BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of West Linn-Wilsonville School District 3J and Clackamas ESD	))))	FINDINGS OF FACT, CONCLUSIONS, AND FINAL ORDER Case No. 26-054-017

I. BACKGROUND

On February 3, 2026, the Oregon Department of Education (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 West Linn-Wilsonville School District 3J (District) and receiving services from the Clackamas ESD (ESD). 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 and the ESD.

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 February 11, 2026, the Department's Complaint Investigator sent a *Request for Response (RFR)* to the District and the ESD identifying the specific allegations in the Complaint to be investigated and establishing a *Response* due date of February 26, 2026.

The District and the ESD each submitted a *Response* on February 25, 2026, denying the allegations, and providing an explanation supporting the District and the ESD positions. The ESD and the District submitted the following relevant items:

1. District's Written *Response* to Complaint, dated 2/25/26
2. ESD's Written *Response* to Complaint, dated 2/25/26
3. IFSPs: 09/09/25 – 10/3/25
4. Emails: 10/08/25 – 2/3/26
5. Notice of IFSP Team Meetings: 9/07/25 – 10/1/25
6. Prior Notice of EI/ECSE Actions: 9/24/25 – 10/07/25
7. Transportation Request, 10/03/25
8. Composite Service Log: 01/06/25 – 02/12/26
9. Statement of Eligibility (ASD): 03/05/24

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

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

10. ECSE Calendar: 2025–26 School Year

The Parent submitted a *Reply* on February 11, 2026, providing an explanation and rebuttal and documents in support of the Parent's position, as well as additional documents submitted on February 12 and March 2, 2026. The Parent submitted the following relevant items:

1. Parent's *Reply* to the District's *Response* to *RFR*, 03/02/26
2. IFSP, 02/28/25
3. Transportation Request, 08/19/21, 8/28/24

The Complaint Investigator interviewed the Parent on March 9, 2026. On March 11, 2026, the Complaint Investigator interviewed District and ESD personnel. The Complaint Investigator reviewed and considered all of these documents, interviews, and exhibits in reaching the findings of fact and conclusions of law contained in this order. This order is timely.

II. ALLEGATIONS AND CONCLUSIONS

The Department has jurisdiction to resolve this Complaint under 34 CFR §§ 300.151-153 and OAR 581-015-2030. The Parent's allegations and the Department's conclusions are set out in the chart below. The conclusions are based on the Findings of Fact in Section III and the Discussion in Section IV. This Complaint covers the one-year period from February 4, 2025, to the filing of this Complaint on February 3, 2026.

Allegations[3]	Conclusions
When IFSPs Must Be In Effect Upon Transfer from Within Oregon The Parent alleged the District and the ESD violated the IDEA by not providing special education and related services, as described in the Student's IEP/IFSP, for six months when the Student transferred to the District from another Oregon district. (OAR 581-015-2830(1)(4), OAR 581-015-2230(1), 34 CFR § 300.323)	**Not Substantiated** The ESD developed a new IFSP for the Student within three days of the new school year starting.
Special Education Placement in the Least Restrictive Environment (ECSE) The Parent alleged the District and the ESD violated the IDEA by not providing the Student with an appropriate special education placement within the required timelines.	**Not Substantiated** The ESD provided the Student with an appropriate special education placement.

[3] At the time the Request for Response was sent to the District and the ESD, based on the content of the Complaint, the Complaint Investigator understood that the Student received special education services in accordance with an IEP. Upon receiving documentary evidence, it was discovered that the Student had an IFSP and did not have an IEP. The allegations, as stated in this Order, have been adjusted accordingly.

Allegations[3]	Conclusions
Further, the Parent alleged they made repeated requests for a change in placement. (OAR 581-015-2845; 34 CFR §§ 300.114-116, 300.327)	
Content of the IFSP The Parent alleged the District and the ESD violated the IDEA by not providing the Student with appropriate transportation services when the District offered transportation other than a public school bus. (OAR 581-015-2815(3)(d); 34 CFR § 300.320(4))	**Not Substantiated** The District provided the Student with transportation services in accordance with their IFSP.
Parent Participation in IFSP Meeting The Parent alleged the District and the ESD violated the IDEA by attempting to schedule an IEP/IFSP meeting without having current data, which impacted the Parent's ability to have meaningful parent participation. (OAR 581-015-2825, OAR 581-015-2810; 34 CFR §§ 300.321, 300.322, 300.324)	**Not Substantiated** The Parent had the opportunity for meaningful participation in the development of the Student's IFSP.
Free Appropriate Public Education (FAPE) The Parent alleged the District and the ESD violated the IDEA by failing to provide the Student with a FAPE. (OAR 581-015-2850; 34 CFR § 300.101)	**Not Substantiated** There were no procedural or substantive violations of the IDEA that resulted in a denial of FAPE.

REQUESTED CORRECTIVE ACTION
1. "Provide safe, appropriate transportation that meets [the Student's] disability-related needs (an aide or a monitored vehicle)." 2. "Immediately place [the Student] in [their] appropriate educational program." 3. "Provide compensatory education for the months of missed services." 4. "Convene an IEP meeting for transportation and placement, and updated data is available." 5. "Provide a Prior Written Notice for any decisions made without my agreement." 6. "Ensure compliance with the IDEA and Oregon Administrative Rules moving forward."

