BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of Beaverton School District 48J	)	FINDINGS OF FACT,
	)	CONCLUSIONS,
	)	AND FINAL ORDER
	)	Case No. 26-054-018

I. BACKGROUND

On February 5, 2026, the Oregon Department of Education (Department) received a written request for a special education complaint investigation from an educational advocate (Complainant) on behalf of a student (Student) residing in the Beaverton School District 48J (District). The Complainant requested the Department conduct a special education investigation under OAR 581-015-2030. The Department confirmed receipt of this Complaint and forwarded the request to the District.

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

On February 12, 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 27, 2026.

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

1. District's Written *Response* to Complaint, dated 2/27/26
2. Student File Review, no date
3. Prior Written Notice, 02/02/26
4. Statement of Eligibility for Special Education - Specific Learning Disability (90), 02/02/26
5. Academic Achievement Evaluation, 01/12/26
6. Psychoeducational Evaluation Report, 10/30/25
7. Meeting Minutes, 02/02/26
8. Notice of Team Meeting, 01/28/26
9. Prior Written Notice, 01/28/26

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

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

10. Parent/Guardian Consent for Individual Evaluation, 09/24/25
11. Prior Written Notice, 01/12/26
12. Meeting Minutes, 01/12/26
13. Meeting Minutes, 09/24/25
14. Notice of Team Meeting, 08/26/25
15. IEP, 12/04/24
16. District Handbook Policies - Specific Learning Disability, updated 11/2020
17. Email, re: Learning Strategies Statement, 03/25/26

The Complainant submitted a *Reply* on March 8, 2026, providing an explanation and rebuttal and documents in support of the Complainant's position. The Complainant submitted the following relevant items:

1. Complainant's *Reply* to the District's *Response* to *RFR*, 3/8/26
2. ODE Complaint, no date
3. Meeting Transcript, 03/02/26
4. Emails between parties, 09/24/25-11/12/25

The Complaint Investigator interviewed the Parents and the Complainant on March 18, 2026. On March 18, 2026, the Complaint Investigator interviewed District personnel. The Complaint Investigator reviewed and considered all of these documents, interviews, and exhibits in reaching the findings of fact and conclusions of law contained in this order. This order is timely.

II. ALLEGATIONS AND CONCLUSIONS

The Department has jurisdiction to resolve this Complaint under 34 CFR §§ 300.151-153 and OAR 581-015-2030. The Complainant's allegations and the Department's conclusions are set out in the chart below. The conclusions are based on the Findings of Fact in Section III and the Discussion in Section IV. This Complaint covers the one-year period from February 6, 2025, to the filing of this Complaint on February 5, 2026.

Allegations	Conclusions
Eligibility The Complainant alleged the District violated the IDEA by not ensuring a group of qualified professionals and the Student's Parent determined whether the Student had a disability, and by not ensuring a variety of sources, including aptitude and achievement tests, parent input, and teacher recommendations were used to determine eligibility. Additionally, the Complainant alleged the District did not follow the criteria for a specific learning disability (SLD) when determining eligibility, and did not consider the Student's grade-level standards and parent input.	**Not Substantiated** The District properly determined that the Student is not eligible for special education under the category of SLD.

Allegations	Conclusions
(OAR 581-015-2170; 34 CFR §§ 300.307(a)(1)(2)(3)(b), 300.309(a)(b)(c))	
Evaluation The Complainant alleged that the District violated the IDEA by failing to review existing evaluation data, current classroom-based, local, or state assessments, and classroom-based observations, and by failing to identify any additional data needed and to consider the Student's present levels of academic achievement and related developmental needs when conducting the evaluation. (OAR 581-015-2105; 34 CFR § 300.305(a)(d))	**Not Substantiated** The District conducted a comprehensive evaluation of the Student that included all components required by the IDEA.
When IEPs Must Be In Effect The Complainant alleged the District violated the IDEA by failing to provide special education and related services in accordance with the Student's IEP, failing to ensure that staff delivered services as written, failing to document how missed or reduced services were made up, and allowing gaps in implementation while eligibility was being questioned. (OAR 581-015-2220; 34 CFR § 300.323(a)(b)(d))	**Not Substantiated** The District provided special education and related services in accordance with the Student's IEP.
Parent Participation The Complainant alleged the District violated the IDEA by failing to schedule the eligibility meeting at a mutually agreed-upon time and place, and by holding the meeting without the Parent in attendance. (OAR 581-015-2190; 34 CFR §§ 300.322, 300.501(b)(c))	**Substantiated** The District failed to schedule the eligibility meeting at a mutually agreed-upon time and place, failed to provide required notice of the meeting, and held the meeting without the Parents present.
Prior Written Notice (PWN) The Complainant alleged the District violated the IDEA by providing the Parent with PWN that did not include all required contents when the District determined the Student was no longer eligible for special education services.	**Not Substantiated** The District provided the Parent with PWN that included all required contents when the District determined the Student was no longer eligible for special education.

Allegations	Conclusions
(OAR 581-015-2310; 34 CFR § 300.503(b))	
Free Appropriate Public Education (FAPE) The Complainant alleged that the District violated the IDEA by determining that the Student was no longer eligible for special education services, by failing to implement the Student's IEP, and by denying the Parent meaningful participation in the eligibility process. (OAR 581-015-2040; 34 CFR §§ 300.17, 300.101)	**Substantiated** The District denied the Student a FAPE by seriously infringing on the Parent's ability to participate in decisions regarding the Student's eligibility for special education.

REQUESTED CORRECTIVE ACTION
1. Reconvene eligibility with full parent participation. 2. Conduct a lawful SLD determination without g-factor cutoffs. 3. Restore eligibility under SLD in qualified areas. 4. Complete a comprehensive Independent Educational Evaluation (IEE) using a variety of tools and measures. 5. Conduct a separate determination of need. 6. Restore services and provide compensatory education. 7. Issue a corrected PWN. 8. Write a compliant IEP that addresses all areas of need. 9. Provide corrective training on eligibility, Child Find, predetermination, Specially Designed Instruction (SDI), goal implementation, district duties and obligations under IDEA, and parent participation.

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 6, 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 a thirteen-year-old eighth-grader who attends a middle school in the District (the School).

2. An out-of-state IEP for the Student, dated December 4, 2024, documented the following relevant information:
   a. The Student was eligible for special education under the category of Specific Learning Disability (SLD).

b. The Student's strengths were listed as strong self-discipline, organization, and time management skills. Additionally, the Student was described as resilient, creative, empathetic, and able to work well independently and collaboratively.
c. Parent input indicated concerns with the Student's "reading challenges" and how it impacted their writing.
d. Goal: "By 12/03/2025, given a graphic organizer and a writing outline, [the Student] will independently write a clear 5-paragraph essay that includes components of grammar, punctuation, and clarity, achieving at least 80% accuracy in 3 consecutive trials as measured by teacher-collected work samples and data."
    i. Baseline: The Student can write a clear five-paragraph essay with proper grammar and punctuation components with 70% accuracy.
e. Goal: "By 12/3/25, given a calculator, notes, and modeling, [the Student] will use variables to represent numbers and solve equations and real-world problems with all operations with at least 80% accuracy in 3 consecutive trials as measured by student work samples/teacher records."
    i. Baseline: The Student can use variables to represent numbers and solve equations and real-world problems with all operations with 70% accuracy.
f. Goal: "By 12/3/2025, when asked to read a nonfiction instructional level text, [the Student] will answer comprehension questions including inference, vocabulary, main idea, and those with a written response, requiring analysis of text and citing evidence from the text, independently, with 80% accuracy 3 out of 4 trials, as measured by student work samples and/or teacher charted records."
    i. Baseline: "[The Student] can answer comprehension questions, including inference, vocabulary, main idea, and those with a written response, requiring analysis of text and citing evidence from the text independently, with 70% accuracy."
g. Program accommodations included: "writer's checklist, word banks, sentence frames, and graphic organizers; text[-]to[-]speech; reduce items on page; frontload and reteach key ideas and vocabulary; visual models for multi-step problems; visual schedule and/or checklist; extended time on tests and assignments; frequent checks for understanding; break longer assignments into smaller chunks; visual examples of completed work; repeat instructions, as needed; provide [the Student] with summary lists and outlines to denote important information; employ a multisensory approach … ; boost fluency through the use of explicit time drills; masking; calculator; graphic organizers for math word problems; speech-to-text; [and] reduce items on worksheets."
h. Other supports included family intervention support (FIS) for eight consecutive sessions, totaling 480 minutes, to support the Student.
i. Specialized academic instruction in a group setting for 30 minutes, three times, totaling 90 minutes weekly, divided equally for writing, math, and reading comprehension.
j. The educational setting indicated the Parents had chosen to enroll the Student at the Charter School and, therefore, all services would be provided at the Charter School through a non-public agency "under contract with the school." The program setting indicated placement in "regular independent study or virtual

charter." The Student would be outside the regular class and extracurricular activities for 6% of their time, and in the regular class and extracurricular activities for 94% of their time.

k. The Parent signed and agreed to all parts of the IEP.

