BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of West Linn-Wilsonville School District	)	FINDINGS OF FACT, CONCLUSIONS OF LAW, AND FINAL ORDER
	)	Case No. 26-054-034

I.BACKGROUND

On March 12, 2026, the Oregon Department of Education (Department) received a written request for a special education complaint investigation from the parent (Parent) of a student (Student) residing in the West Linn-Wilsonville School District (District). The Parent requested the Department conduct a special education investigation under OAR 581-015-2030. The Department confirmed receipt of this Complaint and forwarded the request to the District.

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

On March 24, 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 April 6, 2026.

The District submitted a *Response* on April 7, 2026. In its *Response*, the District disputed each of the allegations, provided an explanation, and submitted documents in support of the District's position. The District submitted the following relevant items:

1. Narrative Response
2. Prior Written Notice (PWN), 2/13/26
3. Eligibility & Individualized Education Program (IEP), 5/9/25
4. Attendance Profile, 2024-2025
5. Attendance Profile, 2025-2026
6. Draft IEP Amendment, 5/9/25
7. IEP, 5/9/25
8. Writing Sample, March 2026
9. Meeting Notes, 2/13/26
10. Meeting Notes, 2/20/26
11. Meeting Notes, 3/2/26
12. NWEA MAP Assessments, 2025-2026

[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. Progress Notes, 1/26/26
14. Q1 Report Card and Schedule, 2025-2026
15. Q2 Report Card and Schedule, 2025-2026
16. Q4 Report Card and Schedule, 2024-2025
17. Oregon Statewide Assessment Report, 2024-2025
18. Emails Between the School and the Parent, 2025-2026
19. Middle School Calendar, 2025-2026

On April 14th, 2026, the Parent submitted a written Reply to the District's April 7, 2026 Response and supporting documentation. The Parent submitted the following items:

1. Emails between the Parent and District staff, 2025-2026
2. Narrative Story Assignment, undated
3. Science Assignment, undated
4. Social Studies Assignment, undated
5. Food Advertisement Assignment, undated
6. Letter from Outside Counselor, 4/13/26
7. Parent Notes, undated
8. Parent Narrative Response, 4/14/26

On April 21st, 2026, the Complaint Investigator interviewed the Parent. The Complaint Investigator interviewed District personnel on April 23rd and April 27th, 2026. Virtual interviews were conducted instead of on-site interviews. 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 March 13, 2025 to the filing of the Complaint on March 12, 2026.

Allegations	Conclusions
Failure to Implement The Complaint alleged the District violated the IDEA by failing to implement the accommodations in the Student's IEP and failing to provide the Parent with progress reports that accurately reflect the Student's progress toward their IEP goals. (OAR 581-015-2220; 34 CFR §300.323(d))	**Not Substantiated** The records support that the District did implement the accommodations in the Student's IEP. Progress reports were sent concurrently with the report cards

Allegations	Conclusions
	and provided specific details of the progress made.
Parent Participation The Complaint alleged that the District failed to allow the Parents meaningful participation in the development of the Student's IEP. (OAR 581-015-2190, 2210; 34 CFR §§300.501(b)(c), 300.321)	**Not Substantiated** The Parent participated in three (3) meetings in the 2025-2026 school year, which included one meeting with staff, and two IEP meetings. Another IEP meeting is scheduled for May 2026. Several of the IEP meetings were at the Parent's request. Parent Input was duly noted in each IEP.
IEP Content The Complaint alleged that the District violated the IDEA when it failed to include appropriate accommodations in the Student's IEP that are necessary to address the Student's disability-related educational needs. (OAR 581-015-2200; 34 CFR §300.320)	**Not Substantiated** The record shows that the content of the IEP was appropriate and met the Student's individual educational needs.
Free Appropriate Public Education (FAPE) The Complaint alleged that the failure to include appropriate accommodations deprived the Student of their right to a FAPE. (OAR 581-015-2200(1)(g), 581-015-2040; 34 CFR §§300.101, 300.17)	**Not Substantiated** The accommodations were appropriate and provided the Student with access to the general education curriculum.

REQUESTED CORRECTIVE ACTIONS
The Complainant requested corrective action as follows: 1. Provide the Parent weekly updates regarding the Student's performance and what accommodations they have tried. 2. More transparency on how often the data reported in the IEP Progress Report is being collected. 3. Development of a new IEP goal based upon academics. 4. Reimbursement for any and all fees incurred to date for tutoring provided by the Parent outside of school. 5. Reimbursement for tutoring or compensatory services prospectively before the beginning of the 2026-2027 school year.

