BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of	)	FINDINGS OF FACT,
Willamette Education Service District	)	CONCLUSIONS,
	)	AND FINAL ORDER
	)	Case No. 26-054-026

I. BACKGROUND

On February 24, 2026, the Oregon Department of Education (the Department) received a written request for a special education complaint (Complaint) from the parents (Parents) of a student (Student) served by the Willamette Education Service District (District). The Parents requested that the Department conduct a special education investigation under OAR 581-015-2030. The Department confirmed receipt of this Complaint and forwarded the request to the District.

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

On March 3, 2026, the Department's Complaint Investigator sent a *Request for Response (RFR)* to the District identifying specific allegations in the Complaint to be investigated and establishing a *Response* due date of March 18, 2026. On March 18, 2026, the District submitted a *Response*, disputing the allegations described in the Complaint. The District submitted the following relevant items:

1. District Response
2. Student IFSP, 1/27/25
3. IFSP Progress Report, 6/6/25
4. Written Agreement Between the Parent and the EI/ECSE Program, 10/25/25
5. Student IFSP, 10/22/25
6. Prior Written Notice, 10/22/25
7. Student Annual IFPS, 12/12/25
8. Annual IFSP meeting notes, 12/12/25
9. Student IFSP Progress Notes, 12/12/25
10. Prior Notice of Early Intervention or Early Childhood Special Education Action, 12/12/25
11. Written Agreement Between the Parents and the EI/ECSE Program, 2/3/26
12. Student IFSP, 2/3/26

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

13. Prior Notice of Early Intervention of Early Childhood Special Education Action, 2/3/26
14. Prior Notice of Early Intervention of Early Childhood Special Education Action [Clerical Correction], 3/3/26
15. Service and Contact logs, 2/25/25—2/23/26
16. Notice of IFSP Team Meeting, 12/2/25
17. SLP Session notes, 2/20/25
18. SLP Session notes, 3/6/25
19. SLP Session notes, 3/20/25
20. SLP Session notes, 4/10/25
21. SLP Session notes, 4/24/25
22. SLP Session notes, 5/8/25
23. SLP Session notes, 5/20/25
24. Email: Re: Contact information for new providers, 2/24/25
25. Email: Speech Session for [Student], 10/6/25
26. Email: Re: [Student], 10/9/205
27. Email: Speech Consultative Services, 10/21/25
28. Email: Clarification on virtual speech services, 12/1/25
29. Email: Follow-up regarding SLPA visit,
30. Email: FW: [Student] IFSP, 12/18/25
31. Email: Re: [Student], 1/23/26
32. Email: Introduction email – [Student] new SLP, 1/20/26
33. Email: Re [Student], 1/23/26
34. Email: updated email address, 1/23/26
35. Email: Re: updated email address, 1/23/26
36. Email: Document, 2/4/26
37. Email: [Student]-SLP log.pdf, 2/9/26
38. Email: Re: [Student] visit, 2/11/26
39. Email: Re: IDEA Part B and C Records Request—Missing Documentation of Speech-Language Services for [Student] and additional records request, 2/11/26
40. Email: Re: [Student] visit, 2/11/26
41. Email: [Student] – follow up on evaluation measures, 2/17/26
42. Email: Re: IDEA Part B and C Records Request—Missing Documentation of Speech-Language Services for [Student] and additional records request, 2/17/26
43. Email: Records, 2/23/26
44. Email: Developmental Consultation service notes – Jan and Feb, 2/25/26
45. Email: Re: Evaluation Consent, 2/25/26
46. Email: [Student's] Monday visit note, 2/25/26
47. Email: Re: Records, 2/26/26
48. Email: FW: Mutual Student, 12/2/25
49. Service log for [Student], 10/20/25—11/28/25
50. ASHA Scope of Practice for the Speech-Language Pathology Assistant (SLPA)
51. WESD Intendent Educational Evaluation (IEE) Criteria and Procedures
52. Student Medicaid Billing Log, 2/9/26
53. Education Record Request Form, 2/11/26

54. Parent concerns for education of the child
55. Service log for [Student], 1/9/26—2/25/26

On March 17, 2026, the Department's Complaint Investigator interviewed the Parents, and gathered additional documentation from them. On April 9, 2026, the Department's Complaint Investigator interviewed the District's Director of Eary Learning. The Complaint Investigator reviewed and considered all these documents, interviews, and exhibits in reaching the findings of fact and conclusions of law contained in this order. This order is timely.