3. The Student moved into the boundaries of the District prior to the start of the 2025-26 school year.

4. In an August 25, 2025 email to the School Counselor, the Student's case manager (Case Manager) indicated the Student would be added to a Learning Strategies class while they waited to receive the Student's out-of-state IEP. This class was a small group setting taught by a special education teacher.

5. On August 26, 2025, a Notice of Team Meeting was issued indicating an initial evaluation planning meeting was scheduled for September 24, 2025 at the School.

6. In a September 12, 2025 email, the Case Manager informed the School staff of the Student's enrollment and IEP from out of state, and stated it was not marked in the student information system "right now." They attached a copy of the IEP for reference and shared the Student received services in reading, writing, and math to address needs related to their SLD eligibility.

7. In a September 22-23, 2025 email, the Case Manager sent the Parents a Meeting Notice scheduling an evaluation planning meeting for September 24, 2025 at 9:30 a.m. in-person, per the Parents' request. The following day the Parent responded, apologized, and requested the meeting be held virtually.

8. Meeting minutes dated September 24, 2025 indicated the IEP team met for an evaluation planning meeting. The Parents were present and received a copy of their parental rights and procedural safeguards. According to the meeting minutes:
   a. The Student was previously found eligible for special education under the category of SLD in a different state. The Student's General Education Teacher shared the Student was quiet in class, did not want help, and was turning everything in. They noted the Student was "only answering questions one out of four parts" and needed help but did not want the teacher to work with them. They added the Student received a 71% on their reading comprehension. The Parent was asked if they wanted to share anything additional, and they declined.
   b. The School Psychologist discussed the tests used for the evaluation and asked if anyone had any questions. No one did. The Case Manager explained the process for determining eligibility in Oregon. The Parent shared concerns with the testing and asked if the team could send them the assessments. The School Psychologist confirmed they would. The Case manager added if the Parent did not provide consent for the District to evaluate, they would "be revoking services for [the Student's] IEP." They added that, since the Student moved in with an IEP, they

would continue to receive their special education services while they were in the evaluation process.

9. On September 24, 2025, a Parent/Guardian Consent for Individual Evaluation was signed by the Parent, which gave consent to the following evaluations:
   a. Achievement assessments.
   b. Intelligence testing.
   c. Student observation.
   d. Developmental history.
   e. Other assessments: a file review, Wechsler Intelligence Scale for Children, Fifth Edition (WISC-V), Comprehensive Test for Phonological Processing, Second Edition (CTOPP-2), and Wechsler Individual Achievement Test, Fourth Edition (WIAT-4).

10. A September 24-29, 2025 email exchange between the Parents, the Case Manager, and the School Psychologist detailed the following:
    a. On September 24, 2025, the Parent emailed following the evaluation planning meeting and stated concerns regarding the purpose of the meeting, the consent form, IEP meeting timeline, and stated they felt the IEP should be adhered to as it was only the first month of school and they would be obtaining guidance from an advocate.
    b. On September 25, 2025, the Case Manager responded, confirmed receipt of the Parent's concerns and forwarded the email to the School Psychologist for a response.
    c. Later that day the School Psychologist responded and addressed each of the Parents' concerns as follows:
       i. They confirmed when a student moves in from another state, the District was "required" to determine eligibility within State guidelines and provided the Parents with the relevant Oregon Administrative Rule (OAR). Furthermore, they shared that after the review of information provided, the team had determined completing a new evaluation was "deemed necessary in order to determine [the Student's] eligibility in the state of Oregon."
       ii. With regard to the consent form, the School Psychologist verified that due to the Student coming from another state, their "eligibility is considered an 'Initial Eligibility'." Additionally they shared "We will not be conducting any assessments without your signed consent."
       iii. "Again, when a student moves in from another state, we essentially start over and need to determine initial eligibility. For this reason, the dates would be different. Regardless, we would be signing consent now for an eligibility due in January 2026 anyways, as we need 60 school days to complete the evaluation. 60 school days from now already puts us in January 2026. I do see the two previous reports. We would use this information in conjunction with the updated testing that we have proposed. We would still need to do additional assessments to have the information needed to determine [the Student's] eligibility based on the Oregon state criteria and guidelines that we use."

iv. They confirmed the District would continue to serve the Student with their out-of-state IEP while the District conducted its own evaluation process and stated, "If you do not consent for us to gather the evaluation pieces that we need, we are unable to determine Oregon state eligibility for Special Education services."
v. The School Psychologist included the District's Special Education Facilitator in the email and provided the Parents with a link to the OARs for special education.

11. The Parent emailed the School Psychologist on September 26, 2025 and asked for specific information regarding the assessments, what tests would be administered to the Student on which dates, and during which class periods the Student would be pulled from. The School Psychologist replied on September 29, 2025 and stated the consent included the following assessments: the Wechsler Intelligence Scale for Children, Fifth Edition; the Comprehensive Test of Phonological Processing, Second Edition; and the Wechsler Individual Achievement Test, Fourth Edition. They stated they would try to provide advance notice of when they intended to pull the Student out of class.

12. The School Psychologist emailed the Parent on October 9, 2025 and stated they planned to pull the Student from their second period Learning Strategies class to conduct testing on October 15, 22, and 27, 2025. The School Psychologist emailed the Parent on October 29, 2025 and stated they intended to pull the Student from their Learning Strategies class the next day to complete one more subtest.

13. In an October 20, 2025 email to a group of teachers, the Student's Learning Strategies Teacher stated they were the new resource room teacher in addition to being the Student's new case manager. Additionally, they shared that their classroom was available for students to take tests in.

14. Relevant information from emails between the Case Manager and the Parent, from October 30, 2025 through November 12, 2025 included:
    a. October 30, 2025 - The Case Manager stated they would be testing the Student for their academic skills in reading, writing, and mathematics the following Monday, and shared what periods the Student would be pulled from.
    b. November 3, 2025 - The Case Manager emailed the Parent and stated they did not finish the Student's testing, but would pull them from first and second period the next day.
    c. November 5, 2025 - The Case Manager stated they would not be able to finish the Student's testing that day, but would complete it on November 12, 2025.
    d. November 12, 2025 - The Case Manager told the Parent the Student had completed their academic testing.

15. On October 30, 2025, a Psychoeducational Evaluation Report documented the following information:

a. Evaluation procedures that were completed:
    i. File review on October 21, 2025.
    ii. Observations on October 29, 2025.
    iii. WISC-V was administered on October 14, 22, 27, and 30, 2025.
    iv. CTOPP-2 was administered on October 22 and 27, 2025.
b. The Parent completed a health and developmental questionnaire. They reported a healthy pregnancy with no complications. The Student experienced difficulties with reflux during their first year of life and had a history of breathing difficulties. No significant medical history or conditions were reported. The Student passed hearing and vision screenings on October 28, 2022. English was the primary language spoken at home.
c. Previous assessments reviewed included:
    i. January 26, 2024: Cognitive Assessment System, second edition (CAS2) indicated:
        (1) Planning: below average, 77 Standard Score (SS).
        (2) Simultaneous: low average, 88 SS.
        (3) Attention: significantly below average, 67 SS.
        (4) Successive: low average, 85 SS.
    ii. January 26, 2024: Motor-Free Visual Perception Test, fourth edition (MVPT-4) overall score of 106, average.
    iii. January 26, 2024: Comprehensive Test of Phonological Processing, second edition (CTOPP-2) indicated Alternative Phonological Awareness: average, 92 SS.
    iv. January 26, 2024: Test of Auditory-Perceptual Skills, fourth edition (TAPS-4) indicated Phonological Processing: average, 90 SS.
    v. January 26, 2024: Test of Integrated Language and Literacy Skills (TILLS) indicated:
        (1) Sound/word composite: below average, 76 SS.
        (2) Sentence/discourse composite: low average, 85 SS.
        (3) Oral composite: low average, 74 SS.
        (4) Written composite: below average, 74 SS.
        (5) TILLS total score: below average, 77 SS.
    vi. January 26, 2024: Feifer Assessment of Reading (FAR) indicated:
        (1) Positioning sounds: average, 97 SS.
        (2) Rapid automatic naming: below average, 73 SS.
        (3) Verbal fluency: below average, 77 SS.
        (4) Visual perception: average, 102 SS.
        (5) Irregular word reading fluency: below average, 75 SS.
        (6) Orthographic procession: low average, 88 SS.
        (7) Fluency index: below average, 76 SS.
    vii. January 26, 2024: Gray Oral Reading Tests, fifth edition (GORT-5) indicated Oral Reading Index: below average, 81 SS.
    viii. January 26, 2024: Test of Written Language, fourth edition (TOWL-4) indicated:
        (1) Contrived writing: below average, 81 SS.

