BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of Beaverton School District 48J	))))	FINDINGS OF FACT, CONCLUSIONS, AND FINAL ORDER Case No. 26-054-009

I. BACKGROUND

On January 22, 2026, the Oregon Department of Education (the Department) received a written request for a special education complaint investigation from the parent (Parent) of a student (Student) residing and attending school in the Beaverton School District 10J (District). The Parent requested that the Department conduct a special education investigation under OAR 581-015-2030. The Department confirmed receipt of this Complaint and forwarded the request to the District.

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

On January 29, 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 12, 2026.

The District submitted a *Response* on February 12, 2026, denying the allegations, providing an explanation, and submitting documents in support of the District's position. The District submitted the following relevant items:

1. District's Written *Response* to Complaint, 2/12/26
2. Student File Review, 2025-26 School Year
3. Prior Written Notice (PWN), 2/2/26
4. Individualized Education Program (IEP), 2/2/26
5. Special Education Placement Determination, 2/16/26
6. Meeting Minutes, 2/2/26
7. Notice of Team Meeting on 2/2/26, 1/14/26
8. PWN, 12/19/25

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

9. Online Record Request Submission Request, 1/16/26
10. Special Education Records Request Submission Request, 8/14/25
11. PWN, 4/24/25
12. IEP Amendment, 4/24/25
13. Meeting Minutes, 4/24/25
14. Notice of Team Meeting on 4/24/25, 4/18/25
15. Student Accident Report, 3/4/25
16. Consent for Individual Evaluation, 2/2/26
17. Email exchanges amongst District Staff and with Parent, 1/24/25 – 2/10/26

The District provided additional documents on February 23 and March 3, 2026:

18. IEP Progress Report, 6/12/25
19. IEP Progress Report, 6/14/24
20. Notice of Team Meeting on 1/9/25, 9/1/24
21. IEP Meeting Minutes, 1/9/25
22. PWN, 1/9/25
23. IEP, 1/9/25
24. PWN, 1/9/25
25. Special Education Placement Determination, 1/9/25
26. ParentSquare Message History, 9/1/24 – 1/14/26

The Parent submitted a *Reply* on February 21, 2026, providing an explanation and rebuttal, as well as additional documents. The Parent submitted the following relevant items:

1. Reply, 2/21/26
2. Notice of Team Meeting on 1/9/25, -/-/25
3. IEP, 1/9/25
4. Meeting Minutes, 4/24/25
5. IEP Amendment, 4/24/25
6. Oregon Needs Assessment, 10/13/25
7. ParentSquare Notice of Meeting on 12/10/25, 12/10/25
8. Draft 2/2/26 IEP, provided 1/30/26
9. Draft 2/2/26 IEP, provided 2/2/26
10. Notice of Team Meeting on 2/2/26, 1/14/26
11. Email exchanges between Parent and District staff, 12/10/25 - 2/9/26

The Complaint Investigator interviewed the Parent on March 2, 2026, and the Student's other parent on March 4, 2026. On March 3, 2026, the Complaint Investigator interviewed District personnel. Virtual interviews were conducted instead of on-site interviews. The Complaint Investigator reviewed and considered all of these documents, interviews, and exhibits in reaching the findings of fact and conclusions of law contained in this order. This order is timely.

II. ALLEGATIONS AND CONCLUSIONS

The Department has jurisdiction to resolve this Complaint under 34 CFR §§ 300.151-153 and OAR 581-015-2030. The Complainant's allegations and the Department's conclusions are set out in the chart below. The conclusions are based on the Findings of Fact in Section III and the Discussion in Section IV. This Complaint covers the one-year period from January 23, 2025, to the filing of this Complaint on January 22, 2026.

Allegations	Conclusions
IEP Content The Complaint alleged that the District violated the IDEA when it failed to include specific special education and related services and supplementary aids and services in the Student's IEP necessary to fully address the Student's needs that result from the Student's disabilities. This included failing to include (1) accurate and specific present level information, and (2) measurable and clearly defined annual IEP goals. (OAR 581-015-2200; 34 CFR §300.320)	**Not Substantiated** The Student's IEPs were reasonably calculated to enable the Student to make progress appropriate in light of their circumstances. The IEPs contained (1) present levels of performance which identified the Student's individual needs and were sufficiently specific to established baselines for developing goals; and (2) measurable annual goals that established what skills would be required to meet the goal, identified when support would be provided as part of the goal, and included a baseline for measuring progress.
Review and Revision of IEPs The Complaint alleges that the District violated the IDEA by failing to review and revise the Student's IEP, as appropriate, to address the Student's anticipated needs or other matters. This included failing to review the IEP following a March 2025 injury to determine whether the Student's IEP should be revised to address supervision, supports, or safety needs. (OAR 581-015-2225; 34 CFR §300.324)	**Substantiated** The District did not hold an annual IEP meeting for the Student within 365 days of the previous IEP review. The annual IEP review date was identified as January 8, 2026, but the annual IEP review did not occur until February 2, 2026.

Independent Education Evaluation The Complaint alleges that the District violated the IDEA when it failed to respond to the Parent's request for an independent educational evaluation (IEE), and failed to follow the appropriate procedure when it did not ensure that an IEE was provided without unnecessary delay or initiate a due process hearing to show that the District's evaluation of the Student was appropriate. (OAR 581-015-2205; 34 CFR §300.502)	**Not Substantiated** The Student's most recent evaluation was conducted in 2023. The Parent requested an IEE because they disagreed with the accuracy of the Student's progress data reported by the District. The Parent did not object to a specific evaluation conducted by the District, nor did they indicate that the District failed to assess the Student in all areas of suspected disability.
Parent Participation The Complaint alleged that the District violated the IDEA by interfering with the Parent's ability to participate in decisions with respect to the identification, evaluation, IEP and educational placement of the Student, and the provision of a free appropriate public education to the Student. This included (1) developing the Student's IEP at an IEP meeting without the Parent present, (2) providing the Parent with inaccurate information, and (3) refusing to provide the Parent with information when requested, such as IEP goal progress data and placement options being considered by the IEP team.	**Substantiated** The District did not issue a written meeting notice for the December 10, 2025 IEP meeting. The District reported it did not provide the Parent with PWN related to the December 10, 2025 meeting until January 14, 2026. The Parent reported that they did not receive (1) the meeting notice for the April 25, 2025 IEP meeting; (2) the April 25, 2025 PWN; (3) a written meeting notice for the December 10, 2025 IEP meeting; or (4) any IEP progress reports for the Student. The District indicated it provided special education documents to both of the Student's Parents by sending two copies home in the Student's backpack, although the Parents lived in different

(OAR 581-015-2190; OAR 581-015-2195; 34 CFR §300.501)	households and the Student spent alternating weeks with each Parent. The District does not have a record of whether these documents were sent to or received by the Parent. This delivery method did not fulfill the District's obligations to provide the Parents with notice of team meetings, PWN, and IEP progress reports.
Prior Written Notice The Complaint alleged that the District violated the IDEA by not providing the Parent with prior written notice within a reasonable period of time before the District proposed or refused to initiate or change the identification, evaluation, educational placement, or provision of a free appropriate public education to the Student. This included not providing the Parent prior written notice following the Parent's requests for an IEE, data to support IEP goal mastery, and for the Student's IEP to include more precise language for future goal-setting. (OAR 581-015-2310; 34 CFR §300.503)	**Substantiated** Although the District was not required to initiate an IEE, this did not relieve the District of its obligation to provide PWN in response to the Parent's request regarding an evaluation for the Student.

REQUESTED CORRECTIVE ACTION

- The District shall convene an IEP meeting with proper written notice and documentation of IEP meetings.
- The District shall review and revise procedures to ensure timely notice and documentation of IEP meetings.
- The District shall document how parent input is solicited, considered, and incorporated into IEP decision-making.
- The District shall revise the Student's Present Levels of Academic and Functional Performance (PLAAFP) to accurately reflect their independent abilities. This shall be reviewed with the Parent at an IEP meeting.
- Revisions must be made on objective data, not prompted or scaffolded performance.
- The District shall redefine how prompting and adult assistance are documented and reported in the Student's IEP.
- Staff responsible for data collection shall receive guidance or training on accurate documentation of independence.
- The District shall provide the Parent with all data used to determine mastery of the Student's goals, including baselines, progress monitoring records, and conditions of observation.

