's about … ." The Parent also stated Student 3 received a notification stating the class with Special Education Teacher

3 was canceled, and Student 1 did not receive a notification for a different class with the same teacher.

77. The Parent asserted they requested an OT evaluation for Student 1 three times, including during IEP meetings on February 28, and April 4, 2025, before the School initiated the evaluation process. They reported they were sent consent documents after the April 4, 2025, IEP meeting for Student 1.

78. Regarding OT for Student 1, the Parent reported significant access and technical difficulties. They explained Student 1 "has a speech problem." According to the Parent, the OT "wanted [Student 1] to have a lapel mic[rophone] … to maybe start recognizing [their] speech a little bit clearer. The School sent … a microphone that you just sit on the desk and plug into your computer. … when you plug it in, [Student 1] can't hear what's happening from the teacher. So [Student 1] has to unplug it if the teacher talks, plug it in to use it so it didn't function properly."

79. Regarding SDI in math for Student 1 and Student 3, the Parent shared they were not notified when the classes were canceled by the School. They reported both Students missed 11 out of 14 classes for math SDI. The Parent stated Student 1 was offered make-up classes beginning the week of February 23, 2026, through the end of the 2025-26 school year, and Student 3 was offered five total make-up sessions for math SDI. They asserted the School's reported number of missed sessions was lower than what the Parent documented. According to the Parent, when they requested compensatory services, the School offered an IEP meeting, and the Parent told the School, "You don't need an IEP meeting to give me time that is owed to them."

80. Regarding Student 1 specifically, the Parent reported, in addition to class being cancelled, Student 1 missed SDI in math due to "it's not on [Student 1's] schedule at all, or it's been on [their] schedule and [Student 1] clicks the link, but can't get in, the teacher doesn't let [them] into the class … ." The Parent asserted, on at least one occasion, Student 1 worked on general education assignments during their math SDI class. They stated they requested and were approved to have Student 1 switch math SDI teachers from Special Education Teacher 3 to Special Education Teacher 2.

81. The Parent reported, "I requested the writing teacher [unnamed] to be removed because [Student 1 was] in a writing class and [they've] never done a single thing of writing this year." The Parent shared they were denied the change. They stated, as Student 1's case manager, Special Education Teacher 2 asked for writing samples for progress reporting that were completed outside of writing SDI class time.

82. Regarding Student 2's January 2026 progress report, the Parent stated that they believed the reading progress was inaccurate. They shared that they home-tested Student 2 using three different reading test methods and documented much lower results than the School assessment. The Parent reported they requested the School's assessment data and did not

receive it. They explained, "I wanted to see what they did to obtain that. And if they're saying that goals are being mastered, I want to see proof that those are mastered, not just being pushed through."

83. Regarding the School's concerns about the Parent assisting Student 2 during School testing for reading, the Parent stated, "I read aloud the test to [Student 2], and it's [an] accommodation in [their] IEP."

84. The Parent reported Student 3 was removed from SDI in writing and reading, "without my approval or documentation saying that they've mastered and no longer need help in reading." They stated the School claimed Student 3 had met their goals, however, the Parent believed Student 3 should continue to receive SDI because "the IEP says that they still need help."

85. The Parent reported Student 3's case manager, Special Education Teacher 3, did not respond to requests for help with class links, causing Student 3 to miss SDI classes. The Parent expressed, "[T]he communication is significantly impacting [Student 3's] education." They shared they requested Student 3 be removed from Special Education Teacher 3's caseload and were denied.

86. According to the Parent, during an IEP meeting for Student 3, when they raised concerns about positive progress due to the amount of SDI missed, they were told they were "off topic." The Parent stated, "I didn't get to speak for the rest of the meeting because they didn't want to hear what I had to say … ." They indicated the meeting was held after the annual IEP meeting deadline because "they had people in the meeting that didn't have any knowledge of [Student 3]. So I said, 'I don't want to have the meeting until [Student 3's] speech teacher is here to participate in the conversation.' And they told me, 'Well, it's going to push it back beyond the date.' And I said, 'Well, then [Student 3's] speech should have been invited to the thing.' And so we had the meeting late … ."

87. In an interview with the Complaint Investigator, the Special Programs Administrator explained the process for serving students with out-of-state IEPs. They shared that initially the District makes best efforts to provide comparable services. They expressed, "They may not be apples to apples, but they will be as close as we can to provide comparable service." The Special Programs Administrator explained that whenever the District received a transfer student with an IEP, the student was assigned a case manager, and the District gathered special education documents. They indicated if documents were missing, those would be addressed at an intake meeting, and the pre-evaluation planning process began. Once the evaluation was completed, IEP team meetings were held, and services were decided.

The Special Programs Administrator reported that because Student 1, Student 2, and Student 3 had out-of-state documents, "we began the evaluation process right away for all three students." They asserted special education services were provided while Student 1, Student 2, and Student 3 were undergoing evaluation.

88. The Special Programs Administrator explained the District had technical difficulties with their student information system (SIS) and parent communication across the District due to a software change at the beginning of the 2025-26 school year. They shared they defaulted to sending everything through both the SIS and email as a solution.

89. The Special Programs Administrator reported certain documentation processes automatically trigger PWN in the SIS. Those processes included evaluations and IEPs. However, the Special Programs Administrator admitted, prior to the Complaint, IEP amendments did not automatically trigger PWN. They stated they had since adjusted the program.