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 February 4, 2025. Any facts listed below relating to circumstances or incidents earlier than that date are included solely to provide the context necessary to understand the Student's disability and special education history.

1. The Student is four years old and enjoys giving hugs, drumming on tables, the sound of a vacuum and holding hands.

2. The Student qualifies for an IFSP under the IDEA category of Autism Spectrum Disorder.

3. The Parent and the Student moved within the boundaries of the District and the ESD on July 29, 2025 and the District and ESD were notified of the Student's arrival on August 12, 2025. Prior to this date, the Student received services from a different ESD (Previous ESD) and school district (Previous District) in accordance with an IFSP.

4. A Transportation Request with a start date of August 28, 2024, from the Previous District indicated:
   a. The request for transportation was made on behalf of the Student by the Parent.
   b. A start date of August 28, 2024.
   c. Pick-up and drop-off locations for transport were indicated.
   d. Disability indicated with an "X" next to Autism.
   e. Assistive equipment indicated with an "X" next to "booster/car seat/restraint."
   f. Special Conditions indicated with an "X" for "Do not let off bus w/o adult to receive child (school and home)."
   g. Notes: "Due to safety concerns, child must be in a 5-point harness[.]"

5. An IFSP dated February 28, 2025, from the Previous ESD stated:
   a. Early Intervention (EI) and ECSE indicated:
      i. A start of February 28, 2025 through February 27, 2026, for Service Coordination by the Service Coordinator to conduct direct paperwork, meetings, and phone calls for 15 minutes, one time a month, per the program calendar. Locations included home, office, classroom, and/or meeting sites.
      ii. A start of March 3, 2025 through February 27, 2026, for specialized instruction in expressive and receptive language, social, cognitive, adaptive, gross, and fine motor skills conducted by the EI/ECSE staff for two hours and 30 minutes, four times a week, per the program calendar in the classroom.
      iii. A start of March 6, 2025 through February 27, 2026, for direct Speech Language Therapy, conducted by the Speech Language Pathologist (SLP) or the Speech Language Pathologist Assistant (SLPA) for 15 minutes, two times a month per the program calendar in the classroom.
      iv. A start of February 28, 2025 through February 27, 2026, for Speech Language Therapy consultation, conducted by the SLP or the SLPA for 15 minutes a month per the program calendar. Locations included home, office, classroom, and or meeting sites.

v. A start of February 28, 2025 through February 27, 2026, for Autism Services consultation conducted by the EI/ECSE provider, for 45 minutes per month per the program calendar.

b. Other services indicated:
   i. A start of February 28, 2025 through February 27, 2026, for direct Occupational Therapy (OT) conducted by another agency provider, for one hour, two times per month at the other agency location.
c. The number of hours per week the Student attended an Early Childhood (EC) program was ten hours.
d. Supplemental services, adaptations, and accommodations with a start date of February 28, 2025 through February 27, 2026, for two hours and 30 minutes, four times per week in the classroom for visual supports and sensory tool access.
e. Modifications or supports for program personnel, with a start date of February 28, 2025 through February 27, 2026, for two hours of coaching and training in Autism, one time per year. Locations included home, office, classroom, and/or meeting sites.
f. Special factors for consideration indicated behavior and communication needs.
g. Developmental information stated, "[The Student's] delay in development makes it difficult for [them] to interact with adults and peers, solve problems, and communicate [their] wants and needs. [The Student] becomes frustrated when [the Student] is unable to convey what [they are] needing and misses out on participating in appropriate activities."
h. Information considered in the development of the IFSP included parental and staff input, most recent evaluations, a family support questionnaire, a parent/provider report, data collection, and observation.
i. Areas for development included expression and receptive communication, social-emotional skills, adaptive skills, cognitive skills, and fine and gross motor skills.
j. Goals in the areas of expressive communication, receptive communication, social or emotional, adaptive, cognitive, fine motor, and gross motor skills were indicated.
k. The placement decision indicated:
   i. The ECSE classroom has the benefits of a modified preschool curriculum, a high staff-to-student ratio, highly trained staff in special needs areas, and a highly structured environment that is "language-rich."
   ii. Possible harmful effects on the Student stated a lack of typical peers.
   iii. Modification and services detailed: service coordination; specialized instruction in communication, cognitive, adaptive, gross motor, fine motor, and social/emotional skills; monitor progress; visual support system; access to sensory tools; speech-language therapy; autism services; and transportation.
   iv. The selected option stated, "The team has determined the ECSE classroom to be the best placement to address [the Student's] goals. This classroom currently includes no typical peers. The ECSE classroom focuses on multiple skill areas within a structured, modified preschool curriculum. The team has concerns regarding [the Student's] communication, cognitive, adaptive, motor, and social skills. [The Student] needs the adult support, highly trained staff, peers for socialization and modeling, and low child: adult ratios of the ECSE classroom to make satisfactory progress on goals."

6. An ESD EI/ECSE calendar indicated the first day of services for the 2025-26 school year as September 3, 2025

7. A Notice of IFSP Team Meeting, dated September 7, 2025, scheduled an IFSP meeting for the Student on September 9, 2025 at 3:15 p.m. The purpose of the meeting was to review existing information about the Student and develop or review the Student's IFSP and services/placement.