II. ALLEGATIONS AND CONCLUSIONS

The Department has jurisdiction to resolve this Complaint under 34 CFR §§ 300.151-153 and OAR 581-015-2030. The Parent's allegations and the Department's conclusions are set out in the chart below. The conclusions are based on the Findings of Fact in Section III and the Discussion in Section IV. This Complaint covers the one-year period from February 25, 2025, to the filing of this Complaint on February 24, 2026.

Allegations	Conclusions
Implementation of the IFSP It was alleged that the District violated the IDEA when it did not implement the services in the Student's IFSP. Specifically, it is alleged that the District did not provide the Student with the speech language services outlined in the Student's IFSP. (OAR 581-015-2830; 34 CFR § 300.101 & 34 CFR § 303.409	**Substantiated** The District did not provide the Student with the speech language services outlined in the Student's IFSP in September 2025 and for one session in April 2025.
Parent Participation-General-EI/ECSE Program It is alleged that the District violated the IDEA when it did not maintain and/or provide the Parents with records related to the provision of the speech language services to the Student, and the Student's progress toward their speech language goals. It is alleged that the absence of this data obstructed the Parents' ability to meaningfully participate in the review and development of the Student's IFSP. (OAR 581-015-2750; 34 CFR § 300.501; and OAR 581-015-2755; 34 CFR § 300.322 &34 CFR § 300.501)	**Not Substantiated** The records support that SLP records were not well maintained. Despite the condition of the records an SLP for the District was present for IFSP team meetings with the Parents and progress data was available and discussed by the IFSP team. The Parents were active participants in decisions regarding the Student's education.

Access to Student Education Records It is alleged that the District violated the IDEA when it did not provide the Parents with access to the Student's education records, specifically those related to the provision of speech language services. (OAR 581-015-2300; 34 CFR § 300.501 & 34 CFR § 303.405(a))	**Not substantiated** The District provided the Parents with the records requested. The District was not required to maintain any additional records.
Free Appropriate Public Education (Denial of FAPE) It is alleged that the District violated the IDEA when it did not provide the Student with the speech language services outlined in the Student's IFSP and did not provide the Parents with services logs and/or progress data about the provision of speech services to the Student. It is alleged that these actions denied the Student a FAPE. (OAR 581-015-2040; 34 CFR 300.101)	**Substantiated, in Part** The District did not provide the Student with all of the SLP services required by their IFSP, which resulted in a loss of educational opportunity to the Student. The District did provide the Parents with the educational records requested, including progress reports.

REQUESTED CORRECTIVE ACTION
The Parent requests that the District: • Produce a full accounting of all speech-language services owed and delivered to the Student; • Provide compensatory education equal to or greater than the total missed service minutes, and that qualified speech-language pathologist provide those services, • Implement corrective action to ensure ongoing service obligations to the Student; and, • Provide training to staff regarding IEP/IFSP implementation obligations.

III. FINDINGS OF FACT

1) The Student in this matter is four years old and attends a preschool in the District's service area.

2) The Student enjoys singing and dancing, is perceptive and good at remembering things.

They enjoy playing with their tool set and helping at home. The Student demonstrated delays and differences in development and skill in communication and cognition/problem-solving/play. These delays and differences negatively impact their ability to participate in age-appropriate activities in the community and in their home environment. The Student was diagnosed with Autism Spectrum Disorder by their physician.