90. Regarding baseline data, the Special Programs Administrator stated, "We can't even enter goals into our IEP system without entering baseline data." They indicated case managers are required to input baseline data before the system will let them write goals. They reported "progress notes will not finalize" for distribution without baseline data.

91. Regarding missed SDI, the Special Programs Administrator reported "it was very clearly documented which [classes] were missed." They indicated make-up sessions had been scheduled and PWN regarding those sessions was sent to the Parent. The Special Programs Administrator stated that, based on the documentation, they instructed case managers to plan five make-up sessions per student for Student 1 and Student 3, and three make-up sessions for Student 2. They shared, "We also noted … if additional ones are needed, they can be scheduled."

92. In an interview with the Complaint Investigator, the Evaluation Specialist stated initial eligibility meetings for all three Students happened before the Evaluation Specialist was employed with the District. They reported their employment began in October 2024, after the Students were enrolled.

93. Regarding their role in the District, the Evaluation Specialist asserted they do not diagnose dyslexia or prepare curriculum. They reported they review "achievement testing" and certify eligibility for special education services. They explained the standard process for evaluating students for dyslexia included "achievement testing … which delineates all the different reading difficulties a student would have" and "dyslexia screener[s]." The Evaluation Specialist expressed "anytime consent was received for evaluations or concerns were relayed and consent was received for evaluations, the turnaround time for this family was done very quickly."

94. Regarding dyslexia concerns for Student 2, the Evaluation Specialist stated, "I was notified when we had eligibility meetings and in the Spring of 2025, not prior to that." They indicated they offered "dyslexia screeners" to be performed by Student 2's teachers. Additionally, the Evaluation Specialist reported performing receptive and expressive language evaluations and cognitive assessments.

95. The Evaluation Specialist shared consent was signed for evaluations for Student 2 on March 21, 2025. They said their evaluation report was completed April 5th, 2025, and the speech-language report was completed April 17th, 2025. The Evaluation Specialist indicated the results were reviewed at the May 12, 2025, IEP meeting, and the IEP was amended to include test results. According to the Evaluation Specialist, speech and language services were found unnecessary, and the District offered ESY "to address parental concerns at that time."

96. The Evaluation Specialist reported they did not evaluate Student 1 or Student 3 for dyslexia and did not attend their IEP meetings. They stated dyslexia concerns for Student 3 were addressed in September 2024, prior to their employment with the District. The Evaluation Specialist indicated dyslexia was discussed at the February 28, 2025, IEP meeting for Student 1, based on their review of meeting notes, although they were not in attendance. They reported they did not receive a request for evaluation after that meeting.

97. In an interview with the Complaint Investigator, with the Special Programs Administrator present, OT 1 stated they were unaware of a delay in evaluations for Student 1 and Student 3. They shared, "I came in when the students were to be evaluated. That was when I was added on as a provider." They explained, "For [Student 1], that was an initial evaluation, so there were no services in place prior to that initial evaluation." Regarding a delay in services, the Special Programs Administrator added the Parent requested a change in OT providers for Student 3 through "casual conversation" with a former case manager. They acknowledged adding Student 3 to OT 1's caseload could be perceived as "a lag of service," due to the conversations occurring outside of the standard IEP meeting process. The Special Programs Administrator asserted no evaluations were refused and services were provided as soon as possible.

98. OT 1 reported they began working with Student 3 on March 20, 2025, which included Student 3's OT reevaluation. They stated the reevaluation was completed on April 24, 2025.

99. Regarding Student 1, OT 1 indicated they did not know the date when consent was provided for evaluation. They reported the evaluation was an initial evaluation, was completed on May 8, 2025, and services commenced June 19, 2025.

100. OT 1 confirmed technical issues with an external microphone for Student 1. They indicated the problems occurred during ESY services and, for the 2025-26 school year, they had "switched to a different strategy." OT 1 reported, "The new strategy was just not using the mic[rophone], and it didn't impact [Student 1's] progress at that point." OT stated they recorded the technical difficulties in their service notes.

101. In an interview with the Complaint Investigator, Special Education Teacher 2 stated they were the case manager for Student 1, their reading SDI teacher as of September 2025, and their math SDI teacher as of December 2025. They reported they became Student 1's case

manager in March 2025 and were not involved in the transfer of Student 1's IEP when they first moved into the District.

102. Special Education Teacher 2 reported they tracked Student 1's SDI minutes through an attendance spreadsheet and their own notes. They stated they were unaware of any SDI minutes being reduced or removed.

103. Regarding Student 1's writing SDI, Special Education Teacher 2 shared, "I've kept really accurate data of progress monitoring using several different research-based information and curriculum." With regard to gathering writing samples, they elaborated, "Since I'm the case manager, I wanted to make sure how [Student 1's] goal was being progress monitored. And so I wanted to make sure that I got a paragraph from [them]." Special Education Teacher 2 reported Student 1 received writing SDI from another unspecified special education teacher. They stated they were able to see Student 1's progress in the writing SDI learning program.

104. Special Education Teacher 2 was unaware of any refusals for evaluation or any other refused action that would trigger PWN. They reported they were unaware of missing baseline data and asserted they included baseline data in Student 1's November 2025 IEP. Special Education Teacher 2 believed that all services in Student 1's IEP for which they were responsible had been delivered.

