BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of	)	FINDINGS OF FACT,
Silver Falls School District 4J	)	CONCLUSIONS,
	)	AND FINAL ORDER
	)	Case No. 26-054-039

I. BACKGROUND

On March 20, 2026, the Oregon Department of Education (Department) received a written special education complaint (Complaint) from the parent (Parent) of a student (Student) residing in the Silver Falls School District (District). The Complaint requested that the Department conduct a special education investigation under OAR 581-015-2030. The Department confirmed receipt of the 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 April 1, 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 15, 2026.

The District submitted a *Response* on April 17, 2026. In its *Response*, the District communicated it did not contest two of the three allegations; however, it contested the allegation regarding prior written notice (PWN). The District provided an explanation and submitted documents in support of the District's position. The District submitted the following relevant items:

1. District's Written *Response* to Complaint, 4/17/26
2. Individualized Education Program (IEP), 5/19/23
3. Draft IEP, 3/13/26
4. Parent Enrollment Form, 11/5/25
5. IEP Eligibility Statement, 5/19/23
6. Email exchange between District Staff and Parent, 2/19/25 - 2/18/26
7. Email exchange between District Staff and Parent, 2/26/26 - 3/19/26
8. Private Speech Communication Support Letter, 2/9/26

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

9. Facilitated IEP (FIEP) Meeting Notes, 2/26/26
10. FIEP Meeting Notes, 3/12/26
11. Parent IEP Input and Concerns, 3/12/26
12. Meeting Notes, 2/27/26
13. Meeting Notes, 3/13/26

Parents did not submit a *Reply* to the District's *Response*, or other relevant items.

On March 30, 2026, the Complaint Investigator interviewed the Parents. The Complaint Investigator interviewed District personnel on April 23, 2026 and discussed corrective actions for the allegations that were not contested. 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 19, 2025 to the filing of the Complaint on March 20, 2026.

Allegations	Conclusions
When IEPs Must Be in Effect The Complaint alleged that the District violated the IDEA by not providing special education and related services in accordance with the Student's IEP during the 2025-2026 school year. (OAR 581-015-2220; 34 CFR §300.323)	**Not Contested** The District did not contest this allegation.
Prior Written Notice (PWN) The Complaint alleged that the District violated the IDEA by failing to provide adequate prior written notice (PWN) for district decision-making regarding placement and the provision of a free appropriate public education (FAPE) to the Student during the 2025-2026 school year. (OAR 581-015-2310(2)(a); 34 CFR §300.503)	**Not Substantiated** The District made no decisions to initiate or change or refuse to initiate or change the Student's placement or provision of FAPE during the time period of the Complaint.

Free Appropriate Public Education (FAPE) Due to the alleged IDEA violations detailed above, the Complaint alleged that the District failed to provide the Student with a FAPE. (OAR 581-015-2040; 34 CFR §300.101)	**Not Contested** The District did not contest this allegation.

REQUESTED CORRECTIVE ACTIONS

1. Ensure all minutes that haven't been administered over the last 12 months to be administered by an agency outside the District free of charge, before the start 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 19, 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. Student is ten years old, in the fifth grade and enrolled at a District elementary school.

2. The Student is currently eligible for special education under the category of Orthopedic Impairment (OI).

3. The Parent registered the Student in the District on February 25, 2026. At the time of the Student's enrollment, the Student was eligible for special education but did not have a current IEP.

4. On February 26, 2026, the District convened a facilitated IEP (FIEP) meeting for the Student. The District's meeting notes indicated that the IEP team was unable to complete development of the Student's IEP and agreed to schedule a continuation meeting on March 13, 2026.

5. The Parent requested PWN from the District via email on March 11, 2026, regarding the District's reasoning for withholding "FAPE educational supports," while the Student's IEP review was pending.

6. On March 13, 2026, the IEP team reconvened to continue the FIEP meeting. The District's meeting notes indicated that the IEP team was unable to complete the development of the Student's IEP and scheduled another continuation meeting on April 3, 2026.