III. FINDINGS OF FACT

IDEA regulations limit complaint investigations 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 March 13, 2025. Any facts listed below relating to circumstances or incidents earlier than that date are included solely to provide context necessary to understand the Student's disability and special education history.

1. The Student is thirteen years old and in the eighth grade. The Student is eligible for special education services under the eligibility categories of Emotional Behavior Disability (EBD) and Other Health Impairment (OHI) due to Attention Deficit Hyperactivity Disorder (ADHD).

2. The Student has attended a middle school in the District (the School) for both the 2024-2025 and the 2025-2026 school years.

3. The Parent attended and participated in IEP meetings held on March 11, 2025, April 25, 2025 and May 9, 2025 during the 2024-2025 school year.

4. The March 11, 2025 IEP meeting was held at the request of the Parent who wished to review the IEP and noted concerns with grades and work production. The minutes show that parent input was provided and documented. The minutes reflect that the Parent expressed concerns about the Student's participation and work production having diminished.

5. The School staff responded to the Parent's concerns and shared that the Student had been doing Homework Club almost every week and was getting work done there. The staff also shared that the Student had been working closely with one of their teachers. That teacher shared that the Student had much to say and had been involved in completing their English Language Arts (ELA) work.

6. Input from the Student's other general education teachers was also shared. It was shared that the Student was using communication when the Student needed to communicate something non-academic. Teachers were also reading the Student's nonverbal communication to assess when the Student was "stuck" or needing a check-in or support.

7. The School staff also shared that the Student had been using advisory times and worked well with their teachers. Teachers were assessing when the Student was able to complete their journal/workspace as evidence of learning for grading. It was also shared that the Student was making more eye contact when communicating.

8. The District Learning Specialist shared that the Student often seemed happy at school and was smiling in the morning.

9. At the School, the Measures of Academic Progress (MAP) testing is administered to students each year. MAP is a computer adaptive assessment that measures a student's academic growth in reading, language usage, and math. The Learning Specialist also shared the Student's MAP test progress, noting very strong growth relative to peers (90+percentile).

10. The IEP Team discussed strategies for supporting the Student with reflecting on the Student's thinking. The Parent shared that scheduling ahead with the Student was very helpful. The IEP Team considered when/who to support the Student with the Student's goals. The Team considered how to support the Student so that the Student does not get behind in class.

11. The purpose of the April 25, 2025 IEP meeting was to discuss re-evaluation of the Student. The Parent was asked to share if they had noticed any changes or improvements at school, given what seemed to be the Student's increased comfort level at school. The Parent shared that the Homework Club seemed to be helping and that the Student seemed to be growing their social circle.

12. At the Student's annual IEP meeting held on May 9, 2025, the Parent shared that state testing (essay part in particular) had been challenging that week. The Parent shared that the Student was concerned that they would not have time to finish. The Student was aware that they could use more time but was worried that they would be pulled from class to finish testing and this would cause them to miss instruction/class time. The Parent shared that they would like to see the Student be able to work with greater independence/less adult support. The Parent also wanted the Student to complete more tasks with increased production and depth.

13. In response to the concerns expressed by the Parent, school staff discussed strategies to support the Student with completing the state tests with minimal impact and better clarity for the Student as to how much time the Student had to finish and when additional time could be scheduled. The Team also discussed how the Student's independence was growing but that they were still requiring adult prompting.

14. The Learning Specialist shared that the Student benefited from chunking assignments in class.

15. The IEP Team discussed accommodations like graphic organizers and strategies to help the Student complete multi-step projects.

16. The Parent suggested that the Team add cuing/prompting from teachers to use taught strategies, which was added to the accommodations.

17. The May 9, 2025 IEP contains the accommodations applicable for the 2025-2026 school year. Those accommodations include the following:

    a. Pre-warning when student will be working in a small group setting and choose group partners with thoughtfulness regarding student needs,

    b. Assignments shortened by 25-50% (determined by use of proficiency model),

    c. Prior notice and prep for large changes in routine such as; upcoming state and District testing, including written expectations and upcoming schedule (i.e., session times for finishing, assuring no instruction missed, etc.),

    d. Break assignments into manageable sections with written task list when appropriate,

    e. Minimize open ended questions and instead offer questions with options/provide supports for response such as; graphic organizer, sentence starter, word bank to choose ideas from, etc.,