105. Regarding communication and technology issues, Special Education Teacher 2 indicated, "I was very aware of that. And so I made sure that I communicated a lot with [the Parent]." They explained they used email, phone calls, and video meetings to communicate with the Parent when the SIS malfunctioned. Special Education Teacher 2 asserted they communicated weekly with the Parent, and sent meeting notices through both the SIS and email "making sure that [the Parent] got it." They expressed, "I've been so diligent in making sure from the very beginning and before school even started to make sure that [the Parent] and [Student 1] had everything that they needed to start the school year successfully."

106. In an interview with the Complaint Investigator, Special Education Teacher 3 stated they were the case manager for Student 3, and their math SDI teacher. They expressed, "[Student 3] has done well in all of [their] academic classes. … [They have] made leaps and bound[s] growth based on our data in reading, writing, math, and … continues to work amazingly hard."

107. Special Education Teacher 3 explained, "The process that our school district has been using to give comparable services is that we require complete testing of the student as they enter into our system." Special Education Teacher 3 reported the IEP team completed a full file review of Student 3's testing and discussed Student 3's needs with the Parent in order to write a District IEP. They did not recall which interim services were provided at the time.

108. Regarding missed SDI, Special Education Teacher 3 reported, "I maintain documentation of all of the sessions that I provide. And when I am absent, I have documentation on those

absences." They shared they are required to notify their supervisor, parents, and students when they will be absent, and provide "extra asynchronous work" for students based on their goals. Special Education Teacher 3 stated their records differed from the Parent's documentation regarding the number of missed sessions. They shared all students enrolled in their classes are able to attend a makeup session once a week. Special Education Teacher 3 indicated goal progress was determined through District assessments.

109. Regarding removing reading SDI for Student 3, Special Education Teacher 3 explained during the March 6, 2025, IEP meeting, the results of Student 3's psychological evaluation showed average levels in all reading categories. According to Special Education Teacher 3, the Parent reported Student 3 was feeling overwhelmed with the transition from elementary school to middle school and requested a reduction in overall classes. Therefore, based on test results, the IEP team decided to remove Student 3's reading SDI class. Special Education Teacher 3 asserted Student 3's needs in reading were still being addressed through their speech and language services. They believed the assessment data was complete and accurate.

110. Special Education Teacher 3 reported "Baselines are required on all progress reports and are documented on the progress reports. I cannot speak to the missed baselines. They are in the IEP and they are on the progress reports."

IV. DISCUSSION

When IEPs Must Be In Effect

The Complaint alleged the District violated the IDEA by not offering comparable services when the Student(s)' previous out-of-state IEPs documented dyslexia-related needs and dyslexia-aligned specialized instruction.

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. Furthermore, school districts must provide special education and related services to a child with a disability in accordance with an IEP. As soon as possible following development of the IEP, special education and related services must be made available to the child in accordance with the child's IEP.[6]

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.[7] "Specially Designed Instruction" means adapting, as appropriate to the needs of a child with a disability, the content, methodology, or delivery of instruction to address the child's unique needs resulting from the disability and ensuring the child's access to the general education

[6]OAR 581-015-2220(1)(2)(b); 34 CFR § 300.323(a)(c)(2)
[7]OAR 581-015-2000(36); 34 CFR § 300.39(a)(1)

curriculum so they can meet the educational standards.[8]

If a child with a disability, who had an IEP that was in effect in a previous school district in another state, transfers to a new district in Oregon, and enrolls in a new school within the same school year, the new school district, in consultation with the child's parents, must provide a FAPE to the child, including services comparable to those described in the child's IEP from the previous district, until the new district conducts an initial evaluation, if determined necessary by the new district, and develops, adopts and implements a new IEP, if appropriate, that meets applicable requirements.[9]

In this case, the out-of-state transfer process, initial evaluations, and the development and finalization of the District's own IEPs occurred in late 2024, which is outside the one-year investigative timeline. Therefore, the provision of comparable services until the District evaluated all three Students and developed new IEPs could not be investigated. However, a significant finding regarding the implementation of SDI emerged during the investigation period.

Additional Finding

A district violates the IDEA when it materially fails to implement an IEP.[10] "A material failure occurs when there is more than a minor discrepancy between the services a school provides to a disabled child and the services required by the child's IEP."[11]

In this case, for Student 1, the IEPs in effect during the investigative period required 30 minutes per week of SDI in reading, writing, and math. According to the Parent's documentation for the 2024-25 school year, Student 1 missed eight (8) of twenty-two (22) writing sessions, seven (7) of thirty (30) reading sessions, and five (5) of thirty-four (34) math sessions. However, the Complaint Investigator was unable to discern from the evidence provided how many of those sessions were missed within the investigative timeline, which started January 13, 2025. Additionally, while the District did not provide official attendance records to corroborate or refute these specific figures, they acknowledged they did not meet service delivery expectations during this investigative period, which covered half of the 2024-25 school year. During the 2025-26 school year, evidence showed that two (2) writing sessions were missed due to a teacher's absence, and although two (2) reading sessions were initially missed, they were made up within the investigative period. Additionally, evidence showed that eleven (11) math SDI sessions were missed. However, on December 4, 2025, the teacher assigned instruction via the Online Learning Program, which is reasonably considered an appropriate alternative for individualized instruction due to its personalized features as previously described. Despite this, even when accounting for the Online Learning Program session as instructional time, the Student still missed ten (10) of fifteen (15) scheduled math sessions, or

[8]OAR 581-015-2000(37); 34 CFR § 300.39(b)(3)
[9]OAR 581-015-2230(2); 34 CFR § 300.323(f)
[10] *Van Duyn v. Baker Sch. Dist. 5J,* 502 F3d 811 (9th Cir. 2007)("Van Duyn")
[11] *Id.*

66% of the required math SDI for the first semester of the 2025-26 school year. These missed sessions were not due to Student 1's absences.

