BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of North Clackamas School District 12	))))	FINDINGS OF FACT, CONCLUSIONS, AND FINAL ORDER Case No. 26-054-045

I. BACKGROUND

On April 6, 2026, the Oregon Department of Education (the Department) received a written request for a special education complaint investigation from the parent (Parent) of a student (Student) attending an adult transition program in the North Clackamas School District 12 (District). The Parent 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 in order to engage in mediation or local resolution or for exceptional circumstances related to the complaint.[2]

On April 15, 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 29, 2026.

The District submitted a *Response* on April 29, 2026, denying the allegations, providing an explanation, and submitting documents in support of the District's position. The District submitted the following relevant items:

1. District's Written *Response* to Complaint, 4/29/26
2. School Personnel Contact Information, 4/29/26
3. Table of Contents, 4/29/26
4. Individualized Education Program (IEP), 1/27/25
5. Prior Written Notice (PWN), 1/27/25
6. Special Education Placement Determination, 1/27/25
7. District Team Meeting Notes, 1/27/25
8. IEP at a Glance, 1/27/25
9. Notice of Team Meeting on 1/21/25, 10/23/24

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

10. Email exchange between District Staff and Parent, 1/10/25– 1/14/25
11. Parent Concerns/Questions, undated
12. School/Home Communication Form, undated
13. Progress Notes, undated
14. IEP, 1/20/26
15. Statement of Eligibility (ASD), 1/20/26
16. Eligibility Statement Summary, 1/20/26
17. PWN, 1/20/26
18. Special Education Placement Determination, 1/20/26
19. Statement of Eligibility (OHI), 1/20/26
20. PWN of Evaluation, 1/20/26
21. District Team Meeting Notes, 1/20/26
22. IEP at a Glance, 1/20/26
23. Notice of Team Meeting on 2/20/26, 10/22/25
24. Notice of Team Meeting on 10/27/25, 10/27/25
25. Statement of Eligibility (ID), 1/20/26
26. Extended School Year (ESY) Maintenance Report, 7/8/25 – 7/31/25
27. File Review Summary, 1/20/26
28. IEP Progress Report, 1/30/26
29. Student's Weekly Schedule, 2025-26 school year
30. Outings Schedule, 2025-26 school year
31. Parent Communication Log, 9/2/25 – 4/22/26
32. Adult Transition Program Student Enrollment Profile, 2025-26 school year
33. Adult Transition Program Daily Attendance Profile, 2025-26 school year
34. Photographs of Classroom, 2025-26 school year
35. Email exchange between District Staff and Parents and amongst District Staff, 4/7/25 – 4/6/26

The Parent submitted a *Reply* on May 6, 2026, providing an explanation and rebuttal.

The Complaint Investigator interviewed the Parent on May 11, 2026. On May 7 and 11, 2026, the Complaint Investigator interviewed District personnel. Virtual interviews were conducted instead of on-site interviews. 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 April 7, 2025, to the filing of this Complaint on April 6, 2026.

Allegations	Conclusions
IEP Content The Complaint alleged that the District violated the IDEA when it failed to include specific special education and related services and supplementary aids and services in the Student's IEP necessary to fully address the Student's needs that result from the Student's disabilities. (OAR 581-015-2200; 34 CFR §300.320)	**Not Substantiated** The Student's IEPs were reasonably calculated to enable the Student to make progress appropriate in light of their circumstances.
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. (OAR 581-015-2220; 34 CFR §300.323)	**Substantiated in Part** There is no evidence that the District failed to implement the services and supports in accordance with the Student's IEPs. However, the District failed to report progress to the Parent on the Student's IEP goals as outlined in the IEPs.
Placement of the Child The Complaint alleged that the District violated IDEA requirements for determining the educational placement of the Student. (OAR 581-015-2250; 34 CFR §300.116)	**Not Substantiated** There is no evidence that the Student's placement was inappropriate or that the District violated IDEA requirements in determining the Student's placement.

REQUESTED CORRECTIVE ACTION

- Conduct a study on what has been taught and measurable goal right away for the past works.
- Explain how IEP goals in reading and comprehension are currently being implemented within the adult transition program setting leading to 45% accuracy compared to the Student's twelfth grade level of 68% accuracy, for example.
- Explain what specific instructional methods are being used to support the Student's anxiety leading to wet accidents in the adult transition program which never occurred with other environments like home and/or with the Student's caregivers.
- The Parent is concerned about the current classroom structure, where approximately 20 to 22 students with a wide range of neuro-disabilities are placed together in a large, open environment. Clarify whether staffing limitations have influenced this arrangement, and how the District ensures that the Student's IEP services and goals are being delivered as written in the setting.
- Explain how the Student's anxiety-related needs are being supported throughout the

day and whether adjustments to the learning environment or level of support could improve the Student's outcomes.
- The Parent is concerned about the decision not to provide extended school year (ESY) services the school year, particularly given the signs of regression in the Student's academic performance and the level of distress the Student has experience in the adult transition program setting. Based on the Student's current needs, the Parent would like to better understand how this decision was made while progress is being declined.