(2) Spontaneous writing composite: below average, 84 SS.
(3) Overall writing: 80 SS.

ix. January 26, 2024: Woodcock Johnson IV Test of Achievement, fourth edition (WJ IV ACH) indicated:
(1) Basic reading: below average, 79 SS.
(2) Reading rate: below average, 83 SS.
(3) Mathematics: low average, 87 SS.
(4) Broad mathematics: low average, 85 SS.
(5) Math calculation skills: low average, 88 SS.
(6) Phoneme-grapheme knowledge: below average, 80 SS.
(7) Math problem solving: below average, 80 SS.

x. March 3, 2023: Language sample indicated:
(1) The Student produced sentences varying in length and complexity, followed verbal directions, and understood/used grade-appropriate vocabulary. No articulation errors were noted, and the Student demonstrated appropriate use of syntactic and morphological development.

xi. March 3, 2023: Clinical Evaluation of Language Fundamentals, fifth edition (CELF-5) indicated:
(1) Core language: low average, 86 SS.
(2) Receptive Language: below average, 84 SS.
(3) Expressive Language: low average, 85 SS.
(4) Language content: low average, 87 SS.
(5) Language memory: below average, 82 SS.

xii. March 3, 2023: Peabody Picture Vocabulary Test, fifth edition (PPVT-5) indicated an overall score of low average, 88 SS.

xiii. March 3, 2023: Expressive Vocabulary Test, third edition (EVT-3) indicated an overall score of below average, 80 SS.

xiv. December 6, 2022: Wechsler Intelligence Scale for Children, fifth edition (WISC-V) indicated:
(1) Verbal comprehension: below average, 76 SS.
(2) Visual spatial: significantly below average, 69 SS.
(3) Fluid reasoning: below average, 79 SS.
(4) Working memory: below average, 74 SS.
(5) Processing speed: average, 92 SS.
(6) Full scale IQ (FSIQ): below average, 75.

xv. December 6, 2022: Tests of Visual Perception Skills, fourth edition (TVPS-4), indicated an overall score of low average, 85 SS.

xvi. December 6, 2022: Comprehensive Test of Phonological Processing, second edition (CTOPP-2) indicated:
(1) Phonological awareness: below average, 77 SS.
(2) Phonological memory: below average, 82 SS.
(3) Rapid symbolic naming: below average: 76 SS.

xvii. December 2, 2022: Test of Auditory-Perceptual Skills, fourth edition (TAPS-4) indicated:

(1) Auditory memory index: low average, 87 SS.
(2) Listening comprehension index: below average, 80 SS.

xviii. December 2, 2022: Behavior Assessment System for Children, third edition (BASC-3) indicated:
(1) The Parent reported all areas within the average range.
(2) The Student self-reported all areas within the average range.

xix. December 2, 2022: Conners-3 indicated:
(1) The Parent reported learning problems in the elevated range.
(2) The Student self-reported learning problems in the very elevated range.

xx. December 22, 2022: Adaptive Behavior Assessment System, third edition (ABAS-3) indicated the Parent provided the following ratings for the Student:
(1) Conceptual: low average, 86 SS.
(2) Social: average, 99 SS.
(3) Practical: average, 92 SS
(4) General Adaptive Composite: average, 90 SS.

xxi. December 22, 2022: WIAT-4 indicated:
(1) Oral language: below average, 75 SS.
(2) Reading: below average, 74, SS.
(a) Decoding: below average, 71 SS.
(b) Reading fluency: below average, 73 SS.
(c) Reading comprehension: below average, 76 SS.
(3) Written Expression: no composite score.
(a) Sentence composition: average, 94 SS.
(b) Spelling: below average, 79 SS.
(c) Essay composition: did not meet the minimum word requirement.
(4) Mathematics: below average, 76 SS.
(a) Math problem solving: below average, 70 SS.
(b) Numerical operation: low average, 87 SS.

d. Classroom observation on October 29, 2025 by the School Psychologist described the Student socializing with a friend. The Student appeared distracted by socializing with their peers, as did their classmates. The Student looked around the room, was not observed to be working on their assignment, had their computer closed, and was not writing on their paper. The Student was off-task throughout the observation.

e. A Cognitive Cross-Battery Assessment was completed using the WISC-V and the C-TOPP2. The Student was tested "using at least two subtests in seven cognitive skills, according to the Catell-Horn-Carroll (CHC) theory of cognition" on October 14, 27, and 30, 2025. Results indicated:
i. Crystallized intelligence: below average, 81 SS.
ii. Fluid Reasoning: below average, 76 SS.
iii. Visual Processing: below average, 81 SS.
iv. Short-term memory: average, 91 SS.
v. Processing Speed: below average, 83 SS.
vi. Retrieval fluency: below average, 76 SS.
vii. Learning efficiency: below average, 79 SS.

viii. Auditory Processing: below average, 83 SS.
ix. FSIQ: below average, 72.
x. g-Value: 0.16 "g-values below .50 indicate that average overall ability is unlikely."

f. The report indicated, "[The Student] demonstrated a strength in [their] working memory abilities, which fell within the average range. [The Student] demonstrated weaknesses on measures of Verbal Comprehension, Fluid Reasoning, Visual Spatial skills, Processing Speed, Rapid Naming Speed, Symbol Translation, and Phonological Processing. [The Student's] FSIQ from the WISC-V was a standard score of 72, falling in the below average range. This suggests that learning may be challenging as the numerous weaknesses are likely to constrain learning and achievement. The pattern of results does not support the presence of a Specific Learning Disability. In this case, the g-Value (0.16) is less than 0.51 and is not suggestive of average ability[,] which is a necessary condition for determining SLD within this model. Therefore, because the data do not support the criterion of at least average overall ability within the context of pattern of strengths and weakness analysis, [the Student] does not meet all required criteria for establishing the presence of a Specific Learning Disability."

16. On January 12, 2026, an Academic Achievement Evaluation was completed. The date of the evaluation was November 3, 2025. Assessments administered to the Student included the WIAT-4 and corresponding subtests. The Student's composite scores documented the following:
    a. Reading: average range with a 95 SS and a percentile rank (PR) of 37.
        i. The reading composite was derived from word reading and reading comprehension subtests.
        ii. The Student's results from the reading subtests documented the following:
            (1) Word reading: 87 SS and PR of 19.
            (2) Orthographic fluency: 82 SS and PR of 12.
            (3) Pseudoword decoding: 87 SS and PR of 19.
            (4) Decoding fluency: 75 SS and PR of 5.
            (5) Oral reading fluency: 78 SS and PR of 7.
            (6) Reading comprehension: 107 SS and PR of 68.
        iii. The Student's overall reading abilities fell within the average range compared to their same-age peers. Additionally, they had an average reading comprehension score, even though their decoding and fluency scores were lower. The Student's lagging skills in reading were in decoding and reading fluency. It was written the team should consider the Student's overall reading profile when determining their eligibility for special education services.
    b. Mathematics: low average range with an 85 SS and a PR of 16.
        i. The mathematics composite was derived from math problem-solving and numerical operations subtests.
        ii. The Student's results from the mathematics subtests documented the following:
            (1) Math problem solving: 79 SS and a PR of 8.

(2) Numerical operations: 95 SS and a PR of 37.
(3) Math fluency, addition: 85 SS and a PR of 16.
(4) Math fluency, subtraction: 72 SS and a PR of 3.
(5) Math fluency, multiplication: 76 SS and a PR of 5.

iii. The Student had average skills in numerical operations and was average in addition fact fluency. The Student had lagging skills in math problem-solving and in subtraction and multiplication fact fluency. They also struggled with the timed aspect of the subtest. It was written that the team should consider the Student's skills in mathematics when determining their eligibility for special education services.

c. Written expression: extremely low range with a 69 SS and a PR of 2.
   i. The Student's results from the writing subtests documented the following:
      (1) Sentence composition: 87 SS and PR of 19.
      (2) Essay composition: 66 SS and PR of 1.
      (3) Spelling: 71 SS and PR of 3.
   ii. The Student was able to combine two sentences into one new sentence. The Student was able to write sentences with models and spelling support. They were able to write a completely new sentence using two ideas. The Student had lagging skills in sentence building, spelling, and essay composition. The Student struggled with tasks that required them to generate ideas on their own, or to use spelling to write sentences or paragraphs. It was written the team should consider the Student's writing skills when determining their eligibility for special education services.