Student 2's IEP, dated November 18, 2024, required 30 minutes per week of SDI each in math, writing, and reading. The District failed to schedule the Student's writing SDI class for at least nine weeks following the IEP meeting. While the Parent documented fifteen (15) out of sixteen (16) missed writing SDI sessions, the investigative timeframe only accounts for the period starting January 13, 2025. Evidence confirmed that four weeks of the unscheduled writing SDI fell within this window, and, with two (2) additional confirmed missed writing SDI sessions after the class was finally initiated, Student 2 missed a total of six (6) writing SDI sessions. These missed sessions were not due to Student 2's absences. Special Education Teacher 6 apologized for this "oversight," admitting they had "missed a setting" in the scheduling system.

Regarding other service areas for Student 2, evidence within the timeframe confirmed three (3) missed reading sessions and two (2) missed math sessions. Although the reading absence on May 6, 2025, included a video book as an appropriate alternative instructional activity, the Interactive Lesson for math provided on February 12, 2025, does not meet the definition of SDI. Such lessons are designed for general engagement rather than the individualized instruction or practice required to adapt content, methodology, or delivery to a student's unique disability-related needs. Furthermore, the District admitted that alternative assignments were frequently provided for Student 2 without essential assistive tools, such as text-to-speech or speech-to-text. Special Education Teacher 6 acknowledged a "misstep" in assigning lessons that failed to consider Student 2's accessibility needs, noting that these tools were essential for Student 2 to engage with the content. Therefore, Student 2 missed a confirmed total of two (2) reading and two (2) math SDI sessions within the investigative period.

The IEP for Student 3 required 30 minutes per week of SDI each in math, reading, and writing. During the 2024-25 school year, evidence within the investigative timeframe confirmed that Student 3 missed five (5) math sessions, although three (3) included reasonable alternative assignments in the form of leveled asynchronous math worksheets or the Online Instruction Program. Additionally, Student 3 missed three (3) reading sessions, two (2) of which were replaced with appropriate alternative assignments, and three (3) writing sessions that were not replaced with appropriate alternative SDI. For the 2025-26 school year, implementation data revealed ten (10) missed math sessions. However, three (3) of these sessions included valid alternative instruction through the Online Instruction Program with individualized features, and two (2) sessions were identified as made up during the investigative timeframe.

Once it is established that there was a failure to implement the Students' IEPs, the question then turns to whether that failure was material. A material failure occurs when there is more than a minor discrepancy between the services a school provides to a child with a disability and the services required by the child's IEP. In this case, the District's failure to provide approximately 66% of Student 1's math SDI during the first semester of the 2025-26 school year, along with the service gaps for Student 2 and Student 3, represents more than a "minor discrepancy" and constitutes a material failure to implement their IEPs.

While certain asynchronous activities, such as those provided through the Online Instruction Program, reasonably met the definition of SDI due to their adaptive algorithms and personalized action plans, other offerings, including non-individualized interactive games or assignments provided without necessary accessibility tools, did not constitute a valid delivery of specialized instruction. The District has acknowledged the consistency of service delivery did not meet expectations and has since proposed various forms of compensatory education. These offers include: Weekly makeup sessions beginning February 23, 2026 (with no end date or number of sessions specified) for Student 1. For Student 2, three scheduled makeup sessions between February and March 2026. For Student 3, a proposal for a facilitated IEP meeting to coordinate makeup sessions based on family needs.

The Department does not substantiate the allegation regarding the District's failure to offer comparable services when the Students moved into the District.

The Department does find that the District materially failed to implement the SDI as required by the IEPs for all three Students.

Review and Revise

The Complaint alleged the District violated the IDEA when it made decisions about removing or reducing SDI based on incomplete and invalid data, and when the District improperly altered Student 2's annual IEP review date through an amendment and made substantive changes without a full IEP team meeting.

Each school district must ensure that the IEP Team reviews the child's IEP periodically, but at least once every 365 days, to determine whether the annual goals for the child are being achieved. The IEP team must meet to revise the IEP, as appropriate, to address any lack of expected progress toward the annual goals in the IEP and in the general education curriculum, if appropriate, or review the results of any reevaluation, or information about the child provided to, or by, the parents, or to review the child's anticipated needs, or other matters.[12]

Changes to a child's IEP may be made either by the entire IEP team at an IEP Team meeting, or by amending the IEP rather than by redrafting the entire IEP. In making changes to a child's IEP between annual IEP meetings, the parent of a child with a disability and the school district may agree not to hold an IEP meeting to make these changes and instead may develop a written document to amend or modify the child's current IEP. Upon request, the parent must be provided with a revised copy of the IEP with the amendments incorporated. If changes are made to the child's IEP without a meeting, the district must ensure that the child's IEP team is informed of these changes.[13]

[12]OAR 581-015-2225(1); 34 CFR § 300.324(b)
[13]OAR 581-015-2225(2,3); 34 CFR § 300.324(a)(4,6)(b)

Regarding Student 2, the Complaint Investigator did not find evidence to substantiate the claim the District improperly altered the annual IEP review date or made substantive changes without a full IEP Team meeting. While the Parent alleged procedural impropriety, District records indicated that a Meeting Notice was issued for a virtual IEP review on March 20, 2025, and an eligibility meeting was held on May 12, 2025, both of which included the Parents.