8. An IFSP dated September 9, 2025, indicated:
   a. The resident school district was updated to the District
   b. Meeting participants included the Student's other parent (Other Parent), the SLP, and the ESD Service Coordinator (Service Coordinator), who also served as a home visitor for the Student.
   c. EI/ECSE Services included:
      i. A start date of September 9, 2025 through February 27, 2026, for specially designed instruction (SDI) in cognitive, adaptive, social, expressive, and receptive communication, and fine and gross motor skills for 45 minutes, one time per week in the family home.
      ii. A start date of September 9, 2025 through February 27, 2026, for Speech Language Therapy consultation for 45 minutes, six times per year, in the family home.
      iii. Autism services, both direct and consultation, were discontinued.
   d. Direct OT services were discontinued.
   e. The Student attends an EC program for ten hours per week.
   f. Supplemental services indicated a visual support system and access to sensory tools would end on September 9, 2025.
   g. Modifications or supports for program personnel stated Coaching and Training-Autism would end on September 9, 2025.
   h. Information considered in the development of the IFSP included parent and staff input and observations, a February 28, 2025 evaluation, and other assessments.
   i. Goals remained consistent with the IFSP from the Previous ESD.
   j. Placement options considered indicated:
      i. "Home Visit" selected, benefits stated "Direct communication with [Parents] and staff. [The Student will] [p]ractice skills development in the most familiar environment of home for [the Student]." Harmful effects detailed the absence of non-typical peers as role models. Modifications, aids, and services detailed the use of visual aids and supports within the home and the addition of an augmentative and alternative communication (AAC) device. Selection stated, "The home environment is where [the Student] spends all of [their] time since the move to our county, therefore we will serve [the Student] through home visits. [The] [f]amily would like to explore school options for [the Student]."
      ii. The ECSE classroom environment was rejected because, "[The Student] is not enrolled in the ECSE classroom due to moving into the [District].
      iii. The IFSP was electronically signed by the Parent on September 23, 2025, indicating that they participated in the development of the IFSP.

9. According to a written statement provided by the Service Coordinator, they attended the IFSP Meeting on September 9, 2025, during which they discussed the Parent's request for preschool services and agreed to "look into" options. The Service Coordinator reported home visits were offered because it was a familiar setting for the Student, with the Parent present, to "give the parent the skills to support their child." They indicated that if the Student had been enrolled in a preschool at the time, they would have pursued that option. They noted the Parent did not agree with the decision during the meeting but added, it was a starting point for services.

10. The Service Coordinator reported that, on September 17, 2025, they attempted to provide home services to the Student, but the Other Parent was unaware they were coming to the house. They stated they agreed to come "at a later time" to meet with the Parent after work, but the Parent was not there. The Service Coordinator told the Other Parent that the Service Coordinator needed to provide visits "before the end of the working day." They added there were "a few times" they had set up home visits with the Parent, but the Other Parent was unaware they were coming.

11. A Notice of IFSP Team Meeting, dated September 22, 2025, scheduled a meeting for September 24, 2025 to review the Student's IFSP.

12. The Student's IFSP, dated September 24, 2025, indicated:
    a. EI/ECSE services with a start date of September 24, 2025:
        i. Family teaching activity, through consultation for 45 minutes, one time per month at the ESD site provided by the EI/ECSE specialist.
        ii. SDI in cognitive, adaptive, social, expressive, and receptive language, and fine and gross motor skills, as direct services with a large group for three hours, four times per week, at the ESD site provided by the EI/ECSE specialist.
        iii. Direct service coordination for 10 hours per year at the ESD site provided by the service coordinator.
        iv. SLP consultation and coordination in the family home ended on September 23, 2025.
    b. The Student would attend an EC program for 12 hours per week, all of which would be spent with typical peers.
    c. Considerations of special factors noted the Student's behavior impacted their learning or that of others, required assistive technology, communication needs, and needed extended school year services.
    d. The IFSP participants page affirmed the Parent was invited and attended.
    e. Transition planning included steps for transitioning to Kindergarten in 2026 and included details such as the Student's eligibility for Autism and Developmental Delay, the need for the Parent to register the Student in their home District, and the development of an IEP prior to the next school year.
    f. Placement options considered indicated:
        i. An inclusive preschool classroom, "PEER ECSE classroom" with listed benefits of peers, routines, access to a special education teacher, low teacher-to-child ratio, scheduled and systematic interventions for IFSP goals, and IFSP services within a preschool setting. Possible harmful effects indicated the room may be loud and lively.

Modifications, aids, and services listed: SDI for three hours a day, four times a week; SLP services for 45 minutes, two times per month; OT services for 45 minutes per month; family teaching activity one time per month; and access to an AAC device and the accommodations listed in the IFSP. The option selected stated, "The Team agreed that the PEER ECSE classroom with [*sic*] best meet [the Student's] educational needs."

ii. Home visits were rejected, and detailed, "Home visits were rejected due to [the Student] needing a highly supported classroom with peers, to encourage learning of new skills."

iii. Placement was based on the IFSP, parent input, progress notes, and EI assessments.