- The District shall implement a process to provide parents access to progress data upon request.
- Future progress reports shall include sufficient detail to allow verification of reported progress.
- The District shall revise the Student's goals to meet IDEA requirements for measurability and clarity. Goals shall clearly define what the Student is expected to do independently; the type and level of assistance allowed, if any; and criteria or mastery across settings and people. Revised goals shall be agreed upon in an IEP meeting with the Parent.
- The District shall update the Student's IEP to accurately reflect their toileting and hygiene needs. The District shall determine whether additional supports, supervision, or staff responsibilities are required to address these needs.
- The District shall implement a system for monitoring and documenting toileting support during the school day.
- The District shall immediately provide written notice either agreeing to fund the IEE at public expense or initiating due process to defend its evaluation.
- If the District agrees to fund the IEE, it shall provide a list of qualified independent evaluators without unreasonable restrictions.
- The results of the IEE shall be considered by the IEP team in determining appropriate services, goals, and placement.
- The District shall provide a written description of the proposed program, including instructional model, staffing ratios, and supports. The District shall allow the Parent an opportunity to observe the proposed placement and meet relevant staff prior to placement decisions. Placement decisions shall be deferred until the Parent has had an opportunity to meaningfully review and discuss program options.
- The District shall convene an IEP meeting to review the circumstances of the March 4, 2025 injury and determine whether additional supervision or supports are required. The District shall revise the Student's IEP, if necessary, to reflect appropriate supervision, safety supports, and staff responsibilities.
- The District shall document how the Student's safety and supervision needs are addressed during all instructional and non-instructional activities.
- The District shall ensure that significant incidents involving injury should trigger a timely IEP review for students with disabilities.
- The District shall review and correct practices related to documenting goal mastery and independence for students with significant support needs.
- The District shall provide corrective action documentation to the state demonstrating compliance with IDEA requirements cited in this complaint.
- The District shall ensure that corrective actions are implemented prior to finalizing Student's middle school placement.

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 23,

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

1. The Student is ten years old and in the fifth grade.

2. The Student is currently eligible for special education services under the disability category of Other Health Impairment (OHI), "due to a medical diagnosis of HIST1H1E Genetic Syndrome (HNDS), Developmental Delay, and Craniosynostosis Syndrome."

3. The Parent and the Student's other parent (Parent 2) are divorced but "share joint custody and shared educational decision-making authority."

2024-25 School Year

4. During the 2024-25 school year, the Student attended the fourth grade at a District elementary school (the School) in a specialized special education classroom, the Academic Learning Center (ALC).

5. The District reported, "[The ALC] specialized placement has a smaller student-to-adult ratio and provides small group and individualized instruction, and inclusion opportunities with accompanying adult support when appropriate. The class provides a language-rich environment, focusing on communication, functional academics, social-emotional skills, and life skills."

6. The District issued an IEP Meeting Notice dated September 1, 2024 for the Student's annual IEP meeting scheduled on January 9, 2025. The Meeting Notice, issued by the Student's special education teacher and case manager (the Case Manager), was addressed to both of the Student's Parents.

7. The Case Manager reported they generally send meeting notices for annual IEP meetings at the beginning of the school year, to give parents advance notice in case they need to take time off work. They often send a hard copy of special education documents home in students' backpacks, including meeting notices, prior written notice (PWN), and IEP progress reports. The Case Manager noted that they primarily used the District's messaging platform, ParentSquare, for communication with parents.

   For the Student's special education documents, the Case Manager stated they sent two copies of each document home in the Student's backpack, one for each parent.

8. Parent 2 reported the Student spends every other week with each parent. When documents were sent home in the Student's backpack, it could be a week before the Student returned to the other parent's house and documents could get misplaced during that time. Parent 2 provided some documents brought home in the Student's backpack to the Parent, but could not specify which ones.

9. The District submitted ParentSquare messages between the Case Manager and both parents from September 1, 2024 to January 14, 2026, which indicated a pdf attachment was sent to the Parent and Parent 2 on two occasions. A Meeting Notice for a January 9, 2025 annual IEP meeting was sent on September 1, 2024, and Prior Written Notice (PWN) was sent on January 14, 2026.

10. On January 9, 2025, the District convened the Student's annual IEP meeting.

11. The Parent reported they did not attend the January 9, 2025 IEP meeting because the District did not provide them with notice of the meeting, which interfered with their ability to meaningfully participate in the development of the Student's IEP.

12. The Student's January 9, 2025 IEP (the January 2025 IEP) included the following:

    a. Annual IEP Review Date: January 8, 2026.

    b. Most Recent Evaluation Date: November 7, 2023.

    c. Parent Concerns: "[Parent 2] continues to request communication from the school about what [the Student] is doing for academics and social times… would like [the Student] to participate in inclusion that is meaningful and increase the time with [their] fourth grade peers[.]"

    d. Present Levels of Academic Achievement and Functional Performance:

    Reading: "[The Student] is performing at mid 1st-grade level in reading… has mastered letter/sound identification… can identify 52 out of 52 letter names for upper and lowercase letters, produce (33 out of 33) common letter sounds for lowercase letters… as measured by the Letter/Sound Identification Assessment given in January 2025… visually tracks and points to pictures, letters, and words, and turns the page at the appropriate time (e.g., when the teacher finishes reading the last sentence on the page), for 4 out of 5 opportunities, as measured by teacher data collection in January 2025… demonstrates phonological awareness at the progressing level… attends to sounds and recognizes rhyming onsets and rimes [*sic*] that include alliterations, and short-vowel sounds) by pointing, and giving yes/no responses, for 4 out of 5 sound/rhyme recognition tasks, as measured by teacher data collection January 2025… locates key details in the text such as illustrations, tactile graphics/objects, and text to answer who, what, where, and how questions such as literary: setting/characters/action, informational: person/place/thing/idea, with 80% accuracy, as measured by reading comprehension assessment given in January 2025."

    Writing: "[The Student] is performing writing skills at a beginning first grade level (spelling)… can trace words and… select words to finish/complete sentences. Since fine motor written tasks continue to be challenging... is often presented with velcro

pieces/plastic letters/or is encouraged to use ASL finger spelling to complete tasks… has access to assistive technology apps to help with spelling as well… can select examples of capitalization and punctuation, such as uppercase letters, periods, and exclamation points, by giving a verbal response for 4 out of 5 writing activities, as measured by teacher observation, and teacher-created assessment, given in January 2025… can select the correct word to complete a sentence from a group of 3 words in 3/5 opportunities as measured by teacher observation of ULS curriculum in January 2025."

Math: "[The Student] is completing math tasks at a beginning first-grade level… demonstrates calculation and computation at the ULS level 2, which is numbers/equations with 1:1 pictures… can add and subtract numbers with 80% accuracy (from 0-20), as measured by teacher data collection in January 2025."

Communication: "Baseline… will answer WH-questions during structured activities with direct modeling - currently 2/5 with modeling… will demonstrate accurate sequencing of 2 or more details direct modeling - currently 2/5 with language modeling… will ask/answer 2 or more questions during big group activities direct modeling - currently 2/5 with prompting and modeling."

Functional Daily Living: "[The Student] independently communicates toileting needs in 4/5 daily opportunities… maintains dry/unsoiled clothing for 4/5 opportunities… has a built-in schedule to use the bathroom 5 times during natural transitions… completes dressing skills including threading zipper, zipping up/down, and snaps with moderate assistance using hand-over-hand or physical prompting as charted by the teacher last year in January 2024… completes all steps of general hygiene routine… with moderate assistance using partial-physical, hand-under-hand prompting as charted by the teacher using a General Hygiene Task Analysis recorded on 1/5/2024… maintains basic personal safety by following each step of an emergency evacuation plan with moderate assistance using partial-physical prompting as charted by the teacher using an Emergency Evacuation Task Analysis recorded on 1/5/2024… uses transportation such as school buses and demonstrates safe behavior while traveling including keeping [their] seatbelt fastened, hands/feet to self, and quiet voice with complete assistance using prompting without resistance as charted by the teacher using a Modified Transportation Behavior Skills Checklist recorded on 1/5/2024."