The District, however, failed to meet its "Review and Revise" obligations regarding Student 3, which requires the IEP team to address any lack of expected progress, the results of reevaluations, or information provided by the parents. An IEP must be "reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances," a standard that necessitates a "fact-intensive inquiry" into the student's unique needs.[14] While school districts are generally granted professional deference in their decision-making, this deference is not absolute; it is contingent upon the District's ability to provide a "cogent and responsive explanation" for its actions.[15] Such an explanation must be supported by a comprehensive review of multidimensional data rather than a single measure or assessment, such as a classroom grade, used as the sole criterion for removing services.[16]

On March 6, 2025, the District removed Student 3's reading and writing SDI based almost exclusively on an overall ELA class grade of 99.2% and a general assertion that goals were met, which lacked specific supporting evidence. This revision was inconsistent with the team's own documented discussion from March 3, 2025, which identified deficits in fluency and phonological awareness and noted an intent to create a new reading fluency goal. Instead of implementing this planned goal, the District removed all reading services. Furthermore, Special Education Teacher 1 admitted on March 12, 2025, that the Student should have remained in these SDI classes until an OT evaluation was completed to ensure a clear understanding of their needs. By ignoring identified instructional needs and relying on a single grade-based data point, the District failed to conduct the fact-intensive inquiry required to determine the content of the child's IEP.

The Department substantiates this allegation, in part, as it relates to Student 3.

Evaluation

The Complaint alleged that the District violated the IDEA by delaying the completion of Student 1's and Student 3's OT evaluations and by failing to conduct evaluations to determine whether the Students required dyslexia-related services.

A school district must conduct an evaluation or reevaluation of a child before determining that they are a child with a disability, determining that a child continues to have a disability under the law, before changing the child's eligibility, or terminating the child's eligibility as a child with

[14] *Endrew F. v. Douglas County School District RE-1*, 580 U.S. 386, 137 S. Ct. 988, 197 L. Ed. 2d 335 (2017)
[15] *Id.*
[16] OAR 581-015-2105(2), OAR 581-015-2225(2); 34 CFR § 300.304(b)(2)

a disability, unless the termination is due to graduation from high school with a regular diploma or exceeding the age of eligibility for a FAPE under the law.[17]

In conducting the evaluation, the public agency must use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent, that may assist in determining whether the child is a child with a disability under the law, and the content of the child's IEP, including information related to enabling the child to be involved in and progress in the general education curriculum. The public agency must not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child and must use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors. Each public agency must ensure the child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities, and assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child are provided.[18]

Before conducting any evaluation or reevaluation, the public agency must obtain informed written consent from the child's parent. With few exceptions, a reevaluation must be completed within 60 school days from written parent consent, or from the date the evaluation is initiated under the law, to the date of the meeting to consider eligibility, continuing eligibility, or the student's educational needs.[19]

If a child is suspected of having a specific learning disability, the following evaluation must be conducted: An assessment of the child's academic achievement toward Oregon grade-level standards, a review of cumulative records, an observation in the child's learning environment, and progress monitoring data. For a student evaluated using a model that is based on the student's strengths and weaknesses, the evaluation must include an assessment of the student's strengths and weaknesses in classroom performance and academic achievement, relative to age, Oregon grade-level standards, or intellectual development.[20]

To be eligible as a child with a specific learning disability for school-age special education services, the child must meet all of the following minimum criteria. The child may be eligible if the child does not achieve adequately for the child's age or to meet Oregon grade-level standards in one or more of the following areas when provided with learning experiences and instruction appropriate for the child's age or Oregon grade-level standards: basic reading skills, reading fluency or comprehension skills, mathematics calculation or problem-solving, written expression, oral expression, or listening comprehension.[21]

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[17]OAR 581-015-2105(1); 34 CFR § 300.301(a-b)

[18]OAR 581-015-2110(4-5); 34 CFR § 300.304(b)(c)

[19]OAR 581-015-2110(5)(a-b); 34 CFR § 300.301(c)

[20]OAR 581-015-2170(1)(a-d)(f); 34 CFR § 300.309(b)

[21]OAR 581-015-2170(4)(a); 34 CFR § 300.309(a)(1)

Regarding the broader allegation concerning evaluations for dyslexia-related needs, the District conducted assessments to establish in-state eligibility and academic profiles for each of the three Students upon their enrollment in 2024. These assessments were completed from September through November 2024, which is outside of the investigative timeline. For all three Students, the District IEPs that were implemented during the investigative time period addressed their disability-related needs through reading and writing supports, including phonics instruction, targeted dyslexia strategies, and specific accommodations such as ignoring spelling errors on assessments and providing assistive technology tools.

Regarding OT evaluations, while there was an initial delay in communication for Student 1, the District completed and reviewed their OT evaluation within the 60-school-day required timeline. The Parent first requested an OT evaluation for Student 1 during the February 28, 2025, IEP meeting. The District acknowledged that an "internal communication delay" occurred because Special Education Teacher 2 did not immediately relay this verbal request to the Evaluation Specialist.[22] There was a five-day spring break and eighteen school days between the verbal request and written consent. Despite this lapse, documentation confirmed that consent was granted on April 4, 2025, the evaluation report was completed on May 8, 2025, and the IEP was amended to include OT goals and services on May 9, 2025. Even measured from the initial February 2025 verbal request, the evaluation was finalized in approximately 45 school days, which was within the 60-school-day limit.[23] Interim OT services for Student 1 were not required prior to when they were found eligible for the OT services on May 9, 2025. A district is only obligated to provide related services once an IEP is developed and in effect, following an eligibility determination.[24]

For Student 3, the OT reevaluation was completed within the investigative timeline without delay. Although Student 3 transferred to the District with OT services already established on their previous out-of-state IEP, the District properly initiated a reevaluation upon request. Consent for this re-evaluation was received on March 6, 2025, the report was finalized on April 24, 2025, and the IEP was amended to reflect the results on May 16, 2025.