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 April 7, 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 21 years old and attends an adult transition program (the Program) located on a District campus (the School).

2. The Student is currently eligible for special education services under the disability categories of Intellectual Disability (ID), Other Health Impairment (OHI), and Autism Spectrum Disorder (ASD).

3. The Student's medical history included diagnoses of developmental delay, intellectual disability, autism spectrum disorder, anxiety, and developmental language disorder, among others.

4. The Student transferred to the District in 2014 and "maintained placement within [a Structured Learning Classroom]."

5. According to the District, the Student graduated from a District high school in June 2023 with a modified diploma.

6. In September 2023, the Student started attending the District's adult transition program "where they are receiving functional, developmental, and vocational curriculum, and access the community using public transportation, in order to help them become a more independent adult in everyday life."

7. The District reported the following about the Program:

    a. "Provides services to students ages 18 to 21 who graduated from high school with a modified or alternative diploma."

b. “Consists of two classrooms that were combined to create one large classroom space that can easily accommodate 30+ students. There's also a separate full kitchen area that is located next to the large classroom where students learn how to prepare and cook food. The kitchen includes a washing machine and dryer where students learn laundry skills.”

c. “A variety of special education services are provided that are based on student IEPs, including functional academics, life skills, social skills, social-emotional, behavior, vocational, transition, communication, motor, etc.”

2024-25 School Year

8. In September 2024, the Student started attending their second year at the Program with a new special education teacher, who also served as the Student’s case manager (the Case Manager).

9. At the start of the 2024-25 school year, the Student had a higher level of anxiety because of Program changes and it took a while for the Student to adjust to new staff and other changes in the Program. In addition, the Case Manager reported that the Student exhibited regression over breaks and spent much of September recouping previously learned skills.

10. The Case Manager noted that the Student had increased toileting accidents during this adjustment period. However, they decreased as the Student became familiar with new staff and routines, and accidents were very rare during the following school year (2025-26).

11. The Case Manager stated that changes could make the Student anxious, including new things, new people, and new schedules. However, these were known stressors and not specifically related to the Program. Whenever possible, Program staff tried to prepare the Student in advance and work on strategies to decrease their anxiety.

12. The Case Manager conveyed the following about supports provided to the Student in the Program, in relevant part:

    a. They used various methods to help limit distractions for the Student in the classroom. This included seating the Student at the front of the classroom, facing forward, with other students behind them; creating a “pod” at the Student’s desk by setting up cardboard dividers around the Student, preventing visual distractions on all sides; building a space in the corner of the classroom with filing cabinets placed around a desk facing the wall, to create dividers from the rest of the room and limit visual and auditory distractions; and making adjustments to workspaces as needed, based on what was successful for the Student.

    b. The Student usually had an adult next to them while working to provide prompts and additional support, especially during “sit-down academic” work time.

c. Creating workspaces with limited distractions and providing additional support allowed the Student to remain part of the classroom without isolating the Student from peers.

d. When forming groups for activities, students were assigned in a way that created extra opportunities for the Student to receive one-on-one adult support. They always had an adult next to the Student whenever there was a safety concern, such as during community outings.

e. The Case Manager worked to find a balance between providing additional support for the Student while also promoting the development of independence.

13. On January 21, 2025, the District convened the Student's annual IEP meeting. The IEP meeting was continued on January 27, 2025.

14. The Student's IEP, dated January 27, 2025 (January 2025 IEP), included the following information, in relevant part:

a. Parent Concerns: Included the Parent's concerns from 2023-24 school year, which noted the Parent's concerns about the Student's hygiene and why the Student was having accidents at school when they did not have them as often at home. "This barrier has been discussed in SETT as well as in previous IEP."

b. Present Levels: "[The Student's] cognitive functioning is significantly below that of the typical person [their] age."

Transition: "[The Student] reads functional real life story scenarios and answers those questions with 70% accuracy… [The Student] emails each week about [their] plans for the following week." The Student's accuracy in answering comprehension questions is "depend[ent] on the noise level around [them]. When in a quiet room with no noise or distractions, [the Student] will answer questions with 100% accuracy."

Social Skills: "In a structured small group setting, [the Student] will participate in practicing making comments, giving compliments, with little support. When we are practicing as a large group, [the Student] becomes overwhelmed and needs direct support."

Life Skills: "[The Student] can complete a bathroom routine… with 60% independence… When [the Student] is startled or scared, [they] will consistently void accidentally."

Communication: "The speech and language program for ATP typically consists of co-teaching with ATP teachers plus consultation with teachers and Instructional Assistants. Working in this format allows for social, emotional and functional life skills lessons to be accessible for all students. This therapeutic model encourages classroom teachers to facilitate carryover skills throughout the day. Topics covered help to support students as they transition away from the education environment and into independent living and

adulthood. Team has agreed that [the Student] continues to need direct instruction support to be successful in [their] communication needs, in addition to the consultation/push-in group models."