3) On January 27, 2025, the District formulated an Individualized Family Service Plan (IFSP) for the Student. The IFSP included speech and play services for the Student, provided by a speech language pathologist, one time per week, for 30 minutes. The service is described as direct service to the Student, 30 minutes twice monthly, and indicated that a Speech-Language Pathologist Assistant (SLP-A) "may provide services in coordination with and under supervision of SLP." A Speech-Language Pathologist (SLP) for the District attended this meeting.

   The Student's IFSP included a variety of supplemental services, adaptations, and accommodations including access to comfort/or transition items to reduce stress during challenging transitions; access to sensory supports, modeling of play skills; use of simplified language for all new directions; provision of choice boards; and graduated warnings to aid transitions.

   The IFSP includes goals in the following categories: adaptive, social/emotional, expressive communication, and receptive communication.

   The Student's adaptive goal envisions that the Student will transition from one activity using visuals, timers, verbal supports, and adult prompting, in three out of four opportunities. The District planned to measure progress toward the goal through data, observation, and parent report. The adaptive goals also envisioned that the Student would increase their independence in at least three daily living activities, with progress measured by parent report, and specialist observation/data.

   The Student's social/emotional goal envisioned that the Student would participate with a parent or play partner by bringing a toy to share, playing an interactive game, finger play and engaging in back and forth turns, with progress measured by parent report and observation. The social/emotional goal also envisioned the Student would identify and manage feelings in themselves and in others on a daily basis, with progress measured by parent and teacher report.

   The Student's expressive communication goal envisioned that they would improve their expressive language skills by using total communication (gestures, signs, word approximations, words, phrases) for a variety of communicative functions, with progress measured by specialist data, parent report, and progress monitoring measures.

   The Student's receptive communication goal envisioned that the Student would improve their receptive language skills by demonstrating an understating of a larger variety of age-

appropriate concepts such as simple pronouns, familiar adult names, their own name, and colors. Progress toward this goal would be measure by specialist data, parent report, and progress monitoring tools.

The Student's IFSP team determined that the Student would receive their services in a community preschool.

4) On February 24, 2025, the Parents exchanged emails with the District about the start of services for the Student under the new IFSP, with the District recommending how the Parents could best support the Student at home.

5) On June 6, 2025, the District produced a progress report for the Student. At that time the Student was making 80% progress toward their expressive communication and receptive communication goals. The report was prepared by the SLP working with the Student.

6) The Student began attending a new preschool at the beginning of September 2025. On September 10, 2025, the Parent sent an email to the SLP who worked with the Student at their previous school inquiring about continuing SLP services at the new school. On the same date, the previous SLP replied that they would forward this information "to the team that covers that area, and they will be in touch."

7) On October 6, 2025, the new SLP assigned to the Student called the Parent to introduce themselves. The SLP explained that services would be provided virtually. The Parent responded that they did not consent to virtual speech sessions.

8) On October 6, 2025, the new SLP assigned to work with the Student sent an email to the District reporting that the Parents had asked that the Student not receive virtual SLP services.

9) On October 7, 2025, the District, responding to the SLP, indicated that they would add discussion of virtual SLP services to the Student's upcoming IFSP team meeting. The District noted that the Student appeared to benefit from virtual SLP services, and that the District generally watches to see if after "2-3 sessions the child is not engaging or the team feels that progress is not happening [the District would] then consider assigning the child to a different SLP." The District went on to observe that "like anything else, we wouldn't make recommendations on services without data or additional information."

10) On October 8, 2025, the District documented a virtual meeting with the Parents where the District discussed the use of virtual SLP services. The Parents confirmed that they did not consent to the Student receiving virtual services but, if in-services were not available, they would consider "trialing a consultation model of speech therapy."

11) On October 17, 2025, the ECSE Coordinator for the District spoke with the Parents and the Parents agreed to change the Student's SLP services to consultation rather than direct. They

indicated that they would "sign a written agreement" to make the change and that the service model could be reviewed at the Student's next IFSP meeting in January 2026.

12) On October 22, 2025, the Parent and the District agreed that an IFSP meeting was not required to revise the Student's IFSP.