13. Prior Notice of EI/ECSE action dated September 24, 2025, stated:
    a. The action of revising the IFSP to reflect services that were provided by the ESD. Services that would stop included autism services. Services from the ESD that would start included an ESD classroom for four days per week for three hours per day; a placement change from home visits to the ESD classroom setting; and SLP consultation for 30 minutes, two times per month, with the addition of AAC support.
    b. The action was proposed because the Student had attended preschool in another county and moved into a new county.
    c. The action was based on the Parent's input.
    d. Other options considered were continuing home visits, which were rejected because the Student's needs would be best met in the ESD's early learning classroom, with access to peers.
    e. Other factors for consideration indicated the Parent's input about "developmental needs."

14. A Notice of IFSP Team Meeting, dated October 1, 2025, scheduled a meeting for October 3, 2025 for the purpose of reviewing the Student's IFSP.

15. The Student's IFSP, dated October 3, 2025, indicated:
    a. EI/ECSE services with a start date of October 3, 2025 through February 27, 2026:
        i. Speech language therapy as consultation within a large group for 30 minutes, two times per month at the ESD site. Paid by EI/ECSE.
    b. EI/ECSE services with a start date of October 13, 2025 through February 27, 2026:
        i. Direct transportation for one hour and two minutes per day on Monday through Thursday from home to school and school to home. Paid by the District.
    c. Other services with a start date of October 3, 2025 through February 27, 2026 stated direct child checks one time per year by an outside agency. Paid by private insurance.
    d. Supplementary aides and services:
        i. A start date of October 3, 2025 through February 27, 2026, at the ESD Site for three hours, four times per week:
            (1) "Removal of small items in class unless under direct supervision of a teacher/staff";
            (2) "[A]ccess to extra movement opportunities during class time";
            (3) "Toys moved away from windows, blinds closed for safety," and
            (4) "Access to AAC."

ii. A start date of October 3, 2025 through February 27, 2026 at the ESD Site for 15 minutes, two times per day, for access to food from the home and additional snacks.
iii. A start date of October 3, 2025 through February 27, 2026, from "home to school to home" one time per day for "home to school communication book."
iv. A start date of October 3, 2025 through February 27, 2026 at the ESD Site for 30 minutes per day, an adult is within an "arm's length to make sure [the Student] is not eating non-food items when outside."

e. Modifications or support for the program personnel with a start date of October 6, 2025 through February 27, 2026 detailed:
i. AAC family consultation for 60 minutes in the family home.
ii. Personalized AAC establishment and continuous vocabulary maintenance for 120 minutes per year at the ESD Site.

f. Updated goals:
i. Cognitive: "[The Student] will participate in circle time for 3 or more minutes." Additionally, "[The Student] will participate [in] preschool table time, choice time, and outside time in a variety of play and explore a variety of toys and materials."
ii. Adaptive: "[The Student] will respond to [their] name and safety commands during familiar routines."
iii. Expressive Communication: "[The Student] will allow a speech generating device in [their] space, observe adult models, and imitate occasionally when [their] interaction partners demonstrate a variety of messages on the tablet within daily routines or play in the classroom setting."

16. A transportation request dated October 3, 2025, indicated a new request on behalf of the Student completed by the ESD's ECSE Specialist. It detailed round-trip services, Monday through Thursday, 9 a.m. to 12 p.m, and indicated the driver should be aware the Student was non-verbal.

17. Prior Notice of EI/ECSE action dated October 7, 2025, stated:
a. A proposal or change of a FAPE and IFSP, with the action noted as revisions to the IFSP to add transportation, update goals, accommodations, and modifications.
b. The proposal indicated the team reviewed the Student's education needs, goals, accommodations, and modifications. The Student required transportation to access the ECSE classroom.
c. The action was based on the Parent's report and the review of progress on goals.
d. Other options considered stated not changing the accommodations. This was rejected because the Student's accommodations needed revision to reflect the support they need to succeed.
e. Other factors in consideration indicated the Parent's input.

18. In an October 13, 2025 email to the ECSE Specialist, the Parent confirmed receiving a call from the District's transportation provider (Transportation Provider) regarding transportation services. They were informed the Student would be picked up and dropped off by a "private car." The Parent expressed concerns about safety and their preference for a "more structured option like a school bus."