Social/Emotional/Behavioral Learning: "[The Student] understands where to go (location) and materials [the Student] needs (from [their] chair pouch or independent work box) in 3/5 opportunities as measured by teacher data collection in January 2025… begins the task with putting [their] name on [their] paper, clarifying the directions, and beginning the work within 1 minute in 3/5 opportunities as measured by teacher data collection in January 2025… works on the task until it is complete and asks for help with tasks [they don't] understand in 2/5 opportunities."

Gross Motor: "[The Student] benefits from a slower paced class, smaller class size, additional prompting/cueing, and modified activities/equipment as needed."

Fine Motor: "[The Student] uses a right handed modified tripod grasp… shows emerging dynamic finger movement… is working on tracing ½" sized shapes and letters… shows strong sight word recognition for reading… is able to count objects with one to one correspondence but needs objects to be 2" or larger and have a motor movement attached to the task (not just pointing to a paper)… gravitates towards larger toys and materials versus smaller figures or manipulatives… is independent with toileting this year… generally struggles to visually attend to fine motor tasks such as writing and cutting and will often look around the room or at [their] peers while [their] hands are busy trying to complete a project that requires hand eye coordination… has shown some improvement this year with not rushing [their] work and is working hard to slow down and complete tasks as asked."

Self-Direction: "[The Student] sometimes demonstrates independent skills of making choices, completing tasks, following directions, and following daily routines when prompted… can maintain focus on an academic task for more than 15 minutes and controls [their] temper. It is often difficult for [the Student] to stop a fun activity when it is time to transition."

e. How the Student's disability affects involvement and progress in the general education curriculum: The Student's disability of OHI, due to medical diagnoses, "impacts reasonable and meaningful progress in the general education curriculum and learning environment in the subject[s] of" Reading (Concepts of Print, Phonological Awareness, Phonics & Decoding, Fluency, and Comprehension); Written Language (Spelling, Sentence Fluency, Writing); Math (Numeration, Calculation, Computation, Geometry, Problem-Solving); and Social & Emotional Learning (Self-Awareness and Responsible Decision Making). "[The Student's] challenges with receptive and expressive language prevents [them] from fully accessing [their] education at this time… currently performing below average range in the area of self-direction which may impact [their] ability to follow directions, complete assigned tasks, and maintain focus in the school setting… disability prevents the effective use of standard print materials."

f. Special Factors: The Student has communication needs; needs assistive technology devices or services; and requires one or more specialized formats of educational materials.

g. Annual Goals: Included one goal each in the following areas:

Language: "Given specially designed instruction, [the Student] will answering [*sic*] WH-questions, sequence two or more details together during a story retell, and ask/answer 2 or more questions with peers during large group activities during structured language activities in 4/5 opportunities as measured by SLP data and observation"; included three Short-Term Objectives (STOs) to be demonstrated "with direct language modeling."

Reading: "Given specially designed instruction and access to supports (e.g. visuals,

manipulatives, adult support), [the Student] will increase [their] Reading to end of first grade levels through sight word reading and comprehension of both fiction and non-fiction passages to 80% accuracy as measured by teacher data collection"; included three STOs, to be performed "with 80% accuracy in 4/5 opportunities," all with baselines of "40% accuracy in 4/5 opportunities."

Writing: "Given specially designed instruction and access to supports (e.g. visuals, manipulatives, adult support), [the Student] will increase [their] writing to (1) complete monthly spelling word tasks, and (2) complete monthly journal tasks to create a paragraph with a unified topic with 80% accuracy in 2/3 opportunities as measured by teacher data collection," including progress monitoring assessments, observations, and work samples; included three STOs, to be performed "with 80% accuracy in 2/3 opportunities," with baselines of "40% accuracy in 2/3 opportunities."

Math: "Given specially designed instruction and access to supports (e.g. visuals, manipulatives, adult support), [the Student] will increase [their] addition, subtraction, and multiplication/division skills to mid first grade levels at 80% accuracy in 4/5 opportunities as measured by teacher data collection," including teacher created worksheets and teacher observations; included four STOs, to be performed "with 80% accuracy in 4/5 opportunities," with baselines of 0-20 with 80% accuracy in 4/5 opportunities, 0-20 with 60% accuracy in 4/5 opportunities, 60% accuracy in 4/5 opportunities, and 20% accuracy in 4/5 opportunities.

Life Skills/Social/Emotional/Behavioral: "Given specially designed instruction and access to supports (e.g. visuals, manipulatives, adult support), [the Student] will increase [their] life skills and S/E/B skills to follow the classroom academic rotation schedule, get out needed materials, clarify the directions, begin the task, ask for help if needed, and complete the task during the academic work time in 5/6 academic rotations as measured by teacher data collection"; included six STOs to be performed "in 5/6 academic rotations," with baselines of "3/6 rotations" and "4/6 rotations."

Progress to be reported to parents "[i]n writing with report cards."

h. Specially Designed Instruction (SDI): Reading (300 minutes per month); Writing (200 minutes per month); Math (300 minutes per month); and Life Skills/Social/Emotional/Behavioral (90 minutes per month).

i. Related Services: Speech/Language Therapy (90 minutes per month); and Transportation Services ("/to / from school").

j. Accommodations: Visual supports and modeling; tasks broken down into smaller steps; loop scissors and/or pre-cut items; check for understanding; math supports; literacy supports; adult support for peer conflict; scheduled bathroom breaks and reminders; communication between school and home; Inclusion Plan; extra time to process; and access to typing and dictation for assignments.

k. Modifications: Modified curriculum; and modified grading.

l. Supports for School Personnel: OT consultation (80 minutes per year); and Adapted Physical Education consultation (90 minutes per year).

m. Non-Participation Justification: "[The Student] will be removed from participating with [their] non-disabled peers in the regular education classroom setting for individualized small group instruction for SDI in the areas of: Academics, Communication, and Life Skills S/E/B for up to 350 min. per day. [They] may also be removed for up to 5 minutes, 3-4 times per day for bathroom breaks."

13. In the January 9, 2025 Special Education Placement Determination, the IEP team selected "Special class, focus on modified academics, social/emotional/behavioral skills and life skills," from the two options listed.

14. The District reported it issues report cards to students two times per school year, in January and June.

15. The District issued a January 9, 2025 PWN, proposing to initiate the Student's provision of FAPE because "[i]t was [the Student's] annual IEP and the team met to discuss progress towards previous goals and propose new goals."

    The Parent reported they did not receive a copy of this PWN.

16. In a January 23, 2025 ParentSquare message to Parent 2 and the Parent, the Case Manager reported they would "have IEP progress reports and report cards next Friday."

17. The District submitted a 2025 IEP Progress Report for the Student with progress notes dated January 29 and June 12, 2025. The January 29, 2025 progress note for each goal stated, "[The Student's] IEP was recently implemented. Please refer to present levels for most recent data."

18. Both the Parent and Parent 2 reported they did not recall ever receiving an IEP progress report from the District.

19. When asked if IEP progress reports were provided to the Parent and Parent 2 for January 2025, the District stated, "they did an IEP meeting on the 9th so the progress notes would be what was in the IEP."

20. In a February 2, 2025 ParentSquare message to the Case Manager, Parent 2 requested a copy of the Student's IEP. The Case Manager stated they would send a copy home with the Student. In response, Parent 2 asked if they could have a digital copy so they could share it with the Parent. No evidence was provided that either a printed or digital copy was sent to Parent 2.

21. On March 4, 2025, an incident occurred at school in which the Student was injured. The District's Student Accident Report stated, "[The Student] stumbled. [Their] left foot caught on [their] right ankle and fell into a nearby chair hit [their] mouth on a corner of a chair. Entire tooth came out." The Case Manager provided first aid ("treatment: ice and gauze, saved tooth") and the Student was sent home.