13) On October 22, 2025, the Student's IFSP team revised the Student's IFSP. As the result of the revision, the Student's direct Speech/Language services for 30 minutes twice monthly were discontinued. Speech/Language consultation services were added to the IFSP twice per month for 30 minutes each.

14) On October 22, 2025, the District sent the Parents Prior Written Notice (PWN) of its intent to change the Student's speech language services to consultation minutes because the Parents did not consent to direct speech language services being provided virtually or via an SLP-A.

15) On December 1, 2025, the Parents sent an email to the District documenting their attendance at a parent teacher conference. The Parents noted that the Student's teacher reported that the Student received virtual speech services, and that the Parents wanted to verify that these services were in fact provided to the Student because they had previously revoked consent to virtual services. If services had been provided virtually, the Parents requested "all records where [they were] provided virtual speech services, and request that [they] not be provided further virtual speech services."

16) On December 2, 2025, the Parents sent an email to the District requesting notes and documentation of the ECSE Coordinator's sessions with the Student and conversations with the Student's private speech therapist ahead of the planned December 12, 2025, IFSP team meeting.

17) On December 3, 2025, the District provided the notes the Parents requested the previous day.

18) On December 12, 2025, the Student's IFSP team met to revise the Student's IFSP. An SLP for the District attended this meeting. As part of the meeting a District SLP discussed with the Parents the Student's proposed speech goals. As part of the meeting the Parents voiced concern about individualizing the IFSP for the Student. Notes for this meeting included that the District discussed that the District would offer the Student speech services from a SLP-A in person "under the supervision of the virtual SLP that is assigned" to the Student's preschool site. The Parents expressed concerns about this arrangement during this meeting. The Parents ultimately agreed to services provided by an SLP-A in person with supervision by the virtual SLP.

19) The Student's December 12, 2025, IFSP, included direct SLP services to the Student 30 minutes twice monthly, with the IFSP indicating that an "SLP-A may provide services in

coordination with and under supervision of SLP." In addition, the IFSP noted that the Student received direct speech therapy for one hour per week from a private speech clinic, funded by the Parents' insurance.

The Student's IFSP included a variety of supplemental services, adaptations, and accommodations including, access to sensory supports including headphone and kinetic sand; adults modeling play skills and appropriate social response; adults using simplified language for all new instruction or directions with checks for understanding; access to visual choice boards, routine strips, and social stories; and, graduated warnings: verbal or visual and timers to aid the Student's transitions.

The IFSP included goals in the following categories: cognitive, social/emotional, expressive communication and, receptive communication.

The Student's cognitive goal envisioned that given individualized prompts and visual support as needed, the Student would participate in whole group learning activities in their preschool by looking at the appropriate materials or persons and by completing an action necessary for participation or to demonstrate understanding in 3 out of 4 opportunities. The Student's progress toward this goal would be measured by data collected by specialist observation and teacher report.

The Student's social/emotional goal envisioned that given visual supports and when asked by a trusted adult, the Student would accurately identify at least six different emotions, other than happy and sad, (e.g. frustrated, worried, excited, afraid, bored, calm), in themselves and others in three out of four opportunities. The Student's progress toward this goal would be measured by data collected by specialist observation and teacher report.

The Student's expressive communication goal envisioned that the Student would improve their expressive language skills by using total communication (gestures, signs, word approximations, words, phrases) for a variety of communication functions. The Student's progress toward this goal would be measured by specialist data, parent report, and progress monitoring measures.

The Student's receptive communication goal envisioned that the Student would improve receptive language skills by demonstrating an understanding of a larger variety of age-appropriate concepts such as simple pronouns, their own name, colors, etc. The Student's progress toward this goal would be measured by specialist data, parent report, and progress monitoring tools.

20) On December 12, 2025, the District sent the Parents PWN of its proposal to implement the new IFSP, documenting the Parent's concerns around the provision of speech-language services with a virtual SLP and in-person SLP-A.