17. During an email exchange from December 16, 2025 through January 9, 2026 between the School Psychologist, the Case Manager, and the Parent, the following was discussed:
    a. On December 16, 2025, the Parent inquired about scheduling a meeting to discuss the assessment results.
    b. On December 17, 2025, the School Psychologist replied and offered a meeting date of January 12, 2026 at 9:30 a.m. via a virtual platform and asked the Parent to confirm.
    c. On January 5, 2026, the Case Manager emailed to confirm if the proposed time worked for the Parent.
    d. On January 8, 2026, the Case Manager followed up to their earlier email asking if the date and time worked for the Parent. They stated, "We need to meet before January 14[,] [2026]."
    e. On January 9, 2026, the Case Manager emailed asking for confirmation of the proposed meeting date and time.

18. Meeting minutes from a January 12, 2026 Eligibility Meeting indicated the team met to review evaluations and determine the Student's eligibility. The Parents did not attend the meeting. Notes indicated:
    a. The team waited 10 minutes for the Parents to join before beginning the meeting.

b. The Case Manager noted the Student was performing in the average range in reading and math, and their overall writing was below average.
c. The General Education Teacher stated the Student did not complete work in that class and was social.
d. The School Psychologist reviewed the evaluation reports and noted the Student was "overall below the mean," and therefore did not qualify for special education.
e. The team noted the Student did not demonstrate a pattern of strengths and weaknesses (PSW) relevant to a specific learning disability.
f. The Case manager proposed keeping the Student in the special education classroom until the end of the semester and noted they would follow up with the Parents.

19. A PWN dated January 12, 2026 was issued and noted the following:
    a. Description of Actions Proposed or Refused by the District: "The Evaluation Team has found that [the Student] is not a child with a disability as defined in the IDEA within the category or categories of: Specific Learning Disability."
    b. Explanation of why the District proposes or refuses to take action: "The Evaluation Team has found that [the Student] does not have an educational disability and does not require Special Education services the above area(s)."
    c. Description of information used as a basis for the decision: "Referral information, input from teacher(s) and parent(s), assessment results, and available records."
    d. Other options considered: "Finding that [the Student] has an educational disability and requires Special Education would have been inconsistent with available information. [The Student] will finish Semester 1 in the Learning Strategies class and will transition to a different elective for Semester 2."
    e. Factors relevant to the decision: "Informal and formal assessment results do not support special education eligibility in the above area(s)."
    f. The decision was proposed for implementation on January 12, 2026.

20. On January 15, 2026, the Case Manager sent an email to the Parents with a synopsis of the meeting the Parents had missed. They detailed the team determined the Student did not meet the criteria for SLD and would no longer receive special education services. They shared that the Student would remain in a Learning Strategies class until the end of the semester and offered to schedule a time to review and discuss the results. Later that day, the Parent responded and shared they never confirmed nor attended the meeting nor were they offered multiple meeting options. Additionally, they shared the family had been dealing with a family matter and "This was not communicated as a refusal to participate, nor does it constitute consent to proceed without us." The Parent requested an IEP meeting to discuss the eligibility meeting that took place in their absence.

21. In a January 21, 2026 email to the Counselor, the Case Manager shared the need to move the Student out of the Learning Strategies class and into an elective.

22. In a January 21, 2026 email to a teacher at the School, the Counselor informed them the Student would be unenrolled from the Learning Strategies class and placed into an Art class at the start of the new semester.

23. In a January 21, 2026 email to the Case Manager, the School Psychologist informed them the Student's IEP paperwork was completed with no Parent signatures as they were not in attendance at the meeting.

24. On January 22, 2026, the Principal emailed the Parent and offered them two meeting options to review the Student's evaluation and eligibility and asked them to confirm which date worked best for them.

25. On January 27, 2026, the Parent responded via email and confirmed the February 2, 2026 date at 9:30 a.m. option worked best for them.

26. On January 28, 2026, a Notice of Team Meeting was provided to the Parents by email indicating a meeting was scheduled for February 2, 2026, at 9:30 a.m. via video conference. The purpose of the meeting was for eligibility determination. The comments indicated the following:
    a. September 25, 2025: "Verbal confirmation during Evaluation Planning Meeting on the meeting being held in January [2026]."
    b. December 17, 2025: The School Psychologist emailed the family regarding the eligibility meeting scheduled for January 12, 2026, but received no response.
    c. January 5, 8, and 9, 2026: The Case Manager emailed the family regarding the eligibility meeting scheduled for January 12, 2026, but received no response.
    d. January 12, 2026: Original eligibility meeting was held.

27. A Statement of Eligibility for Special Education-SLD dated February 2, 2026 included the following relevant information:
    a. The School Psychologist completed a psychoeducational evaluation report on October 30, 2025, and the Case Manager completed an academic evaluation report on January 12, 2026, which included the following required sources of data:
        i. A review of existing information from a variety of sources, including from the Parent, previous testing, medical data, the Student's cumulative records, previous IEPs, and teacher-collected work samples.
        ii. An academic assessment of the Student's achievement toward Oregon grade-level standards.
        iii. An observation of the Student in the Student's learning environment by a qualified professional of the Student's academic performance in a regular classroom.
        iv. Progress monitoring data, including data that demonstrated the Student was provided with appropriate instruction in regular education settings delivered by qualified personnel, and documentation of repeated assessments of achievement at reasonable intervals, which reflected formal assessment of the Student's progress that was directly linked to instruction.

v. Any additional assessments that might determine the impact of the suspected disability on the Student's educational performance.
vi. Any additional evaluations or assessments necessary to identify the Student's developmental or educational needs.

b. The Pattern of Strengths and Weaknesses (PSW) was primarily used as part of the comprehensive evaluation process to determine if the Student had an SLD. The following assessments were used:
   i. File review.
   ii. Classroom observations.
   iii. The WISC-V.
   iv. The CTOPP-2.
   v. The WIAT-4.
c. The Student did not achieve adequately for the Student's age or meet Oregon grade-level standards in basic reading skills, reading fluency, mathematics problem-solving, and written expression.
d. The Student's lack of achievement was not "primarily the result" of a visual, hearing, or motor impairment, intellectual disability, emotional disturbance, cultural factors, or environmental or economic disadvantage; a lack of appropriate instruction in reading, including the essential components of reading; a lack of appropriate instruction in math; or limited English proficiency.
e. The Team determined the Student did not meet the eligibility criteria for special education services under SLD.

28. Meeting Notes dated February 2, 2026 indicated an eligibility meeting was held. Meeting participants included the Parents, the Student, the Educational Advocate, and the IEP team. The Case Manager documented the Student had lower scores on tests that had a time limit. The Educational Advocate stated the Student's reading comprehension was strong, but the Student read at a "laborious and slow rate." They added the fatigue could not be sustained over time.
    a. The School Psychologist noted it may take the Student "a bit longer" to take in information and consolidate it. They explained the Student needed to demonstrate "overall average ability" for an educational eligibility of SLD. They added the Student's FSIQ was in the below-average range, indicating a global learning difficulty rather than an SLD. The Parent was asked if they had questions, and replied, "Not at the moment."
    b. The School Psychologist reviewed the SLD eligibility statement. They explained the PSW methodology. They shared the cognitive assessment results, which showed "this is not due to a pattern of strengths and weaknesses." The Educational Advocate asked why working memory was not used to determine cognitive strength, given that it was within the average range. The School Psychologist responded the Student's overall cognitive ability was not in the average range, which was why it didn't "fall within a pattern of strengths and weaknesses." The Educational Advocate asked what alternatives were used when the PSW was not met. The School Psychologist confirmed they do not use alternative methods.

c. The Educational Advocate questioned how the Student could demonstrate "extremely low" writing and reading fluency, while the IEP team stated the Student did not require special education. The School Psychologist noted it was the Student's first time attending school in person, which was countered by the Parent, who indicated the Student had both online and in-person classes, and that the IEP instruction was one-to-one.
d. The General Education Teacher reported the Student had a 'C' and participated in class. The Principal clarified the Student was strong "from a social standpoint." They stated the school was working to find ways to support the Student academically. The Principal then confirmed the Student did not qualify for special education and added they were not saying the Student did not need help.
e. The Educational Advocate asked about other criteria, cutoff scores, and "statistical criteria" used, to which the School Psychologist replied that the Student did require "average overall cognitive ability" to qualify for an SLD. The School Psychologist explained the "full scale and g-value." The Educational Advocate asked which academic information was used to determine academic weaknesses, and the School Psychologist indicated the Student's academic performance was commensurate with their cognitive ability.
f. The Educational Advocate insisted the School Psychologist did not complete an "entire evaluation," adding there were no "medical [or] adaptives" completed. The School Psychologist noted there were no mentions of emotional concerns and added only dyslexia was reported. They recalled speech and language, and attention had been previously evaluated, and noted the evaluation report contained information from prior testing. The Case Manager indicated this was the process for determining Oregon eligibility. The Educational Advocate stated the team did not use a "variety of data."
g. The Parent stated the Student had not received their one-to-one support as outlined in their IEP. They added the Student asked for accommodations, and a substitute teacher told them they did not have an IEP.
h. The Educational Advocate stated, "the email did not arrive until after the [January 12, 2026] meeting happened," to state "they" chose not to come. They added, "They were denied [participation]." The Educational Advocate communicated there had been a "lack of clear communicating."
i. The Parents stated they received only one form of communication and added that they were dealing with a family situation at the time of the team meeting.