22. The District reported, "Student stumbled while transitioning between stations in the academic learning center classroom… the classroom teacher and multiple paraprofessionals were present at the time and witnessed the incident. The fall was entirely accidental and not related to supervision or the Student's IEP supports (i.e., neither the IEP present levels nor Parent concern section mentioned issues with falling). [Parent 2] was promptly contacted on the day of the incident and informed of what occurred. [Parent 2] did not have any concerns at that time. An IEP team meeting was not held following this incident because it was unrelated to IEP implementation, was accidental, and did not indicate a new or existing need for support." When the IEP team met in April 2025, neither parent raised concern with the supports in place for Student related to physical safety.

23. In the Parent's Complaint, they claimed, "[The Student] requires specialized supervision due to [their] developmental and functional needs." Following the March 4, 2025 accident, in which "[the Student] sustained a serious injury while at school… under the care and supervision of school staff… the district did not convene an IEP meeting to review whether [the Student's] supervision, supports, or safety needs were adequate or required modification." This failure "denied the parent an opportunity to meaningfully participate in determining whether [the Student] continued to receive FAPE."

24. When asked whether the Student required extra support for mobility issues, the Case Manager reported the Student did not have any specific services or supports related to mobility and they supervised the Student at the same level as every student in the ALC class.

25. In a March 18, 2025 ParentSquare message to the Case Manager, the Parent requested an electronic copy of the Student's IEP. In response, the Case Manager indicated they emailed it to the Parent. The Parent reported back, stating they never received an email with the IEP from the Case Manager.

26. In an April 2, 2025 ParentSquare message to the Case Manager, the Parent reported they received a copy of the Student's IEP from Parent 2 and "after reading through it, I'd really like to better understand what's happening with [the Student] in the classroom day to day. There are a few areas I'd appreciate more clarity on."

    The Case Manager responded, "I use parent square so that both parents receive the same information from my class… We had [the Student's] IEP in January. [Their] next one will be in December 2025. If you would like to have an IEP in lieu of a conference in April that would be ok."

The Parent replied, “That would be great… I just want to be sure that I understand some of the targets in [their] IEP and how they are being measured.”

The Parent and the Case Manager agreed on a meeting date of April 24, 2025.

27. In the Parent’s complaint, they claimed they “received the completed IEP after the fact and was surprised by the content and level of the goals, which were inconsistent with [the Student’s] demonstrated independent abilities… The district reported goal mastery based on performance that relies heavily on adult prompting, scaffolding, or assistance… The IEP goals do not clearly define the level or type of adult support used, resulting in overstated progress and inaccurate reporting of [the Student’s] true abilities.”

28. The District reported the Student’s January 2025 IEP, as amended in April 2025, “contained five pages of detailed and specific present level information on Student’s reading, writing, and math skills and needs, as well as Student’s functional, social/emotional/behavioral, gross motor, self direction skills and needs. The present levels consider the unique needs of the Student, establish a baseline for goals and progress monitoring, and are clear and unambiguous.”

29. The District issued an IEP Meeting Notice dated April 18, 2025 for a meeting scheduled April 24, 2025 to “amend IEP to update parent concerns.” The Meeting Notice was addressed to the Parent and Parent 2.

    According to the Parent, the Meeting Notice was never provided to them. The Case Manager reported that most special education documents were sent home in the Student’s backpack but could not recall how this particular Meeting Notice was provided to the parents.

30. In an April 24, 2025 ParentSquare message to both parents, the Case Manager sent a link for the virtual meeting.

31. On April 24, 2025, the District convened a meeting, which included the Case Manager, the Parent, Parent 2, and a step-parent.

32. The only change made in the Student’s April 24, 2025 Amended IEP (the April 2025 Amended IEP) was the addition of information in the parent input section of the IEP, which stated, “IEP was amended to add parent concerns. [The Parent] had questions about how the IEP academic goals were developed. All parents have concerns about how much fine motor support [the Student] is getting… Parents want [the Student] to participate in meaningful inclusion… Parents want [the Student] to be included in recesses, play time, assemblies, and field trips… to work on increasing [their] friendship skills[.]”

33. The April 24, 2025 District Meeting Minutes identified the purpose of meeting as, “written agreement signed so IEP can be amended without an IEP meeting.” The Meeting Minutes indicated the Parent asked how the Student had met their IEP goals and brought up discrepancies between the skill level reported by the District and what the Student was

demonstrating at home, among other things. Under "Agreements/Decisions Made," the Meeting Minutes listed "Look for meaningful inclusion times"; "Encourage computer use for writing"; and "Answer questions about IEP when needed."

The Meeting Minutes did not mention any concerns or discussion related to the Student's March 4, 2025 injury.

34. The District issued a PWN dated April 24, 2025, proposing to initiate the Student's provision of FAPE because "[the Student's] parents wanted to review [the Student's] IEP and add their parent input information… Parents had questions about the IEP." The team considered "IEP meeting with all team members," but the "IEP could be amended at this time to answer questions about the goals and add parent input without a new IEP meeting at this time."

    The Parent reported they did not receive a copy of this PWN.

35. In an April 24, 2025 ParentSquare message to the Parent, the Case Manager wrote, "I hope I was able to answer your questions today. I've made notes of your concerns. Feel free to ask any follow up questions you have."

36. The IEP progress notes dated June 12, 2025 (contained in the 2025 IEP Progress Report with January 29, 2025 progress notes) included measurable data for each STO (Language: 2/5, 2/5, 3/5; Reading: each STO at 60% accuracy; Writing: 60%, 60%, "2/3 opportunities for journals"; Math Skills: "for numbers to 50, 2/5 opportunities," "for numbers to 50, 2/5 opportunities," "80% in 3/5 opportunities," and "80% in 3/5 opportunities"; Life Skills/Social/Emotional/Behavioral: met, met, 4/6, met, 4/6, and 3/6).

37. The District reported that the Case Manager mailed two copies of a June 2025 IEP Progress Report to Parent 2's address.

    The Parent reported they did not receive a copy of a June IEP Progress Report from the District.

2025-26 School Year

38. On August 26, 2025, the Student started school as a fifth grader in the ALC classroom.

39. In an October 10, 2025 ParentSquare message to the Parent and Parent 2, the Case Manager wrote, "[The Student's] IEP will be Wednesday, December 10 at 2:30 pm. This will be a good time for me to answer questions you have about middle school."

40. In a December ParentSquare message to the Case Manager, the Parent asked for a link to the upcoming IEP meeting. On December 3, 2025, the Parent wrote again and stated, "Nevermind found it."

41. The District did not submit a meeting notice for the December 10, 2025 meeting, which was scheduled as the Student's annual IEP meeting.

    When asked if a meeting notice was sent to the Parent and Parent 2 for the December 10, 2025 annual IEP meeting, the Case Manager could not recall.

42. The Parent reported they received a copy of an IEP before the December 10, 2025 IEP meeting, sent home with the Student, which they believed was a draft IEP to be reviewed at the meeting. When asked about this copy of the IEP, the Case Manager reported it would have been a draft IEP prepared for the annual IEP meeting.

    The Parent provided this copy of the IEP to the Investigator, which indicated it was a version of the January 2025 IEP, without any updates except for progress notes dated January 29, 2025. It did not contain the amendments made on April 24, 2025.

43. According to the District, "The IEP team met again on December 10, 2025 for Student's annual IEP meeting; however, the general education teacher was unable to attend and, as a result, the annual IEP meeting was rescheduled to February. The IEP team (minus the general education teacher) still met on December 10, 2025 and used the time to gather parent input only."

44. In a December 10, 2025 ParentSquare message to the Parents, the Case Manager sent a link "[f]or [the Student's IEP meeting today."

45. On December 10, 2025, the District convened an IEP meeting to conduct the Student's annual IEP review.

46. The Case Manager reported that right before the December 10, 2025 IEP meeting started, they were informed that the general education teacher could not attend the meeting. The Case Manager stated that once the virtual meeting started, they notified the Parent and Parent 2 that the team would need to reschedule the annual IEP meeting because the general education teacher was not present, but they could still meet to discuss the parent concerns.

    The Case Manager reported an IEP meeting did not occur at that point, but the team members present proceeded to discuss parent concerns. The team members present reviewed the Student's IEP and talked about the present levels and goals. Meeting minutes were not recorded because it was not an IEP meeting.