The Department does not substantiate this allegation.

Prior Written Notices (PWNs)

The Complaint alleged the District violated the IDEA when it did not issue PWNs documenting their refusal to evaluate the Students, when refusing or denying SDI, declining to add baselines or goals, and making significant changes to services.

PWN must be given to the parent of a child within a reasonable period of time before a school district proposes to initiate or change, the identification, evaluation, or educational placement of the child, or the provision of a FAPE to the child, or refuses to initiate or change the

[22]District Response, February 21, 2026
[23]OAR 581-015-2110(5)
[24]OAR 581-015-2220; 34 CFR § 300.323

identification, evaluation, or educational placement of the child or the provision of a FAPE to the child. The content of the PWN must include: a description of the action proposed or refused by the school district, an explanation of why the district proposed or refused the action, and a description of each evaluation procedure, assessment, test, record, or report the school district used as a basis for the proposed or refused action. Additionally, the notice must include a statement that the parents of a child with a disability have protection under the procedural safeguards and, if this notice is not an initial referral for evaluation, the means by which a copy of the Notice of Procedural Safeguards may be obtained, and sources for parents to contact to obtain assistance in understanding their procedural safeguards. Finally, the notice must contain a description of other options that the IEP team considered and the reasons why those options were rejected, and a description of other factors that are relevant to the agency's proposal or refusal.[25]

Furthermore, the prior notice must be written in language understandable to the general public and provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the school district must take steps to ensure that the notice is translated orally or by other means to the parent in the parent's native language or other mode of communication, the parent understands the content of the notice, and there is written evidence that the requirements of this rule have been met.[26]

The Investigation did not find evidence to substantiate the claim that the District refused requested evaluations within the investigative timeline. Rather, records indicated that when evaluation concerns were raised, the District initiated the process. Similarly, the allegation regarding a refusal to add "baselines" is not supported, as the District documented present levels of performance for goals, and there is no evidence that the District affirmatively declined to include this information upon request. While the District refuted the overall allegation, they admitted to procedural failures regarding the issuance of PWNs. Specifically, the District acknowledged that its software did not automatically generate standalone PWNs for IEP amendments. They stated, "With respect to IEP amendments, the District acknowledges that amendments within the [IEP software] do not automatically generate standalone PWNs. When an amendment constitutes a proposal or refusal under [the] IDEA, a separate PWN should be issued to clearly memorialize the action."[27] This technical limitation resulted in multiple instances where significant changes or parent requests were not properly documented through the required notice process. Although the District subsequently issued several PWNs in February 2026 to address parent concerns regarding SDI, services, and accommodations, these actions occurred after the filing of the Complaint and were outside the investigative window.

Evidence confirmed that the District failed to provide specific PWNs on multiple occasions for all three Students. For Student 1, no PWN was issued to document the February 28, 2025, request for an OT evaluation, the April 4, 2025, request for a specific OT provider, or the SDI

[25]OAR 581-015-2310(2,3); 34 CFR § 300.503(a,b)
[26]OAR 581-015-2310(4-6); 34 CFR § 300.503(c)
[27]District Response, February 21, 2026

changes made on May 12, 2025. Furthermore, PWN issued for Student 1 on November 7, 2025, utilized generic language that failed to detail the specific actions or considerations of the IEP team, a pattern also observed in PWNs issued for Student 2 on March 20, 2025, and Student 3 on March 6, 2025, and May 16, 2025.

For Student 2, the District failed to issue PWN when adding a writing goal and ESY services on May 12, 2025. For Student 3, the District failed to document through PWN the removal of reading and writing goals and SDI and the addition of a math goal on March 6, 2025, the decrease of OT service time and addition of OT goals on May 16, 2025, or the formal refusal of the Parent's request for math ESY services on May 16, 2025. These cumulative omissions constitute a systemic failure to comply with the procedural safeguards under the IDEA, as the lack of specific, timely notice hindered the Parent's ability to fully understand and respond to the District's proposals and refusals.

The Department substantiates this allegation, in part, as to the District's failure to provide PWN regarding its refusal of SDI requested by the Parent and making changes to the Students' IEP services.

Content of IEP

The Complaint alleged the District violated the IDEA when the Students' IEPs contained incomplete and inconsistent information, such as missing baselines, and failure to document services considered, provided, or refused.