21) On December 17, 2025, the Parents sent an email to "formally object to the proposed

service delivery model of speech-language pathology services delivered by a remote SLP with an on-site assistant or facilitator." The Parents went on to describe their concerns whether this service delivery model was appropriate for the Student's needs and developmental level.

22) On December 18, 2025, the Parents clarified that they did not want to decline all SLP services but want their concerns about the virtual service delivery model addressed before moving forward with services for the Student.

23) On January 5, 2026, the District sent an email to the Parents seeking a time to meet to discuss the Parents' concerns regarding the virtual SLP and the use of SLP-A's to provide services.

24) On January 7, 2026, the Parents, responding to the District, sent an email indicating that they were open to continued discussion and additional information. The Parents requested additional documentation from the District before agreeing to such a meeting. The Parents requested written clarification regarding the role of the SLP-A or assistant, training and autism-related early intervention experience required for those assisting the SLP, information regarding the supervision structure, information on how fidelity, engagement, and progress are objectively measured and documented, and how the virtual model aligns with IDEA Part C.

25) On January 12, 2026, the District provided a written response to the Parent's questions posed by email on January 7. The District explained that due to the Student's age they are served under IDEA part B requirements. The District also included with the email a document published by the American Speech-Language Hearing Association (ASHA) which outlines the required qualifications, scope of practice, and supervision requirements related to the use of SLP-A's. The District also reported that due to staffing changes an in-person SLP was available to serve the Student.

26) On January 14, 2026, the Parents sent an email to the District reporting in part that they agreed that the Student "made progress toward [their] goals under the current service model and level of support, which were in-person SLP services." The Parents welcomed future in-person SLP services. The Parents further questioned how the SLP-A "proposed services model is specially designed to meet [the Student's] unique needs." The Parents raised additional concerns about the Student's previous evaluation, and that the Student's unique barriers to learning as the result of their diagnosis of Autism Spectrum Disorder (ASD).

27) On January 15, 2026, the District, responding to the Parents' emails, suggested reevaluating the Student to address the Parents' concerns.

28) On January 15, 2026, the Parents expressed agreement with the District's proposal to reevaluate the Student. As part of this email the Parents outlined the various areas they

hoped the evaluation would address. In response, the District communicated that it would look for a meeting time to begin the evaluation planning process.

29) On February 11, 2026, the Parents sent an email to the SLP and the District with their concerns about the Student's autism, its impact on the delivery of SLP services, and other concerns regarding the Student's education.

30) On February 11, 2026, the Parents sent an email to the District requesting documents the Parents alleged were missing from the Student's education records, specifically documentation of the Student's SLP services. The Parents noted that the records received appeared to lack detail leaving the child progress reports feeling "largely conclusory, and [that the Parents had] been unable to assess whether the services met [the Student's] needs as outlined in [their] IFSP." The Parents went on to request additional detail for the SLP service records such as unredacted service logs, a description of the tracking system used by the SLP, an explanation why the visits were not documented or reflected in the records previously provided, and confirmation whether the Student received the scheduled services. The Parents included descriptions of documents that may provide that information as part of their request.

31) On January 16, 2026, the District sent an email to the Parents introducing the new SLP that would work with the Student and provide services in-person.

32) On February 3, 2026, the District revised the Student's IFSP to address a clerical error in the December 12, 2025, IFSP.

33) On February 11, 2026, the Parents requested copies of the Student's education records from the District.

34) On February 17, 2026, the District, responding to the Parents, reported receipt of the February 11, 206, records request and that the District was working to respond.

35) On February 23, 2026, the District sent the Parents an email with a link to download the education records requested on February 11, 2026.

36) On February 24, 2026, the Parents filed this complaint.