The Student works on their IEP goals with the Speech Language Pathologist weekly. The Student uses an augmentative and alternative communication (AAC) device, but the team also encourages the Student to practice using their own voice more often.

c. Effect of Disability: "[The Student's] disability affects their ability to access community settings, both personal and vocational, independently."

d. Special Factors: The Student has communication and assistive technology needs. The Student uses a speech generating device for communication.

e. Annual Goals: Included two Life Skills goals (follow routine for getting backpack ready; locate security office or customer service desk in various community locations and answer emergency contact and personal information questions); one Social Skills goal (demonstrate appropriate communication/social skills in the community and at the worksite); four Transition goals (make purchases; increase budgeting skills; answer comprehension questions after reading a functional reading scenario or passage; and increase writing skills); one Vocational Skills goal (increase employment skills); and one Communication goal (increase self-advocacy skills).

Progress to be reported to the Parent "[d]uring school's regular written report time… Included with report cards mailed."

f. Specially Designed Instruction (SDI): Life Skills (100 minutes per week); Social Skills (30 minutes per week); Transition Services (300 minutes per week); Vocational Skills (300 minutes per week); and Communication Skills (840 minutes per year).

g. Related Services: Transportation Service (30 minutes round trip).

h. Extended School Year Services: "ESY services to be provided[.]"

i. Accommodations: Hourly reminders to use the restroom, particularly in new/unfamiliar settings; access to AAC device for communication (volume turned off with familiar people and environments to encourage use of voice; turned on when in new or novel situation); additional staff support for new material, large group settings, and assistance in the bathroom; visual cue for writing tasks; Safe Eating Protocol; access to change of clothes; access to predictive text technology when writing; frequent motor breaks; and visual schedule.

j. Support for School Personnel: Speech Language Consultation (120 minutes per year); School-based Occupational Therapy Consultation (150 minutes per year); Safe Eating Protocol review/update (60 minutes per year); Augmentative Alternative Communication

(AAC) Specialist Consultation (60 minutes per year); and Autism Consultation (120 minutes per year).

k. Non-Participation Justification: "[The Student] participates 40-79% in the community, which serves as their regular classroom. This converts into 750 minutes per week in the special education setting and 540 minutes per week in the community/regular classroom. [The Student] needs small group individualized instruction in order to wrok [*sic*] on skills in a small group setting."

15. The District reported that students enrolled in the Program did not receive grades and were not sent report cards.

16. In the January 27, 2025 Special Education Placement Determination, the team selected "40-79% of day in regular classroom… Adult Transition Program- balanced time spent in the community and the classroom," from the two placement options listed. The team rejected the other option, "Less than 40% of the day in the regular classroom… Adult Transition Program-less time in the community." Additional information about the selected placement included the following:

    a. Benefits of Option: "Fulfills transition requirements of IDEA. Promotes transfer and generalization of skills for community success."

    b. Possible Harmful Effects: "Less class time."

    c. Modifications/Supplementary aids and services considered to maintain the Student in a less restrictive option (before selection of more a more restrictive option): "Provide essential instruction in the areas of need, and skills needed to access the community."

17. The District reported, "Placement decisions were determined by the IEP team based on the Student's present levels of performance and goals… the IEP team considered two placement options. The selected placement (40-79% of the day in the regular classroom) was chosen to balance community access with classroom instruction, fostering the transfer in generalization of skills. The option of <40% of the day in the regular classroom was also considered but rejected because it would limit critical community-based opportunities."

18. When asked, District staff stated the Parent did not object to, or express disagreement with, the Student's placement.

19. On April 29, 2025, the Parent had an informal check-in meeting with the Case Manager and the District's Special Education Coordinator in charge of the Program (the Coordinator), to discuss the Student's IEP goals and progress.

20. The District provided a copy of an IEP Progress Report for the Student with progress updates dated June 2, 2025. The progress code for very goal was listed as "4" ("Progress has been made towards the goal. It appears that the goal will be met by the next IEP review").

21. The Parent stated that they never received a copy of a June 2025 IEP progress report. **(**

22. In a June 12, 2025 email to the Coordinator, the Parent asked permission to contact the Coordinator over the summer regarding questions the Parent had about summer opportunities. The Parent noted, "[The Student] has been very irritable when [they are] not in ATP or other structured activities, and [the Student is] noticeably happier when [they are] involved and engaged."

    The Coordinator responded, "Of course! I'm happy to help!"

23. The Coordinator reported they never received a response from the Parent.

24. In a June 13, 2025 email to the Case Manager, the Parent requested a copy of "the most current [IEP] packet." The Parent also asked, "would it be possible to schedule the 'Request for Modification to current IEP' meeting about a week after the Fall schedule begins? I have a couple of ideas that might help support [the Student's] communication progress, and I'd love to share them with you. My hope is to try them out over the first three months of the Fall ATP session."

    The Case Manager responded on the same day, stating, "Yes, we can Amend [the Student's] IEP in the fall. I would recommend doing it in October. The reason is that you are wanting more communication support and we would need to include our SLP. The SLP we had this year is retiring and we will be getting a new person. [The SLP] will need some time to get to know [the Student] before we can make any changes."