47. The Parent reported that they were not informed by the District that the status of the December 10, 2025 annual IEP meeting changed or that the annual meeting would need to be rescheduled. They were not aware that a general education teacher was required to be present for the IEP meeting.

48. When asked, Parent 2 recalled being told that the general education teacher could not attend, and the Case Manager asked if the Parents would like to proceed with the meeting or

reschedule. As the general education teacher had no involvement with the Student, Parent 2 conveyed that they wanted to proceed with the IEP meeting. Parent 2 did not recall being informed that it would no longer be considered an IEP meeting or that another meeting would need to be scheduled for the annual IEP meeting.

49. Both the Case Manager and the Parent reported that the Student's IEP was reviewed and discussed at the December 10, 2025 meeting, primarily the present levels of performance and the annual goals. It is unclear if they reviewed the January 2025 IEP present levels at this meeting, or whether the Case Manager provided any updated present levels.

50. According to the Parent, at the December 10, 2025 meeting the following was discussed, among other things:

    a. The team members discussed the present levels and goals in the Student's IEP. The Parent "asked how baseline data was obtained" and "the team could not articulate" the tasks presented, the scaffolding provided, how independence was defined, and how the data was recorded. The reported baselines did not identify "defined support conditions, or clear methodology, and do not reflect [the Student's] demonstrated independent functioning."

    b. The Parent raised discrepancies with IEP present level information for reading, writing, math, life skills, and toileting. In particular, the Parent had concerns about the accuracy of the Student's toileting data, as it was "not consistent with [the Student's] actual functioning… [the Student] does not independently communicate urinary needs" and "frequently returns home in soiled clothing approximately four days per week."

51. On December 10, 2025, following the meeting, the Parent emailed the Case Manager regarding "Request for Review of Goal Progress, Clarification of Present Levels, and Independent Evaluation."

    a. The Parent thanked the Case Manager "for meeting with us today to review [the Student's] IEP."

    b. The Parent disagreed with the present level data shared by the District. The Parent requested an Independent Educational Evaluation (IEE), "because we do not agree that [the Student's] current progress data actually reflects [their] independent abilities. An IEE will help ensure that decisions about [their] middle school placement, services, and goals are based on comprehensive and objective information."

    c. The Parent requested "the specific data used to determine that [the Student] met each of the academic and functional goals we discussed. This will help us better understand the context and conditions under which these skills were observed."

    d. The Parent requested "that future goals clearly reflect what [the Student] can do independently, without significant adult prompting or scaffolding, and that mastery

criteria specify consistency across people, settings, and modalities. We are saying that many skills reported as mastered at school do not generalize to home or community settings, and clear goal language will help ensure [their] IEP accurately represents [their] true functional ability."

52. The Case Manager forwarded the December 10, 2025 email to the District's special education administration, including a District special education facilitator (the Facilitator).

53. The District reported that after receiving the December 10, 2025 email from the Parent, the Facilitator became involved to help the team address the Parent's questions and concerns.

54. When asked about the Parent's claim of discrepancies between what the Student's present levels in the IEP reported and what the Parent believed was accurate, the Case Manager reported they and the Parent might have different interpretations of present level language and the skills being measured.

55. On December 15, 2025, the Facilitator responded to the Parent's December 10, 2025 email, stating, "Thank you for your detailed email. The team will schedule an annual IEP meeting after winter break that includes a general education teacher and myself. During that time, we will address your concerns and requests, including your request for an IEE."

    The Parent responded on December 18, 2025, "Thank you for the update. Meeting after January 9th would work well for us. I also wanted to follow up on the IEP write-up from (the Case Manager) which we understood would be shared by the end of last week."

56. In a December 19, 2025 email to the Parent, the Facilitator wrote, "[The December 10, 2025] meeting was originally intended to serve as [the Student's] annual IEP. However, since the general education teacher was not present, we will need to schedule a follow-up annual IEP meeting with all required team members-essentially a continuation of the process. This follow-up will take place after the annual review date has passed. Until then, [their] current IEP (dated 01/09/25), including all services and goals, will remain in effect. (The Case Manager) will send a Prior Written Notice explaining the delay and will share tentative January dates soon."

57. The Parent reported that they were not aware that the December 10, 2025 meeting was not the Student's annual IEP meeting until they received the December 19, 2025 email from the Facilitator.

58. The Parent reported the District failed to provide the data the Parent requested, including baseline measurements, progress monitoring records, and conditions under which skills were observed. The Parent claimed, "Without this data, the parent cannot verify the accuracy of present levels or meaningfully participate in educational planning."

59. The District reported that it "indicated that such data would be included in the IEP and discussed as a team at the annual IEP meeting… At the time of the December 10, 2025, email,

progress reports had not been completed for the first semester and could therefore not be provided to [the Parent]."

60. The Case Manager reported that they and educational assistants tracked the Student's goal progress on progress monitoring sheets. These were used to write the Student's IEP progress reports. Once the Case Manager completed the reports, they shredded the progress monitoring data sheets.

    It is unclear if the District ever conveyed this information to the Parent. The Parent reported they were never given a clear answer or explanation for why the District would not provide this data to the Parent.

61. The District issued a PWN dated December 19, 2025, proposing to initiate the Student's provision of FAPE. "The IEP team met on 12/10/25 to conduct [the Student's] annual IEP meeting. The general education teacher was unable to attend this meeting. Therefore, the annual IEP meeting will need to be rescheduled in January 2026. The conversation on 12/10/2025 was for parent input because all required members of the IEP team were not present… A general education teacher must be present as a required team member for [the Student's] annual IEP… [The Student's] IEP dated 01/09/25 will continue to be implemented until the team reconvenes for [their] new annual IEP review."

    The District reported that this PWN was sent to the Parent on January 14, 2026.

    The Parent reported that this was the first PWN they had ever received from the District.

62. In a January 6, 2026 email to the Facilitator and the Case Manager, the Parent wrote, "[C]an you share any update on when we can expect [the Student's] follow-up IEP meeting to be scheduled?"

63. On January 14, 2026, the Parent sent an email to the District "to formally express several concerns regarding [the Student's] current educational situation and request next steps as we plan for the upcoming year… the lack of a timely IEP has created increasing uncertainty regarding [the Student's] current classroom supports and services… on 12/19, we were told by [the Facilitator] that [the Case Manager] would be sending written notice explaining the delay[.]" The Parent expressed concerns about the transition to middle school the following year and where the Student would attend. The Parent requested a visit at the closest middle school (the Middle School), as it was "the only special-needs program within a reasonable distance of both parents' homes." The Parent wanted to "see the classroom space, and meet with the teacher and/or program staff to better understand the structure and supports of that program."

64. In a January 14, 2026 ParentSquare message to both Parents, the Case Manager offered to reschedule the IEP meeting on February 2 or 13, 2026. The Parent requested February 2, 2026.

65. The District issued a Meeting Notice dated January 14, 2026, for an IEP meeting on February 2, 2026.

    The Parent reported they did not receive this Meeting Notice until February 6, 2026, after the meeting.

66. A January 14, 2026 internal District email indicated the Parent made a records request. A District special education records specialist wrote to the Case Manager and the Facilitator, stating, "I see that you have a PWN in place dated December rescheduling the meeting in January since the Gen Ed teacher wasn't available at the time. Were you able to meet again? Do you think you can provide the documents so that I can go ahead and process it for onward submission?"

67. In a January 14, 2026 ParentSquare message to the Parents, the Case Manager attached a pdf of the PWN dated December 19, 2025.

68. The Parent reported that after reviewing documents provided by the District in response to their records request, the Parent discovered special education documents that they had never seen before. The Parent indicated that they never received a copy of the Meeting Notice for the April 25, 2025 IEP meeting or the April 25, 2025 PWN, although the Meeting Notice was addressed to both the Parent and Parent 2.

    The Parent reported that the records provided by the District did not include any IEP progress reports for the Student.

69. On January 20, 2026, the Parent emailed the District again, to follow up on their request to visit the Middle School.

    A District program specialist (the Program Specialist) responded, "[S]tudent location information for the next school year will be shared out to families in late February. No information is available at this time. In the meantime, I have noted in our files your preference for [the Student] to attend the neighborhood school of [the Middle School]."