19. ESD services logs dated January 6, 2025 through February 12, 2026, indicated:
    a. The following information was logged in August 2025:
        i. August 12: The ESD Early Intervention Coordinator stated the Student's file had been "duplicated and [the] registry page is updated with current information."
    b. The following information was logged in September 2025:
        i. September 7: The Service Coordinator contacted the Parent to schedule a home visit on September 9, 2025, at 3:15 p.m.
        ii. September 16: The Service Coordinator indicated the first home visit was completed on September 9, 2025. Services were discussed and "compared" to services the ESD could offer. The next visit was scheduled for September 17, 2025.
        iii. September 18: The Service Coordinator stated another visit to the family was completed. Services and program options were discussed with the Parent. The Parent shared they did not want in-home services and preferred the Student to be in a school setting. A community preschool and another preschool program (Program 2) were presented as options, but required "parent transportation." The Service Coordinator shared they would do more "research" into other programs and resources.
        iv. September 22: The Service Coordinator indicated they "Set up [a] tentative IFSP/classroom placement discussion meeting" on September 24, 2025, with the Parent. They indicated they sent the meeting notice and procedural safeguards to the Parent.
        v. September 23: The Service Coordinator stated they sent a new meeting notice with an updated time, along with parent rights, through the portal.
        vi. September 24: The ECSE Specialist and Service Coordinator noted the IFSP meeting was held, and placement, goals, and support were discussed with the Parent. Additionally, a meeting notice and procedural safeguards were sent to the Parent via the portal.
        vii. September 26: The Service Coordinator detailed their visit with the Student and the goals worked on. Additionally, a visit was scheduled with Program 2.
        viii. September 30: The ECSE Specialist stated an IFSP meeting was held with the Parent. The Parent indicated they "accepted a spot" for the Student in Program 2. The Parent inquired about the differences in programs, and the ECSE Specialist explained, " ... that both are inclusive settings and both focus on helping kids be ready for kindergarten. [They] explained that we need to hold another placement meeting to discuss placement in either the ECSE class or [Program 2]. Transportation can be added at that time."
    c. The following information was logged in October 2025:
        i. October 1: The ECSE Specialist noted the Parent emailed and indicated they are no longer "pursuing" Program 2 and are keeping the Student's placement in the ECSE class.
        ii. October 5: The ECSE Specialist indicated they led an IFSP meeting held on October 3, 2025, with the Parent. They reviewed goals, accommodations, safety concerns, and transportation. The ECSE Specialist stated they would "add a transportation request."
        iii. October 8: The ESD Administrative Assistant indicated the transportation request had been submitted.

iv. October 13: The ECSE Specialist stated, they talked to the Parent by phone, and the Parent was concerned about the Student riding in a vehicle without another person, however, the Parent stated "[They] really want [the Student] to attend my class." The ECSE Specialist discussed the option to have the family bring the Student and noted the family indicated they would try bringing and picking up the Student starting the following day.
v. October 14: The Administrative Assistant indicated they spoke with the dispatcher for the Transportation Provider, who indicated, "At this time, [the Transportation Provider] is pausing the transportation request until further notice." Additionally, they indicated, "[The Transportation Provider] explained the current transportation situation with this child. Since [the Parent] doesn't want [the Student] riding the bus/van with only the driver, [the Transportation Provider] is unsure of [the] next steps as this is the only transportation service they can provide this child. I let [the driver] know I could see notes in the child's log that [the ECSE Specialist] has been in contact with [the Parent] as well. [The Transportation Provider] is discontinuing the transportation request until further notice."
vi. October 20: The ECSE Specialist indicated the Student had attended one of four school days during the week of October 13-16, 2025.
vii. October 24: The ECSE Specialist detailed the "Family Teaching Visit" and noted the Parent's concerns about transportation, the discussion around placement and need, stating that placement in their class was determined by the IFSP team due to the level of support needed to meet the Student's needs. They stated the Student was "always welcome and that the school [was] prepared to serve [the Student]." Additionally, the ECSE Specialist clarified transportation and noted, "Since [the Student] is transported out of the [District], the service is provided by a car with a background-checked driver, not a standard bus route, as the [District] does not maintain a bus wait list.'"
viii. October 24: The Student was noted as not attending school that week. The "Provider stood ready to serve."
ix. October 28: The SLP noted the Student was not in class and they stood ready to serve.
x. October 31: The ECSE Specialist noted the Parent did not attend a scheduled virtual appointment.

d. The following information was logged in November 2025:
i. November 10: The SLP provided updates on goals addressed when the Student was in attendance.
ii. November 14: The ECSE Specialist provided updates on SDI, and goals worked on when the Student was in attendance. They also indicated the Student's next IFSP meeting was scheduled for February 27, 2026.
iii. November 20: The Student was absent, and the ECSE Specialist stood ready to serve.

e. The following information was logged in December 2025:
i. December 1 and 15: The SLP indicated the Student was absent, and they stood ready to serve.
ii. December 4, 11, and 18: The ECSE Specialist noted the Student was absent all week, no services were provided, and they stood ready to serve.

f. The following information was logged in January 2026:
i. January 6: The SLP noted progress on goals worked on with the Student.

ii. January 9: The ECSE Teacher stated the Student attended 1 out of 4 days that week and worked on the classroom routine and rapport-building.
iii. January 12: The ECSE Teacher noted they resubmitted a transportation request after speaking with the Parent. The Parent requested the Other Parent ride with the Student and that a camera be in the vehicle or on the bus.
iv. January 13: The Administrative Assistant stated they spoke with the dispatcher for the Transportation Provider, who confirmed the Other Parent would not be able to ride with the Student. It is not something the District "provides." Instead, the District "would use a program called [Car Service], (identified vehicle/driver) to transport [the Student]."
v. January 16, 23, and 30: The Student did not attend school these weeks, the ECSE Specialist stood ready to serve.
vi. January 20: The SLP noted the Student was absent this day, and they stood ready to serve.

g. The following information was logged in February 2026:
i. February 2: The ECSE Specialist reported that on January 26, 2026, they texted the Parent to schedule an IFSP meeting and discuss transportation concerns. The Parent did not reply. Additionally, they noted a conversation on January 29, 2026, regarding an annual IFSP meeting. The Parent expressed dissatisfaction with how the Student has been "treated," feeling the ESD was "just going through the protocols." Despite the Specialist clarifying an annual meeting was still required following the fall transfer, the Parent maintained that "attending the IFSP would be meaningless be[cause] [the Student] isn't coming to class." Furthermore, the ECSE Specialist texted the Parent to ask whether they could attend the IFSP meeting in February and to call an outside provider. The Parent responded they "will not attend."
ii. February 4: The ECSE Specialist sent the Parent the IFSP date and time, notice of the IFSP meeting, and a link to procedural safeguards, contacts at the District "for ongoing transportation concerns," and a calendar invite to the virtual meeting.