    f. Allow use of communication device (this includes sticky notes) across all settings,

    g. Opportunities to demonstrate knowledge of a topic using multi-modal methods (i.e.: sticky notes, iPad, white board, visuals, pointing, written, typing),

    h. Allow extended wait time for response (and pre-warning when option), if no response, discontinue request,

    i. Strategic seating with supportive and preferred peers to maximize student comfort and opportunities for effective communications,

    j. Whenever possible, communicate with student using preferred method of communication the same communication modality that is expected for student response,

    k. Work with student for agreed upon method for student to indicate need for break or think time, and

    l. Non-verbal (and mutually agreed LEA upon) cuing to use strategy when visually stuck on a task.

18. The May 9, 2025 IEP contains one goal for Self-Management. The goal is as follows: When unsure how to proceed during a task or assignment, the Student will demonstrate ability to identify and apply taught problem solving and self-advocacy strategies by: appropriately requesting help/clarification through preferred modes of communication, using a checklist, and other resources, with one adult cue, in 3/5 opportunities measured by: observations, self-report, teacher/provider report, anecdotal data. The Parent was in agreement with the goal.

19. With respect to functional performance, it was shared in the IEP meeting minutes that the Student had become adept at using technology for researching information for classwork and communicating. The Student used a variety of methods to communicate with both adults and peers such as paper, phone, email and other non-verbal signals. It was shared that the Student benefited from opportunities to complete tasks in manageable segments with support from the teacher for explanation of what to do and an example of what the completed task looks like.

20. The Parent agreed to the May 9, 2025 IEP.

21. The Student's grades for 7th grade (2025-26 school year) were all As and Bs.

22. The Student earned a Level 3 on the State ELA assessment in the Spring of 2025. A student performing at Level 3 demonstrates an adequate ability to do the following:

    a. Read closely and analytically to comprehend texts of moderate to high complexity and use textual evidence to demonstrate critical thinking;

    b. Produce effective and well-grounded writing for a range of purposes and audiences;

    c. Accurately interpret and use information delivered orally or audio-visually; and

    d. Use research/inquiry methods to gather credible, accurate information from multiple sources to produce an exploration of a topic.

23. Before school started in the 2025-2026 school year, the Student's teachers had access to the Student's IEP through Synergy, the District's student information system. The Learning Specialist who has 28 years of experience and has worked with the Student throughout middle school, emailed all of the Student's teachers to highlight the students served by special education in their respective classes before the beginning of the 2025-2026 school year. The email was acknowledged by the teachers that they received the information. The Learning Specialist also provided a hard copy of the Student's IEP to their teachers before the first day of school.

24. The Learning Specialist consulted and collaborated with the Student's teachers at least twice a month throughout the 2025-26 school year regarding the Student to answer any questions and ensure that their accommodations were implemented.

25. On the first day of school for the 2025-2026 school year, two teachers asked the Student to speak in front of the class. The Parent emailed their concern that the Student not be asked to speak in front of the class due to their selective mutism. The District followed up with the staff and reviewed the Parent's concern with the teachers.

26. There is no accommodation in the agreed upon May 9, 2025 IEP that provided teachers could not ask the Student to speak in front of the class. In the Parent's response to the District's documentation, the Parent conceded that there is nothing in the IEP that prohibits teachers from asking the Student to speak in front of class. In response to the Parent's concern, the Student was not asked again to speak in front of the class.

27. The Student's ELA teacher from the beginning of the 2025-2026 school year until February 2026 provided credible testimony in their interview that they had provided the accommodations set forth in the Student's IEP. In the Parent's response, the Parent conceded that this teacher did include some sentence starters for the Student and a note suggesting that the Student start with the first paragraph on a writing assignment. These accommodations are included in the Student's IEP.

28. The Student's Social Studies teacher for the 2025-26 school year provided credible testimony in their interview that they had provided the Student with the accommodations in their IEP. They explained that the Student's grade of P (Passing) was due to the Student not completing all the assignments, but the Student's work product demonstrated mastery of the grade-level content standards for Social Studies.