29. According to a transcript of the February 2, 2026 meeting, at which the Case Manager, General Education Teacher, the School Psychologist, the Special Education Facilitator, and the Principal were present, the School Psychologist reviewed the evaluation report. The School Psychologist stated, "When we're looking at the specific learning disability, … one thing that we consider is the overall … performance. So when we're looking at a specific learning disability, in terms of our educational eligibilities, we need to have … this specific pattern of strengths and weaknesses." They then shared the Student's full-scale IQ score was 72, which was in the below-average range. They noted the score gave them a G value, which was used as a mean. The School

Psychologist explained the G value was a 0.16 and that anything below five would not have been considered an SLD, but more of a global learning difficulty.

a. The School Psychologist reviewed the eligibility form and explained the data sources used in the evaluation, including the two reports they had just shared, the required data sources, and any additional sources. They explained they used the PSW methodology and needed to determine whether the Student exhibited a pattern of strengths and weaknesses related to the identification of an SLD. The School Psychologist noted the cognitive testing and cross-battery assessment results indicated the Student did not meet the criteria. They added the decision was not due to vision or hearing challenges, a lack of instruction in reading or math, or limited English proficiency.
b. The Educational Advocate asked, "how the team determined that that area of intact functioning didn't constitute a cognitive strength." The School Psychologist replied they confirmed the Student had cognitive strengths, but that the Student's overall cognitive ability was in the below-average range. They cited the eligibility statement, which confirmed that "overall cognitive ability [was] within the average range," as a requirement for qualifying for an SLD.
c. The Educational Advocate asked what alternative methods were used once they determined the Student did not meet the criteria for SLD. The School Psychologist stated they did not use any alternative methods in the District.
d. The School Psychologist stated having a specific learning disability was not the only reason a student might have lower scores. They shared that the Student had cognitive weaknesses. The Student was performing academically at a level consistent with their "cognitive abilities." They noted it was not a specific learning disability but "global learning difficulties," which was not what they served under the SLD disability category in special education.
e. The School Psychologist explained that some pieces were not required for all evaluations. They added they were only required to evaluate areas of concern and noted the language and executive functioning pieces the Parent was requesting had been summarized in their report based on the January 2024 testing. The scores were in the average range.
f. The Parent reported the Student had not been receiving support for their IEP in the Learning Strategies Class. They stated the Student got a packet or worked with the School's online platform, and added the Student did not receive one-to-one instruction. The Parent noted a substitute teacher was unable to pull up the Student's IEP in the system, but was able to pull up other students' IEPs. The Parent stated it was their understanding the Student did not have an IEP for the "entire time" they had been at the School.
g. The Parent stated they received only one email about scheduling the meeting and noted that the family was experiencing an emergency at the time, and they did not see the communication attempt.

30. PWN dated February 2, 2026, indicated the following:
    a. The team found the Student was not "a child with a disability as defined in the IDEA" under the category of SLD.

b. The team found the Student did not have an educational disability and did not require special education services for SLD.
c. The evaluation procedure, assessment, record, or report used as a basis of the proposed action included "referral information, input from teacher(s) and parent(s), assessment results, and available records."
d. The team considered determining the Student was eligible for an educational disability, but rejected that option because it was "inconsistent with available information."
e. Factors relevant to the proposed or refused actions indicated informal and formal assessment results did not support special education eligibility for SLD.

31. On February 3, 2026, the Parent emailed the IEP team and expressed concern the District failed to provide a meaningful opportunity for parent participation and ignored the Student's documented struggles in writing and fluency when determining their eligibility for special education. They further shared they felt the team pre-determined the decision to exit the Student and failed to consistently implement their existing IEP.

32. In an email dated March 25, 2026, the Learning Strategies Teacher wrote, "I implemented [the Student's] specially designed instruction per the IEP dated 12/4/24 to 12/3/25 while [the Student] was in Learning Strategies. This included specially designed instruction in the areas of math, reading, and writing. This occurred during [their] Learning Strategies elective period."

33. According to an undated Student File Review:
    a. The Student received the following grades for "month 1" of 2026:
        i. 'B' in learning strategies and Physical Education (PE)/health.
        ii. 'C' in language arts, social studies, and Spanish.
        iii. 'D' in algebra/geometry/statistics.
        iv. 'N' in science, no credit awarded.
    b. The Student had one and a half absences and three tardies. The Student had one absence from Learning Strategies.

34. The Complainant's *Reply* noted the following:
    a. Statements documented the evaluation was discontinued once a specific score was determined, and consequently, "eligibility was denied," which contradicted the District's assertion that multiple data sources were considered.
    b. The District claimed to use a comprehensive PSW model, but the District bypassed a full evaluation by using a single threshold as a definitive "stop" rule for eligibility. This approach resulted in the immediate termination of the analysis and the dismissal of relevant prior data, effectively replacing a holistic review of the Student's cognitive functioning with a solitary statistical gatekeeper.
    c. They disagreed language and literacy were "sufficiently addressed" through prior district evaluations and noted the conclusion was based on an "incorrect characterization of prior scores." They cited the School Psychologist's response

related to the scores as falling in the average range, "which was why they were not assessed again."

d. The District noted the existence of prior academic data and indicated those measures were replaced by the District's "own academic assessments."
e. The District limited the evaluation to "expected concern."
f. The District held the January 12, 2026, meeting without the Parents and needed to schedule the meeting at a mutually agreeable time to ensure the Parents could attend.
g. The District stated "alternative identification methods" were not used, indicating the evaluation may not have met the IDEA's requirement for a comprehensive and individualized evaluation.
h. The PWN may not have all the required components because only a general statement indicating "assessment results did not support eligibility" was included; it did not explain the reasoning behind the decision, and it did not identify alternative options considered.

35. In an interview with the Complaint Investigator, the Case Manager explained the Student was enrolled in a Learning Strategies class for 45 minutes each school day for specialized instruction. The Student's schedule and attendance logs served as documentation to support the confirmation of the class. The Case Manager confirmed they were not the teacher of record for that specific class, and their only direct interaction with the Student was completing the academic assessment. Additionally, the Case Manager shared they provided the Student's general education teachers with information from the IEP so "they were aware."

36. The Case Manager confirmed the Student was enrolled in the Learning Strategies class until February 2, 2026.

37. The Case Manager shared they verbally provided the Parent with the IEP date for the January 12, 2026 IEP meeting in September at the evaluation planning meeting. Following that, in December 2025 they and the School Psychologist provided the Parent with the date in writing. Additionally, they provided the Parent the meeting date three other times via email on January 5, 8, and 9, 2026. The Case Manager stated the meeting was required to be held due to the 60-day timeline.

38. When asked about outreach after the January 12, 2026 meeting, the Case Manager stated they emailed the Parent on January 15, 2026 regarding the decision the team made at the eligibility meeting. It was after this they scheduled another eligibility meeting on February 2, 2026.

39. The Case Manager noted the District became aware of the family's emergency on January 21, 2026, after the January 12, 2026 eligibility meeting.

40. The Case Manager indicated a second eligibility determination notice was issued with the same conclusion on February 2, 2026 due to that being the meeting the Parent participated in.

41. In an interview with the Complaint Investigator, the School Psychologist stated the District uses a "pattern of strengths and weaknesses" model to determine a SLD. They explained District policy requires cognitive scores to be processed through a cross-battery spreadsheet to produce a "G value," which indicates if a student possesses overall average cognitive functioning. The School Psychologist stated because the Student's G value was below 0.5, the Student did not meet the first prong of SLD eligibility. They clarified that this was not based on a single score, but rather a computation of the Student's "overall profile." They confirmed once the program identifies a below-average G value, the District does not perform further evaluations of the data because the "first piece" of SLD eligibility is not met.

42. The School Psychologist acknowledged an overall low cognitive profile would typically prompt consideration of an intellectual disability (ID). However, they stated the District did not consider ID for the Student because previous rating scales from 2022 showed the Student's adaptive functioning was in the average range. The School Psychologist noted they did not recall if ID was specifically discussed during the eligibility meeting. They stated that during the evaluation planning, the Parents and teachers were asked if there were other areas of concern, and both parties denied having any.