37) On March 18, 2026, the District submitted its *Response*. As part of the *Response*, the District provided services logs documenting the provision of speech-language pathology services for the investigation period relevant in this matter. The District acknowledged that because a clinician was not available on April 10, 2025, the District owed the Student 30 minutes of service time for that date. The District provided logs to support that services were provided for the other services dates for the investigation period beginning February 25, 2025. The District indicated that the provision of services was not entered into the District's electronic system, requiring it to reconstruct the services data from the provider's work calendar and

documentation gathered to support that the required sessions occurred. The District provided service logs showing services provided in the Spring of 2025 on: March 3, March 20, April 24, May 8, and May 20. The District provided service logs for the 2025-26 school year for October 20, 2025, through November 18, 2025, and January 9, 2026, through February 25, 2026.

38) On March 27, 2026, the Department's Complaint Investigator interviewed the Parents. The Parents explained their concerns with the District's speech-language pathology service delivery model. The Parents understood that there were few if any available SLP's to work with the Student which necessitated the use of tele-practice for the Student's SLP services. The Student also received private SLP services. The Parents reported that the Student's private SLP provider recommended that the Student receive in-person rather than tele-practice services. The Parents could not recall whether that private SLP report was provided to the District ahead of the January 2025 planning meeting.

The Parents reported that they had approved the use of tele-practice for the delivery of SLP services to the Student. However, the Parents indicated that they were not informed about the specifics of the service delivery model. The Parents indicated concerns with a lack of clarity around the specific responsibilities of the SLP and SLP-A, and whether services were sufficiently individualized. The Parents also questioned the connection between the Student's diagnosis of Autism Spectrum Disorder (ASD), and the lack of ASD specific goals in the Student's IFSP, and how those needs were addressed by the SLP.

The Parents reported concerns about the SLP's involvement in the development of the IFSP, and whether that involvement was sufficient for the Student's needs. The Parents understood that a specific SLP was assigned to the work with the Student but reported concerns whether the SLP-A was sufficiently overseen and directed for the SLP-A to adequately address the Student's needs.

The Parents explained that their concerns were exacerbated when they made a records request to the District. Their initial records request was made in February of 2025. They reported that they were looking for information about why the SLP-A model was appropriate for the Student. The Parents reported their disappointment that the record received from the District included only parent portal data and no service logs showing delivery of SLP services to the Student. The Parent reported having made an additional records request in October of 2025. Upon receiving the records, they found that tele-practice was utilized with the Student. Thereafter the Parents requested in-person services. The Parents raised additional concerns after receiving the records due to the service logs being "sparse." The Parent reported additional concern that the tele-practice delivery model was not mentioned in the Student's IFSP.

The Parents indicated concern whether the notes provided by the District were for their Student, given that the records did not indicate that the services were specifically provided to the Student. The Parents also observed that the notes did not indicate how the services

were individualized. The Parents acknowledged that the District had offered to meet with them to discuss their concerns, but that they required more information from the District to review ahead of any meeting for them to be better informed. The Parents reported that during the October 2025 meeting the District was unable to answer whether the lack of in-person SLP services was due to a staffing shortage or whether that model was appropriate for the Student.

39) On April 9, 2026, the Department's Complaint Investigator interviewed the District's Director of Early Learning. The District explained that because of the Parents' concerns about the provision of virtual SLP services, the District changed the Student's IFSP to include consultative SLP service minutes. The District noted that the Student's IFSP, formulated on January 27, 2025, included the virtual delivery of SLP services.

The District acknowledged that the SLP should enter their SOAP (subjective, objective, assessment, plan) notes into the District's system following the provision of services to a Student. The District discussed with the Department's Complaint Investigator awareness of SLP licensure requirements for record keeping and record retention. The District noted that it does not enforce those licensure requirements and that records related to a student's progress toward goals are addressed in the Student's relevant IFSP or IEP. In this case, the District acknowledged that the SLP's notes were lacking. The District further noted that the SLP is not required to use the District's form for record keeping.

The District went on to explain that a student's IFSP goals do not belong to one provider. Everyone, including the parents, are working on a student's goals. The goals are written in such a way that specialist providers, preschool staff, and parents can all assist a student with their goals. Progress toward goals is measured by the entire team, not only a specialist provider.