A child's IEP must include a statement of the child's present levels of academic achievement and functional performance, including how the child's disability affects the child's involvement and progress in the general education curriculum. It must also contain a statement of measurable annual goals, including academic and functional goals designed to meet the child's needs that result from the child's disability, to enable the child to be involved in and make progress in the general education curriculum. Additionally, it must include a description of how the child's progress toward meeting the annual goals will be measured and when periodic reports on the child's progress will be provided. Furthermore, it must contain a statement of the specific special education, related services, supplementary aids and services, modifications, and supports to school personnel, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child for the child, to advance appropriately toward attaining the annual goals, to be involved and progress in the general education curriculum, to participate in extracurricular and other nonacademic activities, and to be educated and participate with other children with disabilities and children without disabilities. The projected dates for initiation of services and modifications, and the anticipated frequency, amount, location, and duration of the services and modifications must also be included. Finally, an explanation of the extent, if any, to which the child will not participate with children without disabilities in the regular class and activities must be included.[28]

[28]OAR 581-015-2200(1); 34 CFR § 300.320

The allegation regarding "missing baselines" is technically unfounded, as Oregon administrative rules use the term "present levels of academic achievement and functional performance" (PLAAFP) rather than "baselines," a term specifically used in the out-of-state IEPs. While the Parent asserted no baseline data existed, the District included some format of PLAAFP for each goal, although the specificity of these levels varied. However, the Investigation found significant inconsistencies and errors across the IEP documents and progress reports for all three Students. For Student 2, a January 29, 2025, progress report for writing incorrectly attributed a lack of progress to "low attendance," even though evidence confirmed the writing SDI class had never been scheduled by the School. Furthermore, Student 1's records contained conflicting reading data for October 6, 2025, which hindered an accurate assessment of progress.

Student 3's records were particularly inconsistent. A January 31, 2025, progress report listed two different accuracy scores (60% and 75%) for the same reading goal in two versions of the same document. Furthermore, while the March 6, 2025, amendment notes indicated an intent to add a reading fluency goal, all reading SDI and goals were instead removed from Student 3's IEP. A similar discrepancy was noted in OT documentation, where the May 16, 2025, meeting notes listed the service time as 60 minutes per week, while the actual IEP amendment documented only 30 minutes. Additionally, Student 3's October 28, 2024, IEP indicated that a reading goal was met (date unspecified), but the provided data, 55 correct words per minute (CWPM), did not meet the goal's criteria of 95 CWPM. Student 3's math data also showed a discrepancy, indicating a 99% class grade despite a 19% or 22% skill score on District assessments, a conflict that the District failed to address within the IEP. Finally, while a District assessment report from January 27, 2025, indicated grade-level reading performance, the IEP did not clearly specify how or when Student 3 met their reading goals.

This is not an exhaustive list of the inconsistencies found within the Students' educational records but rather indicates a pattern of documented errors. The Complaint Investigator noted the Students' IEPs were amended multiple times throughout the year, resulting in lengthy, repetitive sections that may have made it difficult to track current services and data-driven progress monitoring. However, the cumulative effect of these errors resulted in IEPs that did not consistently provide a clear and accurate statement of the Students' present levels or measurable progress. Significant data discrepancies within an IEP, such as assertions of goal mastery that are unsupported by the provided performance data or the misattribution of service implementation gaps to student attendance, diminish the document's reliability as an accurate framework for ensuring the provision of a FAPE.

The Department substantiates this allegation.

Parent Participation

The Complaint alleged the District violated the IDEA when incomplete and inconsistent IEP documentation impacted parent participation.

School districts must provide one or both parents with an opportunity to participate in meetings with respect to the identification, evaluation, IEP, and educational placement of the child, and the provision of a FAPE to the child. School districts must provide parents with a written notice of the meeting sufficiently in advance to ensure that one or both parents will have an opportunity to attend. The written notice must state the purpose, time and place of the meeting and who will attend. It must also inform the parent that they may invite other individuals, that the team may proceed with the meeting even if the parent is not in attendance, and who to contact before the meeting to provide information if they are unable to attend. Furthermore, the school district must take whatever action is necessary to ensure that the parent understands the proceedings at a meeting.[29]

A school district must ensure that parents are afforded a meaningful opportunity to participate in meetings related to the identification, evaluation, and educational placement of their child.[30] Additionally, procedural flaws do not constitute a denial of a FAPE unless they "seriously infringe" the parents' opportunity to participate.[31]

In this case, while the Parent faced significant technical hurdles, such as meeting notices and finalized IEPs being routed to the Students' email accounts rather than to their own, the evidence indicated these barriers were "harmless errors" that did not reach the level of a substantive violation.[32] The Parent remained engaged in their children's education throughout the investigative period, attending every scheduled IEP meeting for all three Students, totaling at least ten separate meetings. Documentation showed that the Parent's concerns and input were detailed in the "Parent Concerns" sections of each IEP, and their feedback directly resulted in substantive programmatic changes. These changes included initiating an expedited OT evaluation for Student 1, adding ESY services for Student 2, and converting progress reporting from twice-yearly to quarterly for all Students.

Furthermore, the District demonstrated procedural flexibility in response to the Parent's advocacy. For Student 3, the District rescheduled the annual IEP meeting past its October 2025 due date specifically to prioritize the Parent's request that the full support team, including the preferred SLP, be present for the discussion. When a school district is "forced to choose between the attendance of a parent and a procedural deadline, the attendance of the parent must take priority," as the "attendance of parents at the IEP meeting is a priority of the IDEA; it is not merely a procedural requirement."[33] While the communication with Special Education Teacher 3 was frequently delayed, the District took corrective steps once administrative assistance was requested. These steps included formally updating the Parent's contact information in the system to resolve email routing issues and establishing a written communication protocol with a mandated one-to-two-day response time. Because the Parent successfully influenced the development of the Students' programs and maintained consistent

[29] OAR 581-015-2190(1-3); 34 CFR § 300.322(a)(b)
[30] *L.M. v. Capistrano Unified Sch. Dist.*, 556 F.3d 900 (9th Cir. 2009)
[31] *Id.*
[32] *Id.*
[33] *Doug C. v. Hawaii Dept. of Educ.*, 720 F.3d 1038, 1044-46 (9th Cir. 2013)

access to the IEP team, the Department finds that the Parent's right to meaningful participation was not significantly impeded.