43. The School Psychologist explained they checked "no" on the eligibility document for the boxes regarding adverse impact and the need for special education because the Student did not meet the criteria for having a SLD, and there is "no specific learning disability to have an adverse impact or to need specially designed instruction for."

44. The School Psychologist confirmed the 60-day timeline for the evaluation ended on January 16, 2026.

45. During an interview with the Complaint Investigator, the Parent perceived the District pushed "pretty hard" to un-enroll the Student from their special education services.

46. When asked how the IEP team determined the Student did not meet state eligibility criteria for an SLD, the Educational Advocate explained the team relied on using a pattern of strengths and weaknesses and completed a cross battery. They stated a cross battery would have "some inherent troubles and bias" as it "is a selective process based on the evaluator's choice of what is in, what is out." They stated the team used a "cut score" regarding the G-value, so when the G-value was met, the team stopped any further testing because they determined the Student did not qualify for services.

47. The Parent indicated they asked for a full evaluation because the Student was due for their triennial evaluation. They did not have a thorough understanding of how the IEP team reached their conclusions.

48. The Parent stated the Student's scores were low in several areas, "... but they were basically saying since [the Student] was a social butterfly that [they] [were] not determined needing the IEP [*sic*] … ." They indicated this was confusing because the IEP team also stated the Student was getting acclimated to the School environment. They stated the Student had dyslexia and it took them longer to process and go through the material. The Parent shared the IEP team used one number to stop the eligibility process and did not look at the full picture.

49. According to the Educational Advocate, the IEP team could not reconcile the Student's patterns of strengths and weaknesses with using the cut score to stop further testing. They stated the other teachers and teaching staff, even those outside of the IEP team, knew the Student did not qualify for services, was not going to be qualified, and was being exited from services. They stated this was predetermination.

50. The Educational Advocate stated the IEP team could not form a "cogent" response to questions about testing, why they stopped, and why scores from the Student's previous district were not considered. They indicated the Student had globally low scores, and they asked the IEP team if they should look at an ID eligibility, which was not answered. The Educational Advocate stated the IEP team did not have data to substantiate their position, had predetermined the outcome, were not open to a discussion with the Parents, and acted "hostile" towards the Parents when asked about the evidence behind the team's decisions.

51. The Educational Advocate shared the IEP team stated it was not necessary to look at other areas of concern and only looked at the areas of suspected eligibility. They perceived the IEP team did not use multiple different measures and did not have a discussion about why the Student was not achieving. They stated the School Psychologist was the primary communicator of information on behalf of the District.

52. The Parent stated they contacted the School on December 16, 2025 and did not receive a response until January 2026. They indicated the response stated an IEP meeting had to be held in January 2026 but did not specify a time. The Parent explained there had been a death in the family that day and they did not respond right away, but later replied to schedule the meeting on January 12, 2026. The Parent stated they later read an email that the IEP team had held the meeting on January 12, 2026 and determined the Student did not qualify for services. They indicated they responded to the team and asked for another meeting, but were told they had been offered a meeting on January 12, 2026. The Parent stated the IEP team only offered to meet on January 12, 2026 and multiple dates or timeframes were not provided. The Parent shared the IEP team did not do anything else to reach

them other than the one email about the January 12, 2026 meeting. The Parent explained they emailed the IEP team on December 16, 2025, received a reply the next day, but did not receive another email until January 12, 2026 stating the team was holding the meeting.

53. The Educational Advocate stated the Parents requested the meeting on February 2, 2026 to review the Student's eligibility because they were not present at the January 12, 2026 meeting and had not had an opportunity to participate.

54. The Educational Advocate believed the District did not provide any services to the Student between August 2025 and January 2026. The Parent added the Student had previously had some one-on-one instruction and time in a small group setting, and was concerned those services were not being provided. The Parent stated the Case Manager told them they were not familiar with the Student's IEP or what services they were receiving. The Educational Advocate clarified the Student was not receiving SDI or instructions specific to their IEP goals. They perceived the Case Manager should have been aware of the IEP the Student transferred with. The Parent explained they learned during a parent-teacher conference the Student was not listed as having an IEP and for the first half of the school year, the School had stopped providing the Student any help or services.

55. The Educational Advocate described a time when one of the Student's teachers pulled up a list of students in their class with IEPs and stated the Student was not one of them. They indicated this happened before the eligibility meeting. The Parent described a time when a substitute teacher went into the computer system to view the Student's accommodations and could not locate them. They explained the substitute teacher showed the Student the computer screen and how it showed the Student did not have an IEP. The Parent stated they had to send the Student a screenshot of their accommodations to show the substitute teacher. The Parent believed this took place in September or October of 2025, prior to the conclusion of the evaluation in November 2025.

56. The Parent explained they were told the online platform the Student used was catered to them, but they perceived it was not. They perceived this because they compared the Student's online platform to another student who did not have an IEP and observed it was the same. The Parent indicated the online platform was supplemental curriculum. The Educational Advocate added the Student did not have pull-out or push-in services with the special education teacher. The Parent perceived the Student was supposed to be provided with accommodations during their Learning Strategies class, but instead was instructed to go on the computer instead.

57. The Educational Advocate stated the School's administration would not allow the parents to meet the Learning Strategies Teacher, which the Parent confirmed.

58. The Educational Advocate explained the PWN from the eligibility meeting provided a general statement that the assessment results did not support eligibility, but did not include a rationale or reasoning for that conclusion. They stated the PWN did not identify alternative options that were considered or rejected, did not address the Parents' position, and did not address any potential alternatives to their findings. They indicated they were referencing the PWN from February 2, 2026.

59. Regarding the January 12, 2026 PWN, the Educational Advocate stated it was blank when referencing the areas in which eligibility was not supported. They explained the IEP team stated in their documentation they did not continue anymore assessments because the Student was "average" from prior testing. The Educational Advocate indicated the Student had scores below the normal and average range, which made the team's statement inaccurate and incomplete. They stated the IEP team did not assess the Student in all areas. The Educational Advocate explained the PWN did not include a consideration of options and only restated the team's position the Student did not meet eligibility criteria. They perceived the team only looked at one criterion.

60. The Parent shared the data showed the Student had "serious concerns, especially in writing." They stated the IEP team did not clearly explain how the Student's scores did not meet state criteria for eligibility. The Parent stated during a meeting with the Case Manager, they were told they had to reassess the Student or they would be "let go" from their IEP. The Parent explained they gave consent if the Student was to be reassessed for "everything." They also stated it was mentioned during the February 2, 2026 meeting they had never discussed concerns about the Student's anxiety or shutting down, and the Parent stated they had discussed that during the evaluation planning meeting. The Parent indicated that during the February 2, 2026 meeting, it was stated they never informed the IEP team the Student had anxiety, which was why it was not tested, and they had agreed to conduct a "smaller evaluation." The Parent disagreed and stated they had expressed all of their concerns prior to the February 2, 2026 meeting.

61. The Educational Advocate stated the Student had multiple SLDs and said, "... the team used a single measure in order to terminate [the Student's] eligibility analysis based on that singular measure … . G-value is a statistical framework to help inform decision making. It's not eligibility criteria. It is a launching point for discussion to help frame that information, but national school psychologists associations are very clear that that is not a[n] eligibility measure, and it's to be used to help guide discussions not to unilaterally terminate and predetermine an outcome of a student's eligibility process." They stated the IEP team did not analyze all of the Student's documented deficits, misapplied exclusionary criteria relating to the Student's SLD, and did not facilitate testing to identify what would have been the cause and source of the Student not achieving as expected.

62. The Educational Advocate stated the Parents had made multiple written requests for clarity and understanding of what rationale was used to support the IEP team's position, but received nothing.

63. The Parent stated the Student did not receive a full evaluation and said, "[The Student] has real academic needs and the evaluation process stopped early. Important data wasn't fully considered. And [they] lost services which denied [them] access to [their] education and supports. … [The Student] [is] still suffering from these issues. And now that [the Student] doesn't have an IEP, [they] [are] more withdrawn and now is failing multiple classes instead of just chugging along with the struggle."

64. On February 5, 2026, the Complainant filed this Complaint.

IV. DISCUSSION

Eligibility

The Complainant alleged the District violated the IDEA by not ensuring a group of qualified professionals and the Student's parent determined whether the Student had a disability, and by not ensuring a variety of sources, including aptitude and achievement tests, parent input, and teacher recommendations were used to determine eligibility. Additionally, the Complainant alleged the District did not follow the criteria for an SLD when determining eligibility, and did not consider the Student's grade-level standards and parent input.