20. In an email on January 14, 2026, to the District Director of Student Services, the ESD Director of EI/ECSE inquired about transportation services and requested that a District representative willing to discuss transportation attend an IFSP meeting with the Parent.

21. In an email to the ECSE Specialist on February 2, 2026, the Parent formally declined the IFSP meeting, noting the Student had been without educational services for six months. They argued the team lacked current data on present levels, stating, "Without updated data or consistent access to [the Student's] educational program, it [was] not possible to develop meaningful or appropriate goals." Additionally, they noted, " ... transportation issues remain unresolved. Until [the Student] has a safe, appropriate, and legally compliant means of accessing [their] educational program, I cannot meaningfully participate in an IFSP meeting." Furthermore, they requested PWN be provided for, "any decisions the district intends to make without my agreement, including the rationale, data used, and options considered."

22. In an email on February 3, 2026, to the ECSE Specialist, the dispatcher for the Transportation Provider confirmed that according to District policy, in addition to company policy, parents were not permitted to ride with students, and that cameras were installed in all vehicles.

23. On February 2, 2026, the Parent filed the Complaint, which was received on February 3, 2026.

24. In an email on February 4, 2026, to the Parent, the ECSE Specialist noted that an IFSP meeting was legally required within a 364-day timeline despite a previous placement meeting held in October 2025. They acknowledged the Parents' frustrations regarding transportation and clarified that while they submitted the requests, the District was responsible for the actual implementation. They provided contact information for District staff and offered to arrange classroom coverage to speak with the Parent during working hours.

    The Parent responded on the same date and formally declined attending the meeting stating, "I want to be clear that I am not refusing participation in [the Student's] IFSP process" and cited a lack of meaningful participation under the IDEA. Furthermore, they contended the ECSE Specialist failed to provide safe and appropriate transportation, which they identified as a required related service. The Parent requested PWN addressing why the meeting was being held without current data, the plan for goal development, and the steps being taken to correct the delay in services.

Parent Interview:

25. In an interview with the Complaint Investigator, the Parent explained that upon the family's move in August, 2025, they contacted the ESD and the District and described the process as "confusing." They wanted to ensure a seamless transfer of services for the Student.

26. The Parent shared ESD staff, whose name they could not recall, initially informed them there was "no space" available in a classroom setting. They recalled speaking to either the District or ESD who then sent an ESD representative to complete the 45-minute weekly home visits.

27. The Parent shared the purpose of the September 9, 2025, meeting was to "transfer" the Student from the Previous ESD into the ESD and recalled discussing all services including transportation. They noted telling the Service Coordinator they wanted to "explore" Program 2. Additionally, the Parent stated when they refused the home-based service model, a classroom spot was offered the following day.

28. The Parent shared they felt holding an IFSP meeting for a student not attending school was "not appropriate" and stated "... it wouldn't be really a discussion if we [would] [have] had that meeting and it wouldn't be meaningful."

Director of Student Services:

29. In an interview with the Complaint Investigator, the District's Director of Student Services explained the District provided transportation for early childhood students based on the requirements identified in the IFSP. They stated the decision to use a "Type 10" vehicle (a van or car) rather than a full-sized school bus was an administrative routing decision made because the Student was the only one traveling to that specific location.

    They clarified that, because the IFSP team had not documented a specific disability-related need for a school bus or specialized equipment, such as a chair lift, the District proceeded with the standard small-vehicle option and made the decision based on routing considerations.

30. The Director of Student Services confirmed the District provided transportation as a mandated related service, strictly adhering to the specifications outlined in each student's IFSP.

Director of EC/ECSE

31. In an interview with the Complaint Investigator, the ESD Director of EI/ECSE explained the ESD held an IFSP meeting on September 9, 2025, to facilitate the Student's transfer into the service area. They stated, at that time, the team adopted a new IFSP that moved the Student from a classroom-based model to a home-based service model. They indicated, according to their review of the records, there was no documented disagreement from the Parent regarding this change in placement during the September 2025 meeting.

ECSE Specialist:

32. In an interview with the Complaint Investigator, the ECSE Specialist explained by the time of the annual IFSP meeting in February 2026, the Student had only attended their classroom for four days and acknowledged four days of attendance provided "basically not enough data" to determine if the Student had met or failed to meet the Student's previous goals. However, the ECSE Specialist explained the team attempted to move forward with the meeting because they were legally required to hold an annual review, and they intended to use any available information, especially Parent input or input from outside providers, to update the IFSP plan, as the team deemed appropriate.

Transportation Provider:

33. In an interview with the Complaint Investigator, the dispatcher for the Transportation Provider recalled they acted as the primary liaison between the District, the ESD, and the Transportation Provider. They noted the initial transportation request for the Student

contained no special accommodations or specific equipment requirements, which led to the offer of a "personalized vehicle."