The District further reported that the Student received some of their SLP services through tele-practice. During those times the SLP-A would attend in-person with the Student. The SLP-A and SLP, appearing virtually, work to deliver services in a manner outlined by their licensure rules. Generally, the SLP-A provides direct services to a student, while the SLP observes through the virtual tele-practice mechanism, and provides oversight of the SLP-A's service delivery. The District further reported having provided the Parents with ASHA documentation regarding the SLP and SLP-A working language and scope of practice.

IV. DISCUSSION

Implementation of the IFSP

It was alleged that the District violated the IDEA when it did not implement the services in the Student's IFSP. Specifically, it is alleged that the District did not provide the Student with speech language services outlined in the Student's IFSP.

An IFSP must be written before early intervention (EI) services or Early Childhood Special Education (ECSE) and related services are provided to the child. Service should be provided as soon as possible following the meeting, and be provided year-round, unless agreed upon otherwise by the parents, or be in effect by the child's third birthday at the beginning of the school year for children receiving ECSE services. Contractors and subcontractors must ensure that the IFSP is available as soon as possible and at no cost to the parents. They must also ensure that copies of the IFSP are available to each regular preschool teacher, EI/ECSD specialist, related service provider and other services provider who is responsible for its implementation. Teachers and providers must be informed of their specific responsibilities for implementing the child's IFSP and the specific accommodations, modifications, and supports that must be provided for on behalf of the child in accordance with the IFSP. EI and ECSE must be provided to the child in accordance with their IFSP.[3]

The Parents alleged the records provided by the District did not support whether the District provided services outlined in the Student's IFSP. The Parents, in communication with the District, and in their interview with the Department's Complaint Investigator, indicated that the SLP service notes did not specify that the services were provided to the Student, were not signed by the SLP, and lacked clarity regarding what services were provided. The District, in its written response, and interview with the Department, acknowledged that the records were not of the standard they hoped but attested to the provision of services to the Student. The Department utilized records submitted by the SLP, and the SLP's work calendar to ascertain dates of service. The District acknowledged that it did not provide one date of service, April 10, 2025, and therefore owed the Student one thirty-minute session of speech language services. In addition, the documentation provided by the District shows that no SLP services were provided to the Student in September 2025 from the start of the school year until the Parent's indicated they did not consent to the provision of virtual services on October 6, 2025. Otherwise, the evidence supports that services were provided as required during the remainder of the complaint period.

The Department substantiates this allegation.

Parent Participation—General—EI/ECSE Program

It was alleged that the District violated the IDEA when it did not maintain and/or provide the parents with records related to the provision of speech language services to the Student, and the Student's progress toward their speech language goals. It is alleged that the absence of this data obstructed the Parents' ability to meaningfully participate in the review and development of the Student's IFSP.

Contractors or subcontractors must provide one or both parents the opportunity to participate in meetings with respect to the identification, evaluation, IFSP, placement, and the provision of a free appropriate public education (FAPE) to the child. This includes providing parents with

[3] OAR 581-015-2830

written notice of meetings sufficiently in advance to ensure that parents will have the opportunity to attend.[4] The IFSP team must consider the concerns of the parents for enhancing the development of their child.[5]

The Parents alleged that the lack of records around the provision of speech services to the Student obstructed their ability to fully participate in meetings regarding the review and development of the Student's IFSP. The Parents alleged that the records of speech services to the Student were insufficient for them to understand whether services were provided or to understand whether the Student made progress toward their goals. On June 6, 2025, the District produced a progress report showing that the Student was then making progress toward their IFSP goals. On December 12, 2025, the Parents participated in the Student's IFSP team meeting. During the meeting the parents discussed their concerns with the tele-practice service delivery model for the Student. During the meeting the Parents agreed to the online delivery of SLP services with the assistance of an in-person SLP-A. As part of the meeting the IFSP team revised the Student's expressive and receptive communication goals. The evidence showed that the Parents were active participants in decisions regarding the provision of SLP services to the Student and that the District considered and incorporated the Parents' feedback in the Student's IFSP.