    The Parent requested details on "the program [the Student] will be in next year," "[s]ince an in-person visit doesn't seem to be an option right now[.]"

    The Program Specialist recommended the Parent talk to the Case Manager about their questions.

70. The Parent reported they were concerned about the Student's placement for the following year because of how things were going with the District and they questioned whether the District could appropriately serve the Student.

71. On January 22, 2026, the Parent filed this Complaint, which included the following concerns, among others:

a. The District failed to respond or provide information requested by the Parent, including the request for an IEE and for progress monitoring data used to determine the Student's present levels. "[T]he parent formally requested an [IEE]… due to disagreement with the district's evaluation and reported progress…. The district has not provided a timely written response either agreeing to fund the IEE or initiating due process to defend its evaluation[.]"

b. "In early 2026, as the family began evaluating future placement options, the parent requested information about an access to observing the proposed [District] program under consideration. The district stated it would not engage in these discussions or allow access until March 2026, preventing the parent from understanding program structure, staffing, and supports."

72. On February 2, 2026, the District convened an IEP meeting to conduct the Student's annual IEP review.

73. The Facilitator reported the following about the Parent's allegations, among other things:

a. The method of providing documents to parents depends on the individual case manager and parent preferences. If a document was sent home in a student's backpack, the District would not have a record of this.

b. The District does not provide raw progress data to parents. Depending on the individual case manager, this data is generally not maintained.

c. The Facilitator was confused by the IEE request because the Student had not been evaluated since 2023, and it did not appear that the Parent was objecting to any specific evaluation or assessment area. They tried to clarify this by asking the Parent follow-up questions.

d. When asked, the Facilitator reported the Parent did have some valid concerns about the Student's 2025 IEP. The IEP needed to be updated to what the Student could currently do and there needed to be more collaboration in developing the IEP. They shared that, as of February 2026, the Student appeared to be functioning at a lower level in some areas than indicated in the January 2025 IEP.

e. When asked, the Facilitator indicated that the Parent seemed more concerned with the location where the Student would be attending the following year, rather than their placement in a special education class.

74. The District's February 12, 2026 Response included the following, among other things:

a. "Nothing in the IDEA requires a specific level of detail in the present level section of the IEP… It appears that the [Parent] takes issue with the present level information primarily

due to disagreement with the accuracy of data presented, as opposed to a lack of data or unclear data… the data contained in both IEP present levels sections is accurate and based on formal and informal assessments, progress monitoring, and staff observations… Each of th[e] goals is based on present level data and is clearly defined and measurable."

b. "[T]he District neither declined or approved [the Parent's] IEE request. Instead, the District asked for clarification surrounding the request and, because the most recent evaluation was over two years old, the District indicated it would consider the request once the evaluations were completed." "[T]he district was not required to issue a prior written notice."

c. Regarding the Parent's request for a school visit and additional information about the Middle School, the District shared with the Parent "that a visit can be scheduled as soon as class list are finalized. The District also shared that the special education facilitator would be readily available to discuss placement options and answer any questions they might have."

IV. DISCUSSION

IEP Content

The Complaint alleged that the District violated the IDEA when it failed to include specific special education and related services and supplementary aids and services in the Student's IEP necessary to fully address the Student's needs that result from the Student's disabilities. This included failing to include (1) accurate and specific present level information, and (2) measurable and clearly defined annual IEP goals.

A school district "must offer an IEP reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances."[3] An IEP must contain (1) a statement of the student's present levels of achievement and functional performance, including how the student's disability affects the student's involvement and progress in the general education curriculum; (2) a statement of measurable annual goals designed to enable the child to be involved in and make progress in the general education curriculum, and meet each of the child's other education needs that result from their disability; and (3) a description of how the student's progress toward meeting the annual goals will be measured and reported, among other things.[4]

An IEP must include an accurate statement of a student's present levels of performance, which must consider a student's individual needs and be specific enough to form a baseline for developing measurable annual goals and measuring future progress.[5] IEP teams must gather and interpret present levels effectively to ensure the IEP establishes goals that provide the opportunity to meet challenging objectives.[6]

[3] *Endrew F. v. Douglas Cty. Sch. Dist.*, 137 S.Ct. 988, 999 (2017).
[4] OAR 581-015-2200(1); 34 CFR §300.320(a).

[6] *Q&A on U.S. Supreme Court Case Decision Endrew F.*, 71 IDELR 68.

The statement of measurable annual goals should be (1) specific enough to identify what skills will be required to meet the goal; (2) specific enough to identify whether the student made progress; and (3) written in a way to allow objective measurement of progress towards the goal.[7] The alignment of IEP goals with the general education curriculum "must guide, and not replace, the individualized decision-making required in the IEP process," including "careful consideration of a child's present levels, disability, and potential for growth."[8] "The adequacy of a given IEP turns on the unique circumstances of the child for whom it was created."[9]

There were two IEPs implemented during the complaint period, the January 2025 IEP and the April 2025 Amended IEP. The April 2025 Amended IEP did not make any changes to the Student's present levels of academic achievement and functional performance, nor to the measurable annual goals.

The Student's present levels identified the Student's specific needs, and established baselines for developing goals and measuring future progress. The IEP goals were specific enough to determine what skills would be required to meet the goals, identified when support would be provided as part of the goal, and included baselines for measuring progress. The IEPs identified when progress reports would be provided to the Parents. The Students IEPs were reasonably calculated to enable the Student to make progress appropriate in light of their circumstances.

The Facilitator indicated the Parent had some valid concerns and agreed the IEP needed to be updated to more accurately reflect the Student's current present levels of performance. The Parent's main concern was surrounding the reported present level for toileting. However, because the 2025 IEPs did not include a goal for toileting, this data was not relied on when developing the Student's annual goals. Additionally, the present levels addressed how staff would support the Student in this area. June 12, 2025 IEP progress notes indicated that the Student was making progress on their current goals, compared to the baselines established in the January 2025 IEP.

The Department does not substantiate this allegation.

Review and Revision of IEPs

The Complaint alleges that the District violated the IDEA by failing to review and revise the Student's IEP, as appropriate, to address the Student's anticipated needs or other matters. This included failing to review the IEP following a March 2025 injury to determine whether the Student's IEP should be revised to address supervision, supports, or safety needs.

A child's IEP must be reviewed and revised periodically, but at least once every 365 days, to determine whether the annual goals for the child are being achieved.[10] The IEP team should meet more frequently "throughout the course of the school year, if circumstances warrant

[7] *Q&A on U.S. Supreme Court Case Decision Endrew F.*, 71 IDELR 68; 71 Fed. Reg. 46,662-46,664 (2006).
[8] *Q&A on U.S. Supreme Court Case Decision Endrew F.*, 71 IDELR 68.
[9] *Endrew F.*, 137 S.Ct. at 1001.
[10] OAR 581-15-2225(1)(a); 34 CFR §300.324(b)(1)(i).

it."[11] The IEP team must revise a student's IEP, as appropriate, to address: (1) any lack of expected progress towards the annual goals and the general education curriculum; (2) the results of any reevaluation conducted; (3) information about the student provided to, or by, the parents; (4) the student's anticipated needs; or (5) other matters.[12] Changes to an IEP can be made either by the entire IEP team at an IEP meeting, or the parents and the district may agree to make IEP changes without a meeting.[13]

"An IEP is not a guarantee of a specific educational or functional result for a child with a disability. However, the IDEA does provide for revisiting the IEP if the expected progress is not occurring."[14] While the district "is responsible for determining when it is necessary to conduct an IEP Team meeting," parents "have the right to request an IEP Team meeting at any time."[15]

The Parent claimed that the District should have convened an IEP meeting following the Student's March 4, 2025 injury at school "to review whether [the Student's] supervision, supports, or safety needs were adequate or required modification." There is no indication that the Student's anticipated needs changed, or that either parent provided any new information to the District related to this issue that would have required the District to initiate a review of the Student's IEP at that time. The Parent also did not request an IEP meeting to discuss the injury or any related IEP concerns.