34. The dispatcher clarified the second bussing request for the Student's transportation had identified the Parent's concerns regarding safety. They shared they addressed the issue and confirmed all drivers, including those for smaller private-style vehicles, undergo background checks and fingerprinting. They also clarified, per the District's contract and safety standards, all vehicles utilized for student transport, including the one assigned to the Student, were equipped with internal cameras to monitor safety and behavior.

IV. DISCUSSION

When IFSPs Must Be In Effect Upon Transfer from Within Oregon

The Parent alleged the District and the ESD violated the IDEA by not providing special education and related services, as described in the Student's IEP/IFSP, for six months when the Student transferred to the District from another Oregon district.

An IFSP must be written before ECSE and related services are provided to a child, and services must begin as soon as possible following the IFSP meeting. Services must be in effect by the child's third birthday and at the beginning of the school year for children receiving ECSE services.[4] Additionally, contractors or subcontractors must provide ECSE and related services to a child with a disability in accordance with an IFSP.[5]

If a child with a disability, who had an IEP that was in effect in a previous school district in Oregon, 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 either adopts the child's IEP from the previous school district or develops, adopts and implements a new IEP for the child.[6] It is unclear if these provisions also apply to students with IFSPs. In any event, these provisions do not apply to students who transfer between districts over the summer.

The Student moved into the District and ESD boundaries in August 2025 and, at that time, was not enrolled in a preschool program. Less than a week after the start of the 2025-26 school year, the ESD convened an IFSP meeting for the Student. At this meeting, on September 9, 2025, the ESD updated the Student's IFSP, and changed the Student's placement from the Previous ESD's classroom setting to home-based services in a "familiar setting." The Parent participated in the development of this IFSP and there was no evidence presented that the Parent disagreed with the change of placement at that time. The ESD began providing the home

[4] OAR 581-015-2830(1); 34 CFR § 300.323

[5] OAR 581-015-2830(4); 34 CFR § 300.323

[6] OAR 581-015-2230(1); 34 CFR § 300.323

services to the Student on September 9, 2025, the same date as the IFSP meeting, and continued providing those services to the extent that the Student's parents were available when they arrived. The Service Coordinator completed two home visits and attempted two others before the Parent shared they did not want in-home services on September 18, 2025. By September 24, 2025, the ESD reconvened the Student's IFSP team and offered an ECSE classroom placement. The ESD stood ready to serve the Student with ECSE and related services, in accordance with their IFSP, during all times relevant to the Complaint.

On October 3, 2025, transportation services were added to the Student's IFSP to begin on October 13, 2025. The IFSP did not indicate that the Student required any specific type of vehicle or specialized equipment for transportation. The District provided the Student with transportation in a small vehicle, which was consistent with their practice. The Transportation Provider confirmed that all vehicles were equipped with a camera and that all drivers had their backgrounds checked. While the Parent may have preferred a different mode of transportation, the District stood ready to provide transportation services to the Student in accordance with their IFSP.

The Department does not substantiate this allegation.

Special Education Placement in the Least Restrictive Environment

The Parent alleged the District and the ESD violated the IDEA by not providing the Student with an appropriate special education placement within the required timelines. Further, the Parent alleged they made repeated requests for a change in placement.

Contractors or subcontractors must ensure that the placement of a child with a disability is determined by a group of persons, including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options, and to the maximum extent appropriate to the needs of the child, ECSE services are provided in the least restrictive environment, including home and community settings in which children without disabilities participate. Each child's placement must be determined at least every 365 days, based on the IFSP, and as close as possible to the child's home. Unless the IFSP of a child with a disability requires some other arrangement, the child must be educated in the public school or public program, if any, that they would attend if not disabled.[7]

The contractor must ensure that a continuum of alternative placements is available to meet the needs of preschool children with disabilities for special education and related services. The continuum must include placements in the home, hospitals, institutions, special schools, classrooms, and community childcare or preschool settings, and the continuum must provide for supplementary services to be provided in conjunction with regular preschool placement. In determining the LRE, the team must consider the continuum of alternative placements and the following: modifications needed to implement the child's IFSP, the level of support needed by the child, and any potential harmful effect on the child or on the quality of services which they need. It is also required that a child with a disability must not be removed from education in

[7] OAR 581-015-2845(1-3); 34 CFR §§ 300.114-116, 300.327

age-appropriate classrooms or settings solely because of needed modifications. Finally, the team must ensure that, to the maximum extent appropriate to the needs of that child, ECSE services are provided in settings in which children without disabilities participate, including nonacademic services and activities.[8]

At the time of the Student's first IFSP meeting with the ESD, on September 9, 2025, they were not currently enrolled in a preschool program. At that meeting, the IFSP team changed the Student's placement to home visits, a familiar setting for the Student, but agreed to explore other placement options. The Parent was part of the decision-making process at this IFSP meeting and there was no evidence that the Parent disagreed with the placement decision at that time. After the meeting, the Service Coordinator discussed different placement options with the Parent and the Parent expressed that they wished for the Student to have a classroom placement. Shortly thereafter, on September 24, 2025, the ESD convened an IFSP meeting and the Student's placement was changed to an inclusive pre-school setting, and specifically the program preferred by the Parent.

The Department does not substantiate this allegation.

Content of the IFSP

The Parent alleged the District and the ESD violated the IDEA by not providing the Student with appropriate transportation services when the District offered transportation other than a public school bus.