The Student's IFSP indicated that progress toward goals would be measured through data, observation, and Parent report. The record supports that the Student made progress toward their IFSP goals. While acknowledging that the SLP records were not as clear as they could be, the District explained that the IFSP did not specify the way data would be tracked. Further, while there may be record-keeping requirements associated with the SLP's licensure, there is no requirement under the IDEA that the District maintain service logs.

The Department does not substantiate this allegation.

Access to Student Education Records

It was alleged that the District violated the IDEA when it did not provide the Parents with access to the Student's education records, specifically those related to the provision of speech language services.

The Department adopts by reference the provisions of FERPA, 34 CFR 991. To 99.38, the IDEA, 34 CFR 300.610 to 34 CFR 300.627 and 34 CFR 303.401 through 303.411. All education records with respect to the identification, evaluation, and educational placement of the child, and the provision of a free appropriate public education to the child. The program, district, or contractor must comply with a parent's request to inspect and review records without unnecessary delay and provide copies of these records to the parents. Such records must be

[4] OAR 581-015-2750; 34 CFR §300.501.
[5] OAR 581-015-2820

provided to the parents before any meeting regarding an IFSP. Records must be provided no more than 10 business days after the request is made.[6]

On December 1, 2025, the Parents made a request for specific educational records to the District. The District provided the request records to the Parent on December 3, 2025. On February 11, 2026, the Parents requested additional education records from the District. On February 23, 2026, the District provided the Parents with those requested records. The Parents objected to the records received due to the condition of the SLP records. As part of its interview with the Department, the District acknowledged that the SLP records were lacking, but noted that the Student's IFSP did not specify the way records would be kept.

The Department does not substantiate this allegation.

Free Appropriate Public Education (Denial of FAPE)

It was alleged that the District violated the IDEA when it did not provide the Student with the speech language services outlined in the Student's IFSP and did not provide the Parents with service logs and/or progress data about the provision of speech services to the Student. It was alleged that these actions denied the Student a FAPE.

School districts must provide FAPE to all school-age children with disabilities for whom the district is responsible.[7] Procedural violations may only lead to finding that a child did not receive a FAPE if they: "(I) impeded the child's right to a free appropriate public education; (II) significantly impeded the parents' opportunity to participate in the decision making process regarding the provision of a free appropriate public education to the parents' child, or (III) caused a deprivation of educational benefits."[8] In determining whether a student was denied a FAPE, courts review a district's compliance with both 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 IEP, and whether the school district met the substantive requirements to develop an IEP reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances.[9]

The record supports that the District provided the Parents with the records requested, even if the District acknowledged that the format of some of the records and services were not as clear as they could be. The District also reported that the Student's IFSP did not require reporting on IFSP services in a specific format.

The District did, however, fail to provide the Student with all of the SLP services required by their IFSP. This includes services during September 2025 and one session in April 2025. This resulted in a loss of educational opportunity to the Student, which resulted in a denial of FAPE.

[6] OAR 581-015-2300
[7] OAR 581-015-2040
[8] 20 USD § 1415(f)(3)(E)(ii)
[9] *Endrew F.*, 137 S.Ct. at 999.

The Department substantiates this allegation, in part, as to the failure to provide the services in the Student's IFSP.

VII. CORRECTIVE ACTION

In the Willamette Education Service District
Case No. 26-054-026

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

Action Required	**Submissions**	**Due Date**
1. The District must convene a meeting with the Parent(s) to determine appropriate compensatory education services for the Student and develop a plan for the delivery of those services. Unless the parties agree otherwise, the compensatory services shall include three thirty-minute sessions of direct speech/language therapy.	The District shall submit to ODE: A written plan for the delivery of compensatory education services developed in a meeting with the Parent(s); and Evidence showing that compensatory services were provided.	 May 29, 2026 September 30, 2026

Dated: this 24 Day of April 2026

Ramonda Olaloye

Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

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E-mailing Date: April 24, 2026

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