When the Parent expressed concerns about the Student's IEP in March 2025, the Case Manager offered to review the IEP "in lieu" of April conferences. Some IEP team members met on April 25, 2025, and the Parents agreed to revise the IEP by written agreement. The only change made to the April 2025 Amended IEP was the addition of parent input. Parent concerns contained in the April 2025 Amended IEP and Meeting Minutes did not mention the Student's fall or subsequent injury.

The next IEP meeting was planned for December 10, 2025, which was scheduled as the Student's annual IEP meeting. However, the District failed to secure the attendance of a general education teacher. Both Parents indicated they wanted to proceed without the general education teacher, rather than reschedule the meeting. It is unclear why the District did not suggest the option of waiving the general education teacher's attendance at the December 10, 2025 meeting and conduct the annual IEP review. As a result, the Student's annual IEP review date passed on January 8, 2026.

The District did not convene the full IEP team to review the Student's IEP until February 2, 2026. Although the District reported that the Student's existing IEP continued to be implemented until the new IEP was completed, the failure to conduct a review of the Student's IEP within 365 days resulted in a procedural violation of the IDEA.

The Department substantiates this allegation.

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[11] *Q&A on U.S. Supreme Court Case Decision Endrew F.*, 71 IDELR 68.
[12] OAR 581-015-2225(1)(b); 34 CFR §300.324(b)(1)(ii).
[13] OAR 581-15-2225(2); 34 CFR §300.324(a)(6)
[14] *Q&A on U.S. Supreme Court Case Decision Endrew F.*, 71 IDELR 68.
[15] *Q&A on U.S. Supreme Court Case Decision Endrew F.*, 71 IDELR 68.

Independent Education Evaluation

The Complaint alleges that the District violated the IDEA when it failed to respond to the Parent's request for an independent educational evaluation (IEE), and failed to follow the appropriate procedure when it did not ensure that an IEE was provided without unnecessary delay or initiate a due process hearing to show that the District's evaluation of the Student was appropriate.

"Evaluation" is defined as procedures used to determine whether a child has a disability, and the nature and extent of the special education and related services that the child needs.[16] A district must identify all of a child's special education needs, whether or not commonly linked to the disability category in which the child has been classified.[17] The evaluation must include assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child.[18]

"Independent educational evaluation (IEE)" is an evaluation conducted by a qualified examiner who is not employed by the school district responsible for the child in question.[19] A parent of a child with a disability or suspected disability has the right to an IEE at public expense if the parent disagrees with an evaluation obtained by the school district.[20] If a parent requests an IEE at public expense, the school district must provide information to the parent about where an IEE may be obtained, as well as the school district's criteria for IEEs. The school district must, without unnecessary delay, ensure that an IEE is provided at public expense, or initiate a due process hearing to show its evaluation is appropriate.[21]

"This is so even if the reason for the parent's disagreement is that the public agency's evaluation did not assess the child in all areas related to the suspected disability."[22] "The IDEA affords a parent the right to an IEE at public expense and does not condition that right on a public agency's ability to cure the defects of the evaluation it conducted prior to granting the parent's request for an IEE."[23] If a school district failed to ensure that its evaluation was sufficiently comprehensive, a parent has the right to request an IEE to fill in the gaps that were not covered by the district.[24]

The most recent evaluation of the Student conducted by the District was in 2023, for the Student's three-year reevaluation.

The Parent formally requested an IEE in writing on December 10, 2025, conveying that they did not agree that the Student's "current progress data actually reflects [their] independent abilities." The Parent wanted an IEE to "ensure that decisions made about [the Student's]

[16] OAR 581-015-2000(11); 34 CFR § 300.15
[17] OAR 581-015-2110(4)(e); 34 CFR § 300.304(c)(6)
[18] OAR 581-015-2110(4)(f); 34 CFR § 300.304(b)
[19] OAR 581-015-2305(1)(a); 34 CFR § 300.502(a)(3)(i)
[20] OAR 581-015-2305(1); 34 CFR § 300.502(b)
[21] OAR 581-015-2305(4); 34 CFR § 300.502(b)
[22] *Letter to Carroll*, 68 IDELR 279 (OSEP 2016)
[23] *Id.*
[24] *Letter to Baus*, 65 IDELR 81 (OSEP 2015)

middle school placement, services, and goals are based on comprehensive and objective information." The Parent did not object to a specific evaluation conducted by the District, nor did they indicate that the District failed to assess the Student in all areas related to their suspected disability.

The Parent's request did not trigger the District's obligation to ensure that an IEE was provided at public expense, or to initiate a due process hearing to show its evaluation was appropriate.

The Department does not substantiate this allegation.

Parent Participation

The Complaint alleged that the District violated the IDEA by interfering with the Parent's ability to participate in decisions with respect to the identification, evaluation, IEP and educational placement of the Student, and the provision of a free appropriate public education to the Student. This included (1) developing the Student's IEP at an IEP meeting without the Parent present, (2) providing the Parent with inaccurate information, and (3) refusing to provide the Parent with information when requested, such as IEP goal progress data and placement options being considered by the IEP team.

A school district must provide one or both parents the opportunity to participate in meetings with respect to the identification, evaluation, IEP, educational placement, and FAPE of the child.[25] Districts must provide parents with written notice of IEP meetings in advance to ensure that parents have the opportunity to attend.[26] The written notice must include, among other things, the purpose, time, and place of the meeting, as well as who will attend.[27] "Providing complete notice to a parent of an upcoming IEP meeting is a foundational element of giving the parent full participation in the IEP process."[28] Sending documents home in a child's backpack does not guarantee receipt by a parent. If a district has no proof than an IEP meeting notice was sent to or received by a parent, this may support a finding that the district interfered with the parent's right to meaningfully participate in the meeting.[29]

Districts must consider the concerns of the parents for enhancing the education of their child, among other indicators of the student's academic, developmental, and functional needs.[30] "[P]arents have the right to bring questions, concerns, and preliminary recommendations to the IEP Team meeting as part of a full discussion of the child's needs and the services to be provided to meet those needs."[31] School districts have educational discretion, but parents still have the right "to remain informed of, and to participate in, educational decisions concerning their children."[32]

[25] OAR 581-015-2190(1); 34 CFR §300.501(b).
[26] OAR 581-015-2190(2); 34 CFR §300.501(b).
[27] OAR 581-015-2190(2); 34 CFR §300.501(b).
[28] *Lincoln County Sch. Dist.*, 68 IDELR 288 (SEA OR 2016).
[29] *Id.*
[30] OAR 581-015-2205(1)(b) and (d); 34 CFR §300.324(a)(1).
[31] *Letter to Northrop* (OSEP 2013), citing 71 Fed. Reg. 46,678 (2006).
[32] *Pasatiempo v. Aizawa*, F.3d 796, 804 (9th Cir. 1996).

"In situations where the parents of a child are divorced," both parents retain all parental rights established under the IDEA, "unless a court order or State law specifies otherwise."[33]

School districts must comply with a parent's request to inspect and review their child's education records without unnecessary delay before any meeting regarding an IEP, and in no case more than 45 days after the request has been made.[34] OAR 581-015-2300 adopted provisions of FERPA for purposes of ensuring the safeguards required for education records of children with disabilities. This includes all education records with respect to the identification, evaluation, placement, and provision of FAPE to the child. [35] Under FERPA, "education records" are defined as those records that are (1) directly related to a student; and (2) maintained by an educational agency. This does not include records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.[36] "Maintain" has been interpreted as covering records that are "kept in a filing cabinet in a records room at the school or on a permanent secure database."[37] For example, a district "is not required to turn over emails that were not 'maintained' in a physical file or secure electronic data base[38]OBJ

"[P]lacement refers to the provision of special education and related services rather than a specific classroom or specific school."[39] Placement is not interchangeable with location. "Placement" refers to "points along the continuum of placement options available for a child with a disability," while "location" refers to "the physical surrounding… in which a child with a disability receives special education and related services."[40]

(1) The Parent reported they were not afforded the opportunity to meaningfully participate at the January 9, 2025 IEP meeting. This allegation did not occur within the complaint period. Accordingly, the Department will not make a substantive determination regarding this allegation.