25. The Case Manager reported that June 13, 2025 was the last day of school for the 2024-25 school year. The Parent did not respond to the Case Manager's June 13, 2025 email, nor did they ever express disagreement with the Case Manager's recommendation to wait until October to hold an IEP meeting.

2025-26 School Year

26. On September 2, 2025, the Student started their third year at the Program.

27. The District provided a copy of a communication log, which recorded contact between the Program staff and the Parent between September 2, 2025 and April 22, 2026. Of the approximately 65 entries, a toileting accident was mentioned on one occasion. The remaining entries primarily noted dates that the Parent notified staff that the Student was going to miss school or be picked up early.

28. The Case Manager estimated that the Student had fewer than five toileting accidents during the 2025-26 school year. The Student was often startled by loud noises, and the Student was afraid of dogs, which contributed to these accidents.

The Parent estimated that the Student had one to two accidents per month, based on reports from the Student's care providers to the Parent about soiled clothes sent home from the Program.

The Case Manager explained that there were reasons, other than toileting accidents, why the Student might need to change their clothes during the day. This includes the Student's clothes getting dirty and that the Student did not like to use sanitary products during menstruation.

29. In a September 4, 2025 email to the Coordinator, the Parent wrote, "I am a little concerned about the number of students in the Adult Transition Program this year. Could you please let me know how the district ensures that special education classrooms are not overloaded, so that student safety, instructional quality, and staff workload remain balanced? My concern is that with such a large class size, [the Student's] IEP goals may not be fully supported. Could you also help me understand if this was a district decision for this year, and how the teacher and staff will be able to meet each student's IEP requirements, including [the Student's]?"

    The Coordinator responded on the same day, stating, "[The Case Manager's] class size hasn't changed significantly. There are about 3 more students, and we did add a staff member to support the increase. We monitor caseloads closely and the district has been very supportive. Each time we have requested additional staff, we have been able to add. [The Case Manager] and I would be happy to meet with you about [the Student's] IEP."

    According to the District, the Parent did not respond to the Coordinator's email.

30. The District also reported, "There were 22 students in the Adult Transition Program at the beginning of the 25-26 school year and that number increased to 23 when a new student enrolled in January 2026. One student attends part-time. In addition to the special education teacher, there are 6 full-time paraeducators in the Program. There is also a speech/language pathologist, occupational therapist, and physical therapist who provide one-on-one, small group, and whole group services as indicated on student IEPs."

    "The classroom accommodates 30+ students. With groups rotating for community outings, the in-class population is often fewer than 18 students. This, combined with the presence of 6 paraeducators, ensures that IEP services are delivered as written."

31. The Case Manager reported that the students in the program had different levels of ability, which determined the type and frequency of community outings they participated in. The students were placed in different groups based on their level of ability and support needs. Because the groups' outings were staggered, this reduced the number of students present in the classroom at the same time. This, along with student absences, meant there were often ten to twelve students remaining in the classroom.

    The Student participated in several community outings each week, including taking public transportation to various businesses to work on their IEP goals and practice other life skills.

32. On October 23, 2025, the Parent emailed the Case Manager about scheduling an IEP meeting. The Parent wrote, “I think this would be a good time to revisit [the Student’s] IEP… I’d like to explore whether we can support [the Student] in taking a new direction for [the Student’s] ‘job’… I know there aren’t many opportunities that truly suit youth like [the Student], but perhaps you might have some ideas… What is the next step after doing ATP that the District can provide support… I’d also like to review [the Student’s] current progress and discuss what we should focus on during these last six months before [the Student] completes ATP in June.”

    The Coordinator responded, “We should involve [the Student’s] DD case worker in all of our meetings this year. After ATP, they, and other outside agencies, will be responsible for providing services when [the Student] leaves us.”

33. On October 27, 2025, the Parent emailed the Student’s county developmental disabilities caseworker (the Caseworker), copying the Case Manager and the Coordinator, asking about “what to expect during this transition” and “what happens next.”

    Both the Parent and District staff reported that the Caseworker did not respond to the Parent’s email.

34. In a November 7, 2025 email to the Parent, the Case Manager wrote, “I have attached a copy of [the Student’s] monthly calendar for nov and I have also put one in [the Student’s] red folder.”

35. The Case Manager reported the red folder was put in the Student’s backpack and used for sharing information with the Parent. The Case Manager stated that the red folder stopped being used at some point during the 2025-26 school year because the red folder was sent home with the Student but never returned to school.

    The Parent reported that the red folder was not used during the 2025-26 school year.

36. In a November 12, 2025 email to the Case Manager, the Parent mentioned that the Student “has been very anxious to go to school every day” for many years, which has continued through the current school year. The Parent noted that the Student "is always eager to know what [their] schedule will be.” “Would it be possible to think about adding something to [the Student’s] IEP that gives [the Student] more detailed structure for those ‘typical’ ATP days? If ATP usually follows a standard routine, could you provide a consistent (if possible) list or schedule… This would help [the Student] understand what to expect and reduce [their] anxiety and improve [their] brain for learning. [The Student’s] understanding has really improved, and [the Student] is trying hard to be more independent. Having a clearer daily outline will support that progress and help [the Student] learn through repetition.”