7. On March 20, 2026, the Parent filed this complaint.

8. The District's Director of Special Education indicated when interviewed that comprehensive PWN documenting IEP team decisions from the three FIEP sessions would be issued on April 23, 2026 or April 24, 2026.

9. On April 17, 2026, the District submitted a written response, in which it did not contest allegations one and three. The District contested allegation two regarding the provision of PWN to the Parent.

10. When interviewed, the District's Director of Special Education indicated that the District did not issue PWN between the February 26, 2026 IEP Meeting and March 20, 2026 because: (1) the Student's IEP had not been completed; and (2) the District had not proposed or refused to initiate or change the Student's placement or provision of FAPE pending completion of the Student's IEP.

V. DISCUSSION

Prior Written Notice

The Parent alleged that the District violated the IDEA by failing to provide adequate prior written notice (PWN) for district decision-making regarding placement and free appropriate public education (FAPE) during the 2025-2026 school year.[3]

Prior Written Notice must be given to the parent of a child within a reasonable period of time before a school district proposes to initiate or change, the identification, evaluation, or educational placement of the child, or the provision of a FAPE to the child or refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a FAPE to the child.

The content of the PWN must include a description of the action proposed or refused by the school district, an explanation of why the district proposes or refuses to take the action, and a description of each evaluation procedure, assessment, test, record, or report the school district used as a basis for the proposed or refused action. The notice must also include a statement that the parents of a child with a disability have protection under the procedural safeguards and, if this notice is not an initial referral for evaluation, the means by which a copy of the notice of procedural safeguards may be obtained. It must include sources for parents to contact to obtain assistance in understanding their procedural safeguards. PWN must include a description of other options that the IEP team considered and the reasons why those options were rejected, and a description of other factors that are relevant to the agency's proposal or refusal.[4]

[3] OAR 581-015-2310(2)(a); 34 CFR §300.503)
[4] OAR 581-015-2310(2-4); 34 CFR §300.503(a)

The PWN must be written in language understandable to the general public and provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.[5]

On February 26, 2026 and March 13, 2026, the IEP team, including the Parents, met for a facilitated IEP meeting to develop the Student's IEP. The District meeting notes for both meetings indicated that the IEP team was unable to complete development of the Student's IEP and the team agreed to schedule a continuation meeting. The March 13, 2026 IEP meeting notes indicated the next IEP meeting was scheduled for April 3, 2026.

As of the date the Parent filed the Complaint, the IEP team's development of the Student's IEP had not been completed. The District made no proposal to initiate or change or refusal to initiate or change the Student's placement or FAPE pending completion of the IEP. Therefore, the District had no obligation to issue PWN during this time.

The Department does not substantiate this allegation.

V. CORRECTIVE ACTION

In the Matter of Silver Falls School District 4J
Case No. 26-054-039

Based on the District not contesting two of the allegations in the Complaint, the following corrective action is ordered:

Action Required	**Submissions**	**Due As Soon As Possible But Not Later Than**
The District will provide the Student with Compensatory Education services to make up for the District's failure to provide special education services to the Student from February 27, 2026 to March 20, 2026[6]. The Compensatory Education shall include: a. 2 hours of specially designed instruction (SDI) in Social Skills; b. 2 hours of SDI in Fine Motor; c. 3 hours of SDI in Communication; d. 2 hours of SDI in Gross Motor; 2 hours of SDI in Self-Management;	The District shall submit the following to ODE: Completed written plan for delivery of Compensatory Education developed in a meeting with the Parent; and Evidence showing that Compensatory Education was provided.	**June 15, 2026** **February 15, 2027**

[5] OAR 581-015-2310(4-5); 34 CFR §300.503(c)
[6] The Department previously ordered that the District provide the Student with compensatory education services for the District's failure to provide special education services to the Student from November 5, 2025 through February 26, 2026 (Case No. 26-054-024)

e. 4 hours of SDI in Functional Academics; and f. 3 hours of SDI in Functional Skills. The District will convene a meeting with the Parent to develop a plan for the delivery of the Compensatory Education Services.		

Dated: this 19 Day of May, 2026



Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing Date: May 19, 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).)