29. The Student's only goal is for self-management and was agreed to by the Parent at the May 9, 2025 IEP meeting. The District provided the Parent with progress reports that were timely and provided specific details indicating that the Student is making appropriate progress on the goal.

    a. The Student's October 31st, 2025 progress report notes that, "In 2/3 opportunities, the Student reported to use preferred method of communication to express need for support, measured by teacher report and observations." It noted a progress code of 2 (Making Adequate Progress). The report also provided the following details: The Student has shown overall that they greatly desire to grow their skills for building more tools in their toolbox "for problem solving when feeling stuck or needing support either academically or otherwise." The Student "can experience barriers when they perceive themselves as less capable or less able to be successful than their peers. Supporting improving their self-confidence and continuing to teach them more available methods for communicating with others for what they need will be important moving forward. They are very capable and special!".

    b. On their January 26th, 2026 progress report, the Student scored a 2 (Making Adequate Progress) on their goal. The report provided the following details of progress: "[The Student] started out the year strong with asking for help with a scheduling concern, but it appears that of late [they] have not been reported to have asked for help or

sought out support for problem solving re: academic support. [The Student] has grown in [their] ability to seek out adult input, now it needs to include class work and other stressors that impact [their] grades. [The Student] can definitely meet this goal!!!".

30. The Student participated in the Panorama Survey for all students at the School during 2025. The Student reported growth in self-efficacy, emotional regulation, social awareness and growth mindset from the Spring 2025 survey to the Fall 2025 survey.

31. In January 2026, the Student scored in the average range on the MAP assessment with a score in the 60th percentile in language arts and 59th percentile in math.

32. The Student's grades for the second quarter of the 2025-26 school year were as follows:

- Wellness: B
- Spanish III: C
- Social Studies: P (Passing)
- Science: C
- Language Arts: NP (Not Passing)
- Math: A

Comments on their report card note that the Student had missing/late assignments in their Language Arts class.

33. During the 2025-2026 school year, the Parent attended and participated in a meeting that was intended to be an IEP meeting on February 13, 2026 (a required member of the IEP team was in an accident), as well as two IEP meetings on February 20, 2026 and March 2, 2026. Another meeting is currently scheduled for May 2026.

34. The first meeting that was held on February 13, 2026 was at the request of the Parent. The Parent had requested that the team meet to consider if further evaluation of the Student was required. The Parent inquired if the Student may have dysgraphia.

35. After a discussion, those present, including the Parent, determined that dysgraphia testing was not necessary.

36. According to the February 13, 2026 meeting minutes, the Parent also expressed concerns that the current IEP may not be appropriate for the Student's educational needs or being implemented as written. The meeting minutes reflect the following:

    a. The Parent shared: On the first day of school, two teachers asked the Student to speak in front of the class. The Parent expressed this indicated that the teachers had not read the IEP.

b. The Parent shared: Open ended questions are really hard for the Student. Accommodations for shorter assignment or multiple choice were helpful, but were not offered consistently.

c. The Parent shared that last year, the Student was meeting with the ELA teacher to work on their writing, but no one is doing that this year.

d. In response to the Parent's concerns, the IEP Team discussed the Student's current class schedule and switching the Student to a new ELA class.

e. The Parent asked if the Student would have to retake ELA and if the Student would be held back.

f. The Instructional Coordinator shared that there is no credit accrual in middle school and that the Student would not be required to repeat classes or not be able to move on with Student's peers.

g. At the conclusion of the meeting, the team agreed to schedule an IEP review as soon as mutually agreeable.

37. The Student transferred to another ELA classroom in February 2026. The Parent stated in their response that the Parent truly appreciates the new ELA teacher and the work that they have put into helping the Student.

38. On February 20, 2026, the IEP review meeting was held. The Team discussed how the Student recently was observed talking in their math class. The Team discussed the Student's initial challenge with switching their ELA class.

39. The Parent shared that the Student came home upset because the notetaking that was done in the Student's other ELA teacher's class was different from the notetaking in the current ELA teacher's class.

40. In response, the Team discussed strategies, including a menu of choices (scaffolded notes/fill in the blank, notes provided, assistive technology, etc.) the Student could engage with for supporting writing. The Parent shared concerns that the Student might not do well with alternate strategies that were different from the Student's peers because the Student doesn't want to do anything different from their peers.

41. The Learning Specialist shared how they were able to hear some ideas from the Student of what strategies work for them.

42. The Student's current ELA teacher shared what they had observed to be helpful so far in class: thoughtful seating near the front, how they check in with the Student, and how the class was working through class notes together (active reading strategy). They shared how they have scaffolded reading and note-taking together with the Student and how the Student has done

with this. The teacher shared that the Student has shown progress toward this new expectation.

43. The Parent thanked the ELA teacher for knowing and following the IEP.

44. The Parent shared that they feel that the Student requires support at school from someone, who may not be at the School currently, to provide services the Student needs.