    The Case Manager responded on the same day, stating, “That’s strange, [the Student] doesn’t ask what’s next when [they are] here. I have a daily schedule that is kept up on the board all day and we have powerpoint slides that we follow as well. Our daily schedule doesn’t change,

we have the same routine every day! I have attached a weekly schedule for you to show [them]. I hope this helps!"

The Parent replied, thanking the Case Manager and stated, "I appreciate you and [the Coordinator] for focusing on [the Student] at ATP. It has been a challenging but valuable collaborative process to support [the Student's] needs, strengths, preferences, and goals… We all should be proud to look at [the Student] today! [The Student] has made good progress."

37. The Case Manager and the Coordinator both reported that they did not see the Student exhibit signs of anxiety or distress while at the Program. The Coordinator indicated they asked other Program staff, who reported the same thing.

    The Case Manager indicated that the Program's schedule remained consistent during the 2024-25 and 2025-26 school years.

38. In a November 13, 2025 email exchange, the Parent notified the Case Manager that the Student would be out of school from December 5, 2025 until January 15, 2026. The Parent requested "homework, class instructions that [the Student] normally received at ATP to go with [the Student]" while they were absent.

    The Case Manager responded they could send the Parent the Student's log-in for online programs to provide some practice "but as for the other IEP goals, that is something [the Student] will have to miss because that is hands on (time in the community)."

39. On November 17, 2025, the Case Manager emailed the Parent, stating, "I have put together work for [the Student] when [they are] gone. I had a few packets left from ESY that [the Student] can complete."

    The Parent responded, "I appreciate your dedication. Thank you again for you and [the Coordinator] who has been working so hard on this journey to support me and [the Student]."

40. The Student was absent from school from December 8, 2025 to January 15, 2026. This included two weeks for winter break.

41. The District provided a copy of the Student's Enrollment Profile and Attendance Profile, which indicated that the Student was dropped from enrollment on January 5, 2026 and reenrolled on January 15, 2026.

42. In a January 15, 2026 email, the Case Manager asked the Parent if the Caseworker would be able to attend the Student's annual IEP meeting scheduled for January 20, 2026. The Case Manager also asked what concerns the Parent had and what goals the Parent would like the team to work on.

43. On January 15 and 16, 2026, the Parent emailed the Caseworker, asking them to attend the Student's IEP meeting on January 20, 2026.

    On January 16, 2026, the Case Manager also emailed the Caseworker, stating that the IEP meeting was "an important one for us to be able to get everything ready for [the Student] as [they age] out of ATP this year. It is best that we are all on the same page and especially with a few services having a waiting list." The Case Manager included a link for the virtual IEP meeting.

    The Case Manager emailed the Caseworker again on January 20, 2026 with a reminder about the IEP meeting and a copy of the meeting link.

    The Coordinator reported that they also tried to call the Caseworker but was unable to reach them.

44. Despite attempts by both the Parent and District staff, the Caseworker did not respond to any emails and did not participate in the Student's January 20, 2026 IEP meeting.

45. On January 20, 2026, the District convened a meeting to review the Student's three-year reevaluation, determine continued eligibility, and develop the Student's annual IEP.

46. The Student's January 20, 2026 IEP (January 2026 IEP) included the following changes, in relevant part:

    a. Parent concerns: Included concerns about (1) transition services after ATP; (2) "lack of attention to [the Student], due to high number of students in the classroom"; (3) communication ("Wanting [the Student] to use more sentences, especially when anxious and stressed"); and (4) increasing independence.

    b. Present Levels: Included updated progress information on the Student's IEP goals.

    c. Annual Goals: Reduced to three goals, including one Life Skills goals (improve involvement in the community by follow multi-step instructions, identifying next dollar up, and finding and purchasing items at the store or restaurant); one Vocational Skills goal (increase employment skills); and one Communication goal (improve involvement in the community by identifying how they feel, expressing their feelings using a complete sentence, and advocating their needs and wants).

    d. Specially Designed Instruction (SDI): Life Skills (increased from 100 to 300 minutes per week); Vocational Skills (remained at 300 minutes per week); and Communication Skills (reduced from 840 to 420 minutes per year).

       Removed SDI in the areas of Social Skills and Transition Services.

47. According to the January 20, 2026 Special Education Placement Determination, the team continued the Student's existing placement.

48. The District issued PWN dated January 20, 2026 which noted, "[The Student] is 21 and will age out of ATP in June 2026."

49. The Parent reported they were told at the January 20, 2026 IEP meeting that the Student had regressed on their IEP goals.

50. When asked, the Coordinator and the Case Manager stated regression was discussed with the Student's present levels of performance and extended school year (ESY) services. The Case Manager reported that the Student had a history of experiencing regression following breaks and had qualified for ESY services for at least the last few years.