(2) The Parent reported the District provided inaccurate information in the present levels of performance in the Student's 2025 IEPs. At the December 10, 2025 IEP meeting, the Parent expressed their disagreement with the present levels, citing that the Student did not demonstrate these skills independently at home or in the community. However, the information included in the IEP discussed at the December 10, 2025 IEP meeting was from January 2025. The team did not have updated present levels at the time. Further, the Student's January 2025 IEP goals stated the Student would perform the identified tasks with supports, such as visuals, manipulatives, and adult support. As such, the inclusion of data related to the Student's performance with support was appropriate.

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[33] 71 Fed. Reg. 46,568 (2006).
[34] OAR 581-015-2300(3); 34 CFR §300.501.
[35] OAR 581-015-2300(3); 34 CFR §300.501.
[36] OAR 581-015-2300(1); 34 CFR §99.3.
[37] *Owasso Indep. Sch. Dist. No. 1-011 v. Falvo*, 536 U.S. 426 (2002).
[38] *S.B. v. San Mateo-Foster City Sch. Dist.,* 118 LRP 31608 (N. D. Cal. 04/11/17), *aff'd, Burnette v. San Mateo Foster City Sch. Dist.,* 72 IDELR 147 (9th Cir. 2018, unpublished).
[39] 71 Fed. Reg. 46,687 (2006).
[40] 71 Fed. Reg. 46,588 (2006).

(3) The Parent reported that the District failed to provide the Parent with information when requested, such as IEP goal progress data and placement options being considered by the IEP team.

The District was required to provide both Parents with periodic IEP progress reports containing measurable progress data and include data in the IEP present levels of performance. The District was also required to provide both Parents access to inspect and review the Student's education records that were maintained by the District. Notwithstanding, there is no requirement in the IDEA that the District maintain raw data, progress monitoring sheets, or other notes used to complete the Student's IEP progress reports. The Case Manager indicated that they shredded the underlying progress data once they completed IEP progress reports.

If the District had maintained a record of additional, underlying progress data as part of the Student's education records, it would be required to comply with the Parent's request. However, there is no evidence on the record to indicate that the District maintained any records responsive to this request.

However, the record indicates that the District did not provide the Parent and Parent 2 with IEP progress reports during the complaint period. Both the Parent and Parent 2 could not recall ever receiving IEP progress reports from the District. The Parent also indicated that no IEP progress reports were included in the copy of the Student's education record provided by the District.

The District reported that (1) January 2025 IEP progress reports were not sent out because the Student's annual IEP was held and the current progress data was in the January 2025 IEP; and (2) the Case Manager mailed two copies of a June 2025 IEP progress report to Parent 2's address. Even assuming that these statements are true, this would not comply with the District's obligation to provide periodic progress reports to both the Parent and Parent 2. Regardless of the timing of the January 2025 IEP meeting or the information contained in the IEP, it did not relieve the District of the obligation to report progress in writing with report cards. Further, mailing two copies of an IEP progress report to Parent 2 did not fulfill the requirement for the District to provide written progress reports to both Parents.

In addition to IEP progress reports, the Parent reported they did not receive meeting notices or PWN, some of which were included in the documents provided in response to the Parent's records request. The Case Manager stated they generally provided the Parents with special education documents by sending two hard copies home in the Student's backpack, one for each parent. Parent 2 said the Student was with the Parent and Parent 2 on alternating weeks, and documents sometimes did not make it to the other parent. Sending two copies of documents home in the Student's backpack did not fulfill the District's obligation to provide both the Parent and Parent 2 with notice required by the IDEA, especially given that the Parents lived in different households. When asked, the Facilitator stated the District had no way of verifying that documents were provided to the Parent.

There is no evidence that the District issued a meeting notice for the December 10, 2025 IEP meeting, which was scheduled as the Student's annual IEP meeting. Even if the meeting did not

end up serving as the annual IEP meeting, written notice containing the purpose, time, and place of the IEP meeting, and who would attend, was required.

Regarding the alleged failure of the District to provide information regarding placement options being considered, there is no evidence that any placement changes were being considered by the District during the complaint period. Additionally, the concerns expressed by the Parent indicated they had questions about the location of the middle school and classroom that the Student would attend the following school, rather than concerns about the Student's special education placement.

The failure to provide both the Parent and Parent 2 with IEP progress reports, meeting notices, and PWN as required by the IDEA interfered with the Parent's ability to participate in decisions with respect to the identification, evaluation, IEP and educational placement of the Student, and the provision of FAPE to the Student.

The Department substantiates this allegation.

Prior Written Notice

The Complaint alleged that the District violated the IDEA by not providing the Parent with prior written notice within a reasonable period of time before the District proposed to initiate or change the identification, evaluation, educational placement, or provision of a free appropriate public education to the Student.

School districts must provide PWN to parents within a reasonable period of time before the district proposes or refuses to initiate or change the identification, evaluation, educational placement, or provision of FAPE to a child.[41] PWN must include a description of the action proposed or refused; an explanation why the action was proposed or refused; a description of each evaluation procedure, assessment, record, or report used as the basis of the proposal or refusal; a description of other options the IEP team considered and the reason why they were rejected; a description of other relevant factors; and notice of procedural safeguards.[42]

The purpose of PWN is to inform parents of a district's final action on a proposal or refusal to initiate or change elements of a student's special education program.[43] The formal requirement of written notice "has an important purpose that is not merely technical… [it] creates a clear record" to eliminate future factual disputes, and assists parents in presenting complaints related to an action proposed or refused by the district.[44] It can also alert parents "to the need to consider seriously" the proposal, and decide whether to oppose the district's offer.[45] A district must provide the written notice to parents early enough that parents have time to fully consider a proposed change and respond to the action before the district implements the action.[46]

[41] OAR 581-015-2310(2); 34 CFR §300.503.
[42] OAR 581-015-2310(3); 34 CFR §300.503.
[43] *Letter to Lieberman* (OSEP 2008).
[44] *Union Sch. Dist. v. Smith*, 20 IDELR 987 (9th Cir. 1994).
[45] *Id*.
[46] *Letter to Chandler* (OSEP 2012)

PWN must be provided "whether or not the proposal or refusal is made during the course of an IEP meeting."[47] PWN must also be provided when a district agrees or disagrees with a change proposed by a parent.[48]

The District issued a PWN dated December 19, 2025 regarding the December 10, 2025 IEP meeting. However, it was not provided to either Parent until January 14, 2026. The December 19, 2025 PWN stated that the District did not convene an IEP meeting on December 10, 2025 due to the absence of a general education teacher and the Student's annual IEP meeting would be re-scheduled in January 2026. The PWN did not mention the December 10, 2025 requests made by the Parent at the meeting or by email. The District's conclusion that the Parent's request did not trigger the District's obligation to provide an IEE was appropriate. Regardless, the Parent made a request regarding an evaluation for the Student. The District should have provided PWN regarding the Parent's IEE request to explain why the request was not appropriate at that time.

Although the District explained its position in emails to the Parent, the emails did not contain the elements required for PWN and did not relieve the District of its obligation to provide PWN to the Parent.

The Department substantiates this allegation.

V. CORRECTIVE ACTION

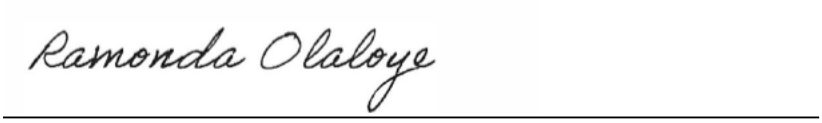
In the Matter of Beaverton School District 48J
Case No. 26-054-009

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

Action Required	**Submissions**	**Due Date**
1. The District must ensure that all District staff involved in the Student's special education and placement receive training in each of the following areas: • Review and Revision of IEPs; • Periodic reporting to parents on IEP goal progress; • Parent participation and written meeting notice requirements; • Prior Written Notice.	Training agenda/materials to ODE for review/approval. Sign-in sheet for training.	**May 1, 2026** **October 1, 2026**

[47] *Id.*
[48] *Letter to Lieberman* (OSEP 2008).

Dated: this 23 Day of March 2026



Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing Date: March 23, 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).