45. The Instructional Coordinator shared that they felt the expertise for implementing the Student's IEP are available at the School. The Coordinator shared about the time within the Student's day the Team could consider using to support their current IEP goal. The Thursday morning intervention time (during advisory) and independent study (library period) were discussed as possibilities.

46. The Instructional Coordinator shared that the Student has shown the skills to write but is challenged by performing writing beyond responding to open-ended prompts or questions. The Team discussed how this is similar to how the Student performs/engages in verbal communication. The Student can speak but finds it very challenging to do so in specific contexts or situations.

47. The Team agreed to come back together on March 2, 2026 to review the Student's progress in the new ELA class and how they are responding to strategies used in class, review information from the Student's other classroom teachers about implementation and use of accommodations in classes, consider any information obtained from connection with the Student's community provider and to consider changes the Team agrees to make in the Student's IEP.

48. The Student's IEP Team met on the agreed upon date of March 2, 2026. The Parent shared concerns about the Student's writing, being prepared for high school and potentially needing to adjust accommodations.

49. The School staff shared that the Student takes notes in class, but struggles with open ended questions. The Student writes by hand more than the Student types. After using a T-chart, the Student extrapolated information to write 2-3 sentences using a sentence stem and some ideas the Student could use in their response. The Student has been writing in the Student's notebook.

50. The Parent "shared frustration with level of accommodation inherent" in the Student's current IEP goal.

51. The IEP team discussed the Parent's request for a writing goal. The "team was not in agreement about if a writing goal is required or not." The School staff "felt there was evidence that [the Student] has shown the skill/ability to produce grade-level writing." The Parents "felt there was not and that this is an area of significant challenge." The IEP team decided to "engage in a Tier III writing intervention first" and gather data. The IEP team developed a goal

to be worked on during the writing intervention and agreed to provide the Parent with bi-weekly progress updates.

52. At the conclusion of the March 2, 2026 meeting, the IEP team agreed to meet again on May 8, 2026 to review the data from the writing intervention.

53. On March 12, 2026, the Parent filed this Complaint.

IV. DISCUSSION

Failure to Implement

The Parent alleged that District violated the IDEA by failing to implement the accommodations in the Student's IEP and failing to provide the Parent with progress reports that accurately reflect the Student's progress toward their IEP goals.

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.[3]

Each school district must ensure that the IEP is accessible to each regular education teacher, special education teacher, related services provider and any other service provider who is responsible for its implementation. Each school district must 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.[4]

In this instance, the teachers received the IEP before the beginning of the school year. The Learning Specialist also emailed the Student's teachers regarding the Students' IEP prior to the beginning of the school year, and provided the teachers with a hard copy of the IEP.

The Learning Specialist also met with all of the Student's teachers at least twice per month to answer questions, collaborate with them as to what was working with the Student and to ensure that the IEP was being implemented.

As evidenced by the Student's self-reports on the Panorama Survey for all students, they reported growth in self-efficacy, emotional regulation, social awareness, and growth mindset from the Spring 2025 survey to the Fall 2025 survey. Additionally, at each IEP meeting, teachers reported data demonstrating the Student's growth in these areas.

[3] OAR 581-015-2220(1)
[4] OAR 581-015-2220(3)

The District provided timely progress reports to the Parent detailing the Student's progress on their single IEP goal. The information provided in those progress reports was corroborated by information in IEP meeting minutes and interviews of multiple District staff. No evidence was provided to suggest that the information contained in the Student's progress reports was not accurate.

The Department does not substantiate this allegation.

Parent Participation

The Parent alleged that the District failed to allow the Parents meaningful participation in the development of the Student's IEP.

A school district must provide one or both parents the opportunity to participate in meetings with respect to the identification, evaluation, IEP, and educational placement of the child.[5] Districts must consider the concerns of the parents for enhancing the education of their child, among other indicators of the student's academic, developmental, and functional needs.[6] "[P]arents have the right to bring questions, concerns, and preliminary recommendations to the IEP Team meeting as part of a full discussion of the child's needs and the services to be provided to meet those needs."[7] While school districts have educational discretion, parents still have the right "to remain informed of, and to participate in, educational decisions concerning their children."[8]

The records reflect that the Parent participated in three IEP team meetings during the 2024-2025 school year. During the 2025-2026, the Parent participated in one meeting with staff (a required member of the IEP team was in an accident and the other team members met with the Parent), two IEP meetings, with another IEP meeting scheduled for May 2026. The evidence in this case clearly shows that all IEPs during the relevant time period include sections for parental input, which were completed each time. IEP meeting minutes also establish that the District consistently considered and included the Parent's input in the Student's IEPs.