    The Case Manager confirmed that the Student had regressed in some areas following the Student's extended absence from December 5, 2025 to January 15, 2026. However, the Case Manager noted that the Student had made progress on their IEP goals as of December 2025, before the Student's absence.

51. In a January 21, 2026 email to the Parent, the Case Manager stated, "Here is the IEP draft for [the Student]. Please look it over and let me know what you think."

    The Parent responded on January 27, 2026, stating, "I will get back to you in a couple of days."

    The Parent emailed the Case Manager on February 5, 2026, stating, "Everything looks good, and please go ahead and implement what you have planned… Thank you again for your great work. I truly appreciate the thought and care you've put into this." Additionally, the Parent requested that some additional details and clarification be added to certain sections of the IEP.

52. The Case Manager reported that they made the changes to the IEP that were requested by the Parent.

    The Parent reported that they were not aware that the changes were made to the IEP, nor that the IEP was ever finalized.

53. The District provided a copy of the Student's January 30, 2026 IEP Progress Report, which included progress updates for the Student's 2025 IEP goals. For every goal, the progress code was listed as 4 ("Progress has been made towards the goal. It appears that the goal will be met by the next IEP review").

    The progress notes indicated that the Student made progress on approximately half of the goals from the January 2025 IEP (in the areas of Life Skills, Social Skills, Transition, and Communication) and exhibited regression on at least two of the goals (in the areas of Transition and Vocational Skills).

54. The District reported, “Progress reports dated 6/2/25 and 1/30/26 indicate that the Student made progress” and “the Student was on track to meet the goals by the next IEP review” in all goal areas.

55. When asked about the January 30, 2026 IEP Progress Report, the Case Manager stated that the Student had already recouped some of the regression following the break.

56. The Parent reported they did not receive a copy of the January 2026 IEP, nor the January 30, 2026 IEP Progress Report.

57. When asked, the Case Manager stated that these documents were available on Synergy and accessible to parents using the ParentVue program. “Progress reports are accessed through ParentVue. This is the same system [the Parent] has used since high school and middle school. If [the Parent] wanted a hard copy or did not have access, I would have happily sent it to [them].”

58. The Case Manager additionally reported they provided regular progress updates to the Parent whenever they were requested by the Parent. They provided information about the Student and the Program to the Parent through email, text messages, written information sent home with the Student, and in-person conversations.

59. When asked, the Parent stated they did not know what ParentVue was and could not recall if they ever used this program.

60. When asked if the Student’s IEP and IEP progress reports were provided to the Parent, the District reported the following:

    a. “Parents in [the District] get educational records, such as report cards, IEPs, and progress reports via ParentVue… This is no different than the way that the Parent would have received progress reports in all the years that [the Student] has been attending [the District].”

    b. The Case Manager and the Coordinator reported that “the Parent did not indicate that [they] did not receive progress reports and never requested to have them printed/mailed.”

61. When asked if the Parent signed into ParentVue, the District stated, “Looks like [the Parent] has not signed into ParentVue since 2020 when [the Student] was in high school. This is unfortunate and I wish the Parent had informed staff so they could have provided support with accessing ParentVue and/or sending the progress reports by email or mail. The Parent never indicated to staff that [they were] not getting the progress reports.”

    When asked if the Parent received notification when documents were available in ParentVue, the District reported, “[T]here were no notifications sent via ParentVue in Synergy. However,

[the District technology department is] not able to track any communication done through Parent Square, another commonly used app for staff to communicate with parents."

62. In a March 9, 2026 email to the Case Manager, the Parent requested "a copy of the comprehension workbook currently being used… This remains one of [the Student's] IEP goals, and we would like to continue supporting [their] practice at home and on weekends."

    The Case Manager responded, attaching PDFs of several workbooks. The Case Manager noted that the Student "will get a progress report in June."

63. The Parent reported that the Case Manager sent materials that were at a much lower level than the Student's current reading level. Because of this, the Parent became concerned about whether instruction provided to the Student in the Program was appropriate.

64. The Case Manager stated they sent the Parent materials at the level that the Student was able to do independently. If the Student had an adult sitting with them providing support, the Student could do work at a higher level.

65. The Coordinator noted that it is not possible to compare percentage levels on different IEP goals over the years as the goals and goal criteria change. An IEP team tries to increase goal difficulty as a student makes progress, and percentages look different from year to year.

66. The communication log notes for March 13, 2026 indicated that the Student had a toileting accident and stated, "We reminded [the Student] to use restroom, especially after lunch."

67. The Case Manager reported that the Student was given regular reminders for the Student to use the bathroom. The Student went into the bathroom when reminded to do so, but staff were not allowed to be in the bathroom with the Student and could not confirm that the Student emptied their bladder.