If a child is suspected of having an SLD, a comprehensive evaluation must be conducted to include an academic assessment of the child's academic achievement toward Oregon grade-level standards, a review of cumulative records, previous IEPs or IFSPs and teacher collected work samples, and an observation of the child in the child's learning environment (including the regular classroom setting) to document the child's academic performance and behavior in the areas of difficulty. The observation must consist of information from an observation by a qualified professional in routine classroom instruction and monitoring of the child's performance before the child was referred for an evaluation, or an observation conducted by a qualified professional (who is a member of the evaluation team) of the child's academic performance in a regular classroom after the child has been referred for an evaluation and parent consent obtained. Additionally, progress monitoring data, including data that demonstrates that before, or as part of, the referral process, the child was provided appropriate instruction in regular education settings, delivered by qualified personnel, and data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress that is directly linked to instruction.[3]

For a student evaluated using a model that is based on the student's strengths and weaknesses, the evaluation must include an assessment of the student's strengths and weaknesses in classroom performance and academic achievement, relative to age, Oregon grade-level

[3] OAR 581-015-2170; 34 CFR §§ 300.307(a)(1)(2)(3)(b), 300.309(a)(b)(c)

standards, or intellectual development. If needed, a developmental history, an assessment of cognition, fine motor, perceptual motor, communication, social or emotional, and perception or memory, if the child exhibits impairment in one or more of these areas. If needed, a medical statement or health assessment indicating whether there are any physical factors that may be affecting the child's educational performance, and any other assessments required to determine the impact of the suspected disability on the child's educational performance for a school-age child, or on the child's developmental progress for a preschool child.[4]

For consideration of eligibility in the area of specific learning disabilities, the eligibility team must include the parent, the child's regular classroom teacher, and a person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist, or other qualified professional. To be eligible as a child with an SLD, the child must meet the following minimum criteria: the child does not achieve adequately for the child's age or to meet Oregon grade-level standards in one or more of the following areas when provided with learning experiences and instruction appropriate for the child's age or Oregon grade-level standards for basic reading skills, reading fluency skills, reading comprehension, mathematics calculation, mathematics problem-solving, written expression, oral expression, or listening comprehension. For a student evaluated using a model that is based on the student's strengths and weaknesses, in relation to one or more of the aforementioned areas, the student exhibits a pattern of strengths and weaknesses in classroom performance, academic achievement, or both, relative to age, Oregon grade-level standards, or intellectual development, that is determined by the group to be relevant to the identification of an SLD. The child's rate of progress or pattern of strengths and weaknesses is not primarily the result of a visual, hearing, or motor impairment, intellectual disability, or emotional disturbance, cultural factors, environmental or economic disadvantage, or limited English proficiency.[5]

For a child to be eligible for special education services as a child with an SLD, the eligibility team must also determine that the child's disability has an adverse impact on the child's educational performance and that the child needs special education services as a result of the disability. The eligibility team must prepare an evaluation report and written statement of eligibility documenting its findings, including: the evaluation data considered in determining the child's eligibility, a determination of whether the child meets the minimum criteria for a specific learning disability, the relevant behavior, if any, noted during the observation of the child and the relationship of that behavior to the child's academic functioning, and the educationally relevant medical findings, if any. The determination of the team concerning the effects of a visual, hearing, or motor disability, intellectual disability, emotional disturbance, cultural factors, environmental or economic disadvantage, or limited English proficiency on the child's achievement level, and a determination of whether the primary basis for the suspected disability is a lack of appropriate instruction in reading or math or limited English proficiency, a determination of whether the child's disability has an adverse impact on the child's educational performance, a determination of whether, as a result of the disability, the child needs special

[4] Ibid.

[5] Ibid.

education services, and the signature of each member of the team indicating agreement or disagreement with the eligibility determination.[6]

Multiple documents showed the District used a variety of sources to assess the Student's aptitude and achievement during the evaluation process to determine the Student's eligibility. Additionally, at the February 2, 2026 eligibility meeting, the team included the Parents, the Student, the Educational Advocate, the Principal, the Case Manager, the Special Education Facilitator, General Education Teacher 1, and the School Psychologist. The evidence showed the District met its obligation to ensure a group of qualified professionals determined the Student's eligibility, and used a variety of resources to do so.

The February 2, 2026 Eligibility Statement indicated the Student did not achieve adequately for their age or at Oregon grade-level standards in basic reading, reading fluency, mathematics (problem solving), and written expression. The District utilized a PSW methodology for determining eligibility, meaning a student must also exhibit a pattern of strengths and weaknesses in classroom performance, academic achievement, or both, relative to age, Oregon grade-level standards, or intellectual development. Because of the aforementioned results, the team reviewed the data for patterns of strengths and weaknesses. The October 30, 2025 Psychoeducational Evaluation Report indicated the Student had what would be considered a "flat" profile in the PSW model, which is where the Student's struggles were global rather than specific. This profile was demonstrated in the Student's data and stated in the description at the end of the report. Throughout the materials, the School Psychologist was consistent in their explanation of the results.

The School Psychologist acknowledged an overall low cognitive profile would typically prompt consideration of eligibility for special education under the category of ID, but the District did not consider ID for the Student because previous rating scales from 2022 showed the Student's adaptive functioning was in the average range. The School Psychologist did not recall if ID was specifically discussed during the eligibility meeting. They stated that during the evaluation planning meeting, the Parents and teachers were asked if there were other areas of concern, and both parties denied having any. Overall, the evidence indicates the District followed the appropriate criteria for determining whether the Student was eligible for special education due to a specific learning disability.

The Department does not substantiate this allegation.

Evaluation

The Complainant alleged that the District violated the IDEA by failing to review existing evaluation data, current classroom-based, local, or state assessments, and classroom-based observations, and by failing to identify any additional data needed and to consider the Student's present levels of academic achievement and related developmental needs when conducting the evaluation.

[6] Ibid.

A public agency must conduct an evaluation or reevaluation process in accordance with the law before determining that a child is a child with a disability or continues to have a disability under OAR 581-015-2130 through 581-015-2180, changing the child's eligibility, terminating the child's eligibility as a child with a disability, unless the termination is due to graduation from high school with a regular diploma or exceeding the age of eligibility for a FAPE. Consistent with the consent requirements in the law, a parent or public agency may initiate a request for an initial evaluation to determine if a child is a child with a disability. An initial evaluation must be conducted to determine if a child is eligible for special education services when a public agency suspects or has reason to suspect that the child has a disability that has an adverse impact on the child's educational performance, and the child may need special education services as a result of the disability. The public agency must designate a team to determine whether an initial evaluation will be conducted. The team must include the parent and at least two professionals, at least one of whom is a specialist knowledgeable and experienced in the evaluation and education of children with disabilities. The team may make this decision without a meeting. If a meeting is held, parents must be invited to participate in accordance with the law.[7]

On September 24, 2025, the Parent consented to the following evaluations for the purposes of determining if the Student qualified for special education as a student with an SLD: achievement assessments, intelligence testing, an observation of the Student, a developmental history, and a file review. The School Psychologist also stated they would use information from two previous reports, in addition to what was gleaned from updated tests and additional assessments. In an interview, the Parent stated they mentioned the Student's anxiety during the September 24, 2025 evaluation planning meeting. However, that information was not captured in the meeting minutes and could not be corroborated as being discussed with the IEP team.

The October 30, 2025 Psychoeducational Evaluation Report documented and described the evaluation procedures which were followed, which included the aforementioned items. The report also included multiple previous assessments conducted between 2022-24. Overall, the evidence showed the evaluation contained a variety of data and comprehensively assessed the Student in all areas of suspected disability.

The Department does not substantiate this allegation.

When IEPs Must Be In Effect

The Complainant alleged the District violated the IDEA by failing to provide special education and related services in accordance with the Student's IEP, failing to ensure that staff delivered services as written, failing to document how missed or reduced services were made up, and allowing gaps in implementation while eligibility was being questioned.

At the beginning of each school year, a school district must have in effect an IEP for each child with a disability within the district's jurisdiction. School districts must provide special education and related services to a child with a disability in accordance with an IEP. Each school district

[7] OAR 581-015-2105; 34 CFR § 300.305(a)(d)

must ensure the IEP is accessible to each regular education teacher, special education teacher, related service provider and other service provider who is responsible for its implementation, and inform each teacher and provider of their specific responsibilities for implementing the child's IEP and the specific accommodations, modifications, and supports that must be provided for or on behalf of the child in accordance with the IEP.[8]

The Student had an out-of-state IEP, dated December 4, 2024, which was in place when they started attending the School. The Case Manager emailed the Counselor on August 25, 2025 indicating the Student would be added to a Learning Strategies class while they waited to receive the IEP. Email communication showed the Case Manager informed staff of the Student's enrollment, attached a copy of the out-of-state IEP, and shared the Student required SDI in reading, writing, and math. Several staff members were included in the email, including the Student's two general education teachers and their math teacher, indicating staff had access to the information contained in the Student's IEP. Additionally, the Learning Strategies Teacher stated they implemented the Student's SDI, a total of 90 minutes per week of for math, reading, and writing, during the Student's Learning Strategies class.