The Department does not substantiate this allegation.

Free Appropriate Public Education (FAPE)

The Complaint alleged the District violated the IDEA when there was a delay in completing Student 1's and Student 3's OT evaluations and no interim services provided, resulting in a denial of a FAPE for Student 1 and Student 3.

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.[34] In order to determine whether a student has been denied a FAPE, the courts review a district's compliance with the procedural and substantive components of the student's education. Reviewing courts must inquire 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.[35]

Not every procedural error is sufficient to rise to a denial of FAPE.[36] The procedural test consists of three pivotal questions: (1) whether the student suffers a loss of educational opportunity;[37] (2) whether the parent's right to participate in the IEP process was infringed;[38] or (3) whether the procedural error caused a "deprivation of educational benefit."[39] Procedural errors rise to the level of a denial of FAPE where, absent the errors, there is a "strong likelihood" that alternative educational possibilities for the student "would have been better considered."[40]

In this case, the Investigation found no procedural violation, and thus no denial of FAPE, regarding the alleged delay of OT evaluations or lack of interim services for Student 1 or Student 3 as discussed above. The District's actions in this regard met the procedural and substantive requirements of the IDEA.

However, the evidence revealed a denial of a FAPE due to the District's failure to implement the SDI required by the Students' IEPs, as discussed in the first allegation. This was a significant and material failure, resulting in a loss of educational opportunity for Student 1, Student 2, and Student 3 because they did not receive the instruction deemed necessary to address their unique needs and ensure their access to the general education curriculum. The District's recognition of "staffing illnesses and technical barriers" and its subsequent offer of limited

[34] OAR 581-015-2040(1); 34 CFR §300.101(a).
[35] *Endrew F.*, 137 S.Ct. at 999.
[36] *Amanda J. v. Clark Co. Sch. Dist.*, 267 F.3d 877, 892 (9th Cir. 2001) (citing *Roland M. v. Concord 13684 Sch. Comm.*, 910 F.2d 983, 994 (1st Cir. 1990)).
[37] *Target* Range, 960 F.2d at 1484.
[38] *Id.*
[39] *Amanda J.*, 267 F.3d at 892 (citing *Roland M.,* F.2d at 994).
[40] *M.L. v. Federal Way Sch. Dist.*, 394 F.3d 634, 657 (9th Cir. 2005).

makeup sessions acknowledges the service gap but does not negate the substantive denial of a FAPE that occurred during the investigative period.

The Department does not substantiate this allegation as it relates to the completion of OT evaluations or the provision of interim OT services.

The Department does substantiate a denial of a FAPE for all three Students based on a failure to implement the SDI as required by their IEPs.

V. CORRECTIVE ACTION[41]

In the Matter of Mitchell School District 55
Case No. 025-054-007

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

Action Required	**Submissions**	**As Soon As Possible But No Later Than Due Date**
1. The District must provide Student 1, Student 2, and Student 3 with Compensatory Education to make up for SDI not provided pursuant to the Students' IEPs. The Compensatory Education to be offered to the Students shall include: a. Student 1: A minimum of 10 hours of SDI (at least 5 hours in math) to account for 20 missed 30-minute SDI sessions; b. Student 2: A minimum of 5 hours of SDI (at least 1 hour in reading, 1 hour in math, and 3 hours in writing) to account for 10 missed 30-minute SDI sessions; and c. Student 3: A minimum of 5.5 hours of SDI (at least 3.5 hours in	The District shall submit to the Department the following: Completed plan for delivery of Compensatory Education developed in a meeting with the Parent; Evidence showing compensatory education was provided.	**May 29, 2026** **September 30, 2026**

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

math, 0.5 hours in reading, and 1.5 hours in writing) to account for 11 missed 30-minute SDI sessions. The District must hold a meeting with the Parent to develop a plan to deliver this SDI.[42]		
2. The District must reconvene the IEP team for Student 3 to review and revise, as appropriate, reading and writing SDI. In addition to other available information, the team must consider the fluency and phonological awareness data identified in March 2025 and determine if the removal of reading and writing SDI from the Student's IEP was appropriate.	A copy of the revised IEP and PWN documenting and explaining the IEP team's decision, including the information on which the decision was based, regarding reading and writing SDI for Student 3.	**May 29, 2026**
3. The District must provide training to all special education staff and administrators responsible for the implementation and/or monitoring of students' IEPs at the Virtual School on the District's responsibilities regarding: a. IEP implementation; b. Prior Written Notice; c. Accuracy of IEP content; d. Accuracy of progress reporting; e. Reviewing and revising IEPs.	Training agenda/materials for review and approval. Sign-in sheet from training.	**June 30, 2026** **October 15, 2026**

Dated: this 24 Day of April 2026

Ramonda Olaloye

Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

[42] The Department provides IEP Facilitation services when it is mutually desired by parents and school districts and is available to support the Student's IEP team in this meeting. If a Facilitated IEP meeting is desired, please email ode.disputeresolution@ode.state.or.us.

E-mailing Date: April 24, 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).)