68. A March 31 to April 2, 2026 email exchange between the Parent and the Case Manager included the following information:

    a. The Parent shared that they were thinking about getting a private teacher "to help reinforce [the Student's] IEP goals in writing, communication, and reading comprehension" and asked "whether there might be one day during the week" that the Student could miss school "without any major effect or without disrupting [their] IEP goals[.]"

    b. The Case Manager responded, stating the Parent can keep the Student home but they will miss working on their IEP goals when absent. The Case Manager wrote, "I think it would help to have extra support with writing, communication, and reading. Especially since it is one to one and in a quiet environment… [The Student's] ability to complete a task, depends on [their] surroundings and ability to focus. [The Student] is very distracted by [their] surroundings and when picking answers will choose the first or last answer read.

Currently [the Student's] reading is an 84% accuracy. Comprehension, [the Student] is working at 45% accuracy." The level of prompting needed to stay focused on reading "depends on the classroom environment, [the Student's] mood, and the time of day (usually more focused and less prompts in the morning than in the afternoon)."

c. The Parent replied, "I personally think that the district has been cramming so many students in this ATP classroom and this has been damaging to [the Student's] progress in academics." The District should "continue to monitor [the Student's] academic progress and implement what written in [their] IEP and find the best method to support [them] to eliminate what distracts [the Student] and block [them] from study and achieve [the Student's] goals written in IEP. I am wondering why the reading goals in the 2024 IEP mentioned are for 80% and now [the Student's] current IEP is 45% which has dropped significantly compared to when [the Student] first entered the ATP, this has dropped 23% compared to where [the Student] was at 12 grade." The Parent stated they were very concerned.

d. The Case Manager stated, "I understand. That is what we do, but we also tailor [the Student's] reading, writing, and communication to everyday living skills that are at [their] current level of abilities. Our goal is to help provide the support and opportunities for [the Student] to be more independent in the community. The reading assessments that I did was above [their] reading level of comprehension. As [the Student] grows and learns more, [the Student] has to be challenged. [The Student] is able to read with an 80% accuracy, but needs more support answering questions that [they have] to find the answers to in the passage. The previous data was at [their] reading and comprehension level and needed to go up to the next level. The new assessments are ones for the next level. I have done everything in my ability to provide support/opportunities for [the Student] to grow. Students in my classroom take time to learn a new skill. I have provided [the Student] with the space for learning, where it is quiet and has limited distractions. Even then [their] attention span is around 5 seconds at a time, constantly looking around. [The Student] has grown a lot in the two years with me and will continue to grow if [they are] provided with opportunities that allow [them] to be social (learning from [their] peers) and to be given opportunities to complete tasks independently… This classroom is more than just academics, it prepares [the Student] for the rest of [their] life and gives [them] a sense of purpose and confidence. Our academics tie into real world situations that will support [the Student] after leaving ATP and prepare [them] for possibly getting a job… I would be happy to discuss this in more detail if you have questions."

69. In an April 2, 2206 email to the Case Manager, the Parent stated, "I've decided to move forward with filing a complaint with [the Department] regarding [the Student's] program… I really want you to know – this is not about you. I see the care and effort you put into your work, and I truly appreciate everything you do for [the Student]. I know you are doing your best within the structure you're given. My concern is more about the bigger picture and whether the current set up is giving both you and [the Student] the support needed for [the Student] to truly benefit from [their] IEP. I sometimes feel that [the Student] would do much

better with additional supports - like a quieter, more structured space where [they] can focus without so many distractions and so many students in one room."

70. On April 6, 2026, 2025, the Parent filed this Complaint, alleging the following:

    a. "[C]oncern about [the Student's] IEP academic progress during ATP, particularly in reading comprehension, communication and task completion. Based on meeting with team for IEP and current data, it appears that [the Student's] performance is currently around 45% in reading comprehension, which raises concern about possible regression and limited progress toward [their] IEP goals."

    b. "[T]he current classroom environment may be impacting [the Student's] ability to learn effectively. Specifically, factors such as a crowded classroom setting, distractions from surrounding students, not enough staff appear and the level of support available & method of teaching have been affecting [the Student's] focus and ability to complete tasks independently which results of [*sic*] [the Student's] regression."

    c. "[The Student] experiences anxiety, and I am concerned that [their] support needs in this area may not be fully met in the current setting, there are a lot of wetting accidents during ATP which [the Student] barely has out of this environment. There have been instances where [the Student's] anxiety and lack of adequate support have led to distress."

    d. "[The Student] requires multiple verbal prompts and appears to benefit from a quieter, more structured setting."

    e. The Parent expressed concerns about IEP implementation and monitoring academic progress.

71. The Parent reported the following, among other things:

    a. When asked what should have been included in the Student's IEP that was not, they stated additional supports to help reduce distractions in the classroom and allow the Student to focus, including additional sensory supports.

    b. When asked why they thought the Student's IEP was not implemented, they stated because (1) the District reported regression at the January 2026 IEP meeting; (2) the reading comprehension materials provided by the Case Manager were below the Student's level; and (3) the classroom did not have enough staff and was chaotic.

    c. When asked about their placement concerns, they stated that there was not enough staff, the Student was not getting enough support, and the Student should have been brought to a different room or given some kind of room dividers while working in the classroom.