The Department does not substantiate this allegation.

Content of the IEP

The Complaint alleged that the District violated the IDEA when it failed to include appropriate accommodations in the Student's IEP that are necessary to address the Student's disability related educational needs.

[5] OAR 581-015-2190(a); 34 CFR § 300.322(a).
[6] OAR 581-015-2205(1)(b) and (d); 34 CFR § 300.324(a)(1).
[7] Letter to Northrop (OSEP 5/21/2013), citing 71 Fed. Reg. 46,678 (2006).
[8] *Pasateimpto v. Aizawa*, 103 F.3d 796, 804 (9th Cir. 1996)

The IEP must include a statement of the student's present levels of academic achievement and functional performance, including how the student's disability affects the student's involvement and progress in the general education curriculum. A statement of measurable annual goals, including academic and functional goals designed to meet the student's needs that result from the student's disability to enable the student to be involved in and make progress in the general education curriculum. In addition, the IEP must meet each of the student's other educational needs that result from the student's disability.

The IEP must include a description of how the student's progress toward meeting the annual goals will be measured and when periodic reports on the progress the student is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided. In addition, a statement of the specific special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided for the student to advance appropriately toward attaining the annual goals.

Each IEP must also include a statement of the specific special education, related services, and supplementary aids and services to be involved and progress in the general education curriculum, to participate in extracurricular and other nonacademic activities, and to be educated and participate with other students with disabilities and students without disabilities. The projected dates for initiation of services and modifications and the anticipated frequency, amount, location, and duration of the services and modifications are required to be included.[9]

The Student's IEP contained accommodations based upon their educational needs related to their eligibility categories of EBD (Selective Mutism) and OHI (ADHD). These accommodations allowed the Student to express themselves with alternate forms of communication as well as demonstrate their knowledge in alternate ways. The Student's IEP Team was very thoughtful and open in adopting the accommodations to ensure the Student's success. Further, the Student's input was solicited as to what accommodations the Student felt were working.

The Department does not substantiate this allegation.

Free Appropriate Public Education (FAPE)

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.[10] 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

[9] OAR 581-015-2200 (1)(a)-(1)(g)
[10] OAR 581-015-2040(1); 34 CFR §300.101(a)

calculated to enable a child to make progress appropriate in light of the child's circumstances.[11] Not every procedural error is sufficient to rise to a denial of FAPE.[12] The procedural test consists of three pivotal procedural errors: (1) whether the student suffers a loss of educational opportunity;[13] (2) whether the parent's right to participate in the IEP process was infringed;[14] or (3) whether the procedural error caused a "deprivation of educational benefit."[15] Procedural errors rise to the level of a denial of FAPE where, absent the errors, there is a "strong likelihood" that alternative educational possibilities for the student "would have been better considered."[16]

In their Complaint, the Parent specifically alleged that the accommodations in the Student's IEP create an expectation that is significantly lower than the Student's potential and are negatively impacting the Student's education. As explained above, the Student's IEP included appropriate accommodations that allowed them to access their education.

There was no evidence provided to suggest that the accommodations in the Student's IEP caused the Student to suffer a loss of educational opportunity or caused a deprivation of educational benefit. Conversely, the Student's performance on the State assessment and standardized testing show that the Student is academically performing at grade level. The records clearly indicate that the Student is expected to meet the state content grade level standards. The accommodations in the Student's IEP do not lower the academic expectations for the Student.

The Department does not substantiate this allegation.

V. CORRECTIVE ACTION

In the Matter of West Linn Wilsonville SD
Case No. 26-054-034

The Department does not order corrective action in this matter.

Dated: this 11 Day of May 2026



Ramonda Olaloye

[11] *Endrew F.*, 137 S.Ct. at 999
[12] *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
[13] *W.G. v. Bd. of Trustees of Target Range Sch. Dist.*, 969 F.2d 1479, 1484 (9th Cir. 1992)
[14] *Id.*
[15] *Amanda J.*, 267 F.3d at 892 (citing *Roland M.,* F.2d at 994)
[16] *M.L. v. Federal Way Sch. Dist*., 394 F.3d 634, 657 (9th Cir. 2005)

Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing Date: May 11, 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).)