Email evidence from September and October 2025 showed the District agreed to serve the Student's out-of-state IEP while the evaluation was conducted, and there was nothing to indicate this did not happen. The Parents believed the Student's IEP was not being implemented, in part, because the Student did not receive one-to-one special education services. The Student's IEP, however, did not require one-to-one services and specifically indicated that SDI would be provided in a group setting. The Parents also described a time when a substitute teacher allegedly could not access the Student's IEP. While this information was consistently shared by the Parents and the Educational Advocate, there was no additional evidence or statements to corroborate it and does not demonstrate that the special education services in the Student's IEP were not implemented. Overall, the evidence supports that the Student received the SDI required by their IEP during the Learning Strategies class.

The Department does not substantiate this allegation.

Parent Participation

The Complainant alleged the District violated the IDEA by failing to schedule the eligibility meeting at a mutually agreed-upon time and place, and by holding the meeting without the Parent in attendance.

School districts must provide one or both parents with an opportunity to participate in meetings with respect to the identification, evaluation, IEP and educational placement of the child, and the provision of a free appropriate public education to the child. School districts must provide parents with a written notice of the meeting sufficiently in advance to ensure that one or both parents will have an opportunity to attend. The written notice must state the purpose, time and place of the meeting and who will attend, inform the parent that they may invite other individuals whom they believe have knowledge or special expertise regarding the child,

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

inform the parent that the team may proceed with the meeting even if the parent is not in attendance, and inform the parent of whom to contact before the meeting to provide information if they are unable to attend. The school district must take whatever action is necessary to ensure the parent understands the proceedings at a meeting, including arranging for an interpreter for parents who are deaf or whose native language is other than English. A meeting may be conducted without a parent in attendance if the school district has given the parent notice or, for IEP or placement meetings, in accordance with the law.[9]

The Case Manager stated the Parents were notified about the January 12, 2026 meeting during the September 24, 2025 evaluation planning meeting, but there was no Notice of Meeting in the evidence to corroborate this. While an email from the School Psychologist on September 25, 2025 indicated the deadline to review eligibility was in January 2026, it did not reference a specific date.

On December 16, 2025, the Parent asked for a meeting to discuss the assessments. The School Psychologist replied the next day, offered to meet on January 12, 2026, and asked for confirmation. The evidence showed the Case Manager emailed the Parents three times asking if the January 12, 2026 meeting time worked and stated they had to meet before January 14, 2026. On January 15, 2026, the Case Manager emailed the Parents a synopsis of the meeting they missed on January 12, 2026 and the eligibility determination results. The Parent replied they never communicated a confirmation or a refusal to participate, and were not offered multiple meeting options.

Per OAR 581-015-2190, districts must provide parents with a written notice of a meeting sufficiently in advance. While the evidence showed the District emailed the Parents the meeting date and tried to confirm it four times prior to January 12, 2026, no other actions were taken and there was no evidence of an official Notice of Team Meeting for the January 12, 2026 eligibility meeting. While a meeting may be conducted without a parent in attendance if the school district has given the parent notice, there was no information to show the District provided proper written notice of the January 12, 2026 meeting to the Parents.

The evidence indicated the District never received an affirmative confirmation or refusal from the Parents about attending the January 12, 2026 meeting, and did not seek it out through other methods, such as phone calls. A second eligibility meeting was held on February 2, 2026 to review eligibility determination. While the Parents attended and participated in the second eligibility meeting, the Parents only requested this meeting because they were not afforded the ability to participate in the original one. More likely than not, the February 2, 2026 would not have been necessary if the District provided proper notice to the Parents regarding the January 12, 2026 meeting.

The Case Manager stated the January 12, 2026 meeting date was adhered to because of the 60-day timeline for reviewing the Student's evaluations. In *Doug C. v. Hawaii* (2013)[10], however, the Ninth Circuit Court ruled parental participation was a core piece of the IDEA. In that case, the

[9] OAR 581-015-2190; 34 CFR §§ 300.322, 300.501(b)(c)

[10] Doug C., et al. v. State of Hawaii Dep't of Educ., No. 12-15079 (9th Cir. 2013)

court ruled if a school district had to choose between meeting a procedural deadline and ensuring a parent could participate, they should prioritize parent participation. In this case, the District prioritized the eligibility deadline over the Parents' participation, even when they did not have an affirmative confirmation or refusal that the Parents would attend the meeting. The District also made an important decision regarding the Student's eligibility and access to services without the Parents' participation or input.

The Department does substantiate this allegation.

Prior Written Notice

The Complainant alleged the District violated the IDEA by providing the Parent with PWN that did not include all required contents when the District determined the Student was no longer eligible for special education services.

The IDEA requires a school district to give parents PWN within a reasonable period of time before it proposes or refuses to initiate or change anything related to the identification, evaluation, educational placement, or the provision of FAPE to a child with a disability[11]. PWN must be both specific and explanatory[12], including:

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

The purpose of such detailed PWN requirements is twofold. First, it assists school personnel to consider options carefully and make decisions on the basis of articulable criteria or reasoning. Second, it gives parents definitive statements of school district decisions and to understand exactly what considerations led to those decisions.

The District provided the Parents with PWN on January 12, 2026, and February 2, 2026 regarding the determination that the Student no longer qualified for special education. While the PWN did not include all of the data that the Parent desired, the IDEA does not dictate what specific data must be included, so long as the PWN includes the information listed in (a)-(g) above. The PWN provided by the District certainly could have included more robust detail, but it met the minimum standard required by the IDEA. Further, as reflected by meeting minutes and a meeting transcript, the District thoroughly and repeatedly explained the reasoning

[11] OAR 581-015-2310(a); 34 CFR §300.503(a)
[12] OAR 581-015-2310(b); 34 CFR §300.503(b)

behind its eligibility decision to the Parents and, while they may have disagreed with the decision, the evidence does not support that the Parents did not understand the considerations that led to that decision.

The Department does not substantiate this allegation.

Free Appropriate Public Education

The Complainant alleged that the District violated the IDEA by determining that the Student was no longer eligible for special education services by failing to implement the Student's IEP, and by denying the Parent meaningful participation in the eligibility process.

Each school district is responsible for providing a free appropriate public education to school age children with disabilities for whom the school district is responsible.[13] In order to determine whether a student has been denied a FAPE, the courts review a district's compliance with the procedural and substantive components of the student's education. Reviewing courts must inquire whether the school district complied with the procedural requirements of the IDEA, and whether the school district met the substantive requirement to develop an IEP reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances.[14]

Not every procedural error is sufficient to rise to a denial of FAPE.[15] The procedural test consists of three pivotal questions: (1) whether the student suffers a loss of educational opportunity;[16] (2) whether the parent's right to participate in the IEP process was infringed;[17] or (3) whether the procedural error caused a "deprivation of educational benefit."[18]

The District did not commit any procedural violations that resulted in a loss of educational opportunity or deprivation of educational benefit to the Student. The Parents' lack of participation in the eligibility determination meeting, however, seriously infringed on their opportunity to participate in the decision-making process about the Student's education. While the District convened a second eligibility meeting with the Parents in attendance, in *Drobnicki v. Poway Unified School District* (2009)[19], the Court of Appeals for the Ninth Circuit found that "after-the-fact parental involvement" was not enough and the district's failure to include the parents, the "persons most knowledgeable" about the student's education, in decision making resulted in a denial of a FAPE.

The Department substantiates this allegation.

V. CORRECTIVE ACTION[20]

[13] OAR 581-015-2040(1); 34 CFR §300.101(a).
[14] *Endrew F.*, 137 S.Ct. at 999.
[15] *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)).
[16] *Target* Range, 960 F.2d at 1484.
[17] *Id.*
[18] *Amanda J.*, 267 F.3d at 892 (citing *Roland M.,* F.2d at 994).
[19] Drobinicki v. Poway Unified Sch. Dist., 109 LRP 73255 (9th Cir. 11/17/09, unpublished)
[20] 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

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

Action Required	**Submissions**	**As Soon As Possible But No Later Than Due Date**
1. The District must ensure all special education staff responsible for inviting parents to IEP meetings are trained on the requirements for proving parents with notice of meetings and for ensuring meaningful parent participation in decisions regarding their child's special education.	The District shall submit to the ODE the following: Training agenda/materials to ODE for review/approval. Sign-in sheet for training.	 **June 15, 2026** **October 15, 2026**

Dated: this 6 Day of April 2026



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Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing Date: April 6, 2026

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

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)).