State and federal IDEA regulations prescribe IFSP content.[9] The IFSP must include a statement of the child's present developmental levels based on professionally acceptable objective criteria; measurable major outcomes or annual goals; specific early intervention services for children under three or ECSE and related services for children three and older, based on scientifically based research when practicable; family resources and concerns for children under three; projected service dates, frequency, location, and duration; identification of a designated service coordinator; justification for any services not provided in natural environments for younger children or explanation of limited participation with non-disabled peers for older children; methods for measuring progress toward goals; procedures for keeping parents informed of progress; transition planning steps; and identification of other needed non-EI/ECSE services.

Transportation was not included as a service in the Student's IFSP from the Previous ESD. It also was neither included, nor requested by the Parent, at the September 9, 2025 or September 24, 2025 IFSP meetings. After the Student was placed in an ESD preschool program, the Parent requested transportation and a meeting was convened on October 3, 2025 to add transportation as a related service on the Student's IFSP. The IFSP did not indicate that the Student required a specific mode of transportation or specialized equipment. Other than reference in a transportation request from the Previous ESD that the Student required a 5-point

[8] OAR 581-015-2845(4-6); 34 CFR §§ 300.114-116, 300.327
[9] OAR 581-015-2815

harness and an adult to meet them at their destination, there was no evidence that the Student had other disability-related needs related to safety during transport. Nevertheless, to allay the Parent's concerns, the District confirmed that all vehicles were equipped with cameras and that all drivers underwent background checks. While the Parent may have preferred a school bus, or multiple adults in the vehicle, the transportation offered by the District was appropriate to meet the Student's needs.

The Department does not substantiate this allegation.

Parent Participation in IFSP Meeting

The Parent alleged the District and the ESD violated the IDEA by attempting to schedule an IFSP meeting without having current data, which impacted the Parent's ability to have meaningful parent participation.

Each initial and annual IFSP meeting must include the child's parent or parents and the child's EI or ECSE specialist and, as appropriate, persons who will be providing services to the child or family.[10] Contractors or subcontractors must initiate and conduct a meeting to review and revise the IFSP every 365 days to determine whether the annual goals for the child are being achieved; and revise the IFSP as appropriate to address any lack of expected progress toward the annual goals and appropriate activities, the results of any reevaluation, existing information about the child provided to, or by, the parents, the child's anticipated needs, or other matters.[11]

The ECSE Specialist acknowledged that because the Student had only attended four days of class, there was "basically not enough data" to measure progress on previous goals. Nevertheless, the ESD was legally required to hold the annual review within the 364-day timeline and intended to use Parent input and information from outside providers to assist the team in developing the Student's IFSP. The Parent did not provide any evidence that they were unable to attend the IFSP meeting scheduled by the ESD or that the ESD impeded their ability to participate in any way.

The Department does not substantiate this allegation.

Free Appropriate Public Education (FAPE)

The Parent alleged the District and the ESD violated the IDEA by failing to provide the Student with a FAPE.

A free appropriate public education must be available to all children residing in the State between the ages of 3 and 21.[12] For children beginning at age three, the State must ensure that the obligation to make FAPE available begins no later than the child's third birthday.[13]

[10] OAR 581-015-2825(1a)); 34 CFR § 300.322
[11] OAR 581-015-2810(2)
[12] OAR 581-015-2850; 34 CFR §300.101.
[13] OAR 581-015-2850; 34 CFR §300.101.

Contractors and subcontractors must provide ECSE and related services to all resident children from three years of age until the age of eligibility for public school. For purposes of FAPE for ECSE, (1) a preschool child with a disability is considered resident of the service area where the child is currently living; and (2) "school district" means contractors or subcontractors.[14]

Virtually all case law interpreting the meaning of "FAPE" has involved school-aged children. In order to determine whether a child 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.[15]

Not every procedural error is sufficient to rise to a denial of FAPE.[16] The procedural test consists of three pivotal procedural errors: (1) whether the student suffers a loss of educational opportunity;[17] (2) whether the parent's right to participate in the IEP process was infringed;[18] or (3) whether the procedural error caused a "deprivation of educational benefit."[19] 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."[20]

In this case, the ESD was responsible for the implementation of the Student's IFSP and ensuring FAPE was made available to the Student. There is no evidence that the District or the ESD failed to implement any services or supports contained in the Student's IFSP. There is also no indication that the Parent's right to participate was infringed, or that the Student suffered a loss of educational opportunity or benefit.

The Department does not substantiate this allegation.

V. CORRECTIVE ACTION[21]

In the Matter of West Linn Wilsonville School District 3J and Clackamas ESD
Case No. 26-054-017

Based on the facts provided, no corrective action is ordered:

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[14] OAR 581-015-2850; 34 CFR §300.101.
[15] *Endrew F. v. Douglas Cty. Sch. Dist.*, 137 S.Ct. 988, 999 (2017).
[16] *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)).
[17] *Target* Range, 960 F.2d at 1484.
[18] *Id.*
[19] *Amanda J.*, 267 F.3d at 892 (citing *Roland M.,* F.2d at 994).
[20] *M.L. v. Federal Way Sch. Dist*., 394 F.3d 634, 657 (9th Cir. 2005).
[21] 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)).

Dated: this 3rd Day of April 2026



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Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing Date: April 3, 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).)