72. The Case Manager reported that the Parent wanted the Student to work on academics in an isolated setting. However, that was not the least restrictive environment for the Student and

was not aligned with the Program's goals to prepare students for life and teach students skills for independent living and employment.

73. The Coordinator indicated that many of the skills that are learned in the Program cannot be taught in isolation. While there are opportunities for individual instruction on academics that pertain to life skills, most of the Program does not function like that.

74. The District's April 29, 2026 Response stated the following about the implementation of the Student's SDI during the complaint period:

    a. "Student received transition services during regularly scheduled times as indicated in the Student's weekly schedule (e.g., Tuesday community outings, Wednesday Winco, reading and writing groups)."

    b. "Social skills SDI was provided from 1:30 to 2:00 daily during a structured social skills time where a small group of students chose a game to play with other peers."

    c. "Vocational SDI was provided in the classroom, the community, and when participating in work experiences (e.g., work experience on Mondays from 9 to 10:30, classroom chores, morning and afternoon routines, reading and writing groups)."

    d. "Communication SDI was provided by the SLP during 30-minute sessions every other Wednesday as indicated on the Student's schedule. The SLP also provided 30 minutes of communication SDI every other Wednesday to a small group of students that also included the Student."

    e. "Life Skills SDI was provided as part of the Student's morning routine… and getting [their] backpack ready for the community outing… also provided during reading/writing groups as indicated on the Student's schedule."

75. Additionally, the District's April 29, 2026 Response stated:

    a. "Reading and comprehension was addressed in the 1/27/25 IEP. [The Student] received reading instruction 3 times a week using N2Y curriculum… In the IEP dated 1/20/26, Reading was embedded within the Life Skills goal (i.e., following a multi -step recipe, locating items on a list. The Student received reading instruction 3 times a week using N2Y curriculum. On 4/2/26, the case manager sent an email to the Parent and provided an example of how reading skills were also addressed in the community… Fluctuations in comprehension scores, as noted by the case manager in correspondence on 4/2/26, were attributed to the natural progression to more difficult reading materials, not a failure to show progress." (D6)

    b. "The case manager reported that the Student exhibited minimal anxiety in the educational setting. The very few incidents of hygiene related accidents in the past year (fewer than 5) were situational (e.g., laughter, startle response to seeing a large dog)…

Staff have proactively supported [the Student] in this area by providing a structured, predictable, and consistent environment."

76. The Parent's May 6, 2026 Reply claimed the following, among other things:

a. The District should have included accommodations in the Student's IEP to reduce noise and visual distractions and address their sensory needs. The District was aware that the Student needed a quiet environment to fully focus on learning.

b. The District failed to report on the Student's progress.

c. The Student exhibited regression, indicating that the District failed to appropriately implement the Student's IEP, failed to intervene, or failed to provide the support the Student needed.

d. The District failed to fully consider the Student's individual needs when determining or implementing the Student's educational placement.

IV. DISCUSSION

IEP Content

The Complaint alleged that the District violated the IDEA when it failed to include specific special education and related services and supplementary aids and services in the Student's IEP necessary to fully address the Student's needs that result from the Student's disabilities.

A school district "must offer an IEP reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances."[3] "An IEP is not a form document. It is constructed only after careful consideration of the child's present levels of achievement, disability, and potential for growth."[4] "The instruction offered must be '*specially* designed' to meet a child's '*unique* needs' through an '[*i*]*ndividualized* education program.'"[5]

An IEP must contain (1) a statement of the student's present levels of achievement and functional performance, including how the student's disability affects the student's involvement and progress in the general education curriculum; (2) measurable annual goals and a description of how the student's progress toward meeting the annual goals will be measured and reported; (3) a statement of the specific special education and related services and supplementary aids and services to be provided to the student; (4) the projected dates for initiation of services and the anticipated frequency, amount, location, and duration of the services; and (5) an explanation of the extent to which the student will not participate with children without disabilities in the regular class and activities.[6]

[3] *Endrew F. v, Douglas Cty. Sch. Dist.*, 137 S.Ct. 988, 999 (2017).
[4] *Id.*
[5] *Id.*
[6] OAR 581-015-2200(1); 34 CFR § 300.320(a).

"The adequacy of a given IEP turns on the unique circumstances of the child for whom it was created."[7] School districts are expected to "be able to offer a cogent and responsive explanation for their decisions that shows the IEP is reasonably calculated to enable a child to make progress appropriate in light of his circumstances."[8]

There were two IEPs in effect during the complaint period, the January 2025 IEP and the January 2026 IEP. While annual goals and services in the two IEPs varied, the accommodations remained the same.

The Parent claimed that the Student (1) regressed on their IEP goals, and (2) exhibited signs of anxiety and distress, which is evidence that the District did not provide enough support to the Student. According to the Parent, this indicates that the Student's IEPs were either not appropriate or were not implemented. The Parent contended that the IEPs failed to address the Student's need for an environment that limited distractions and allowed the Student to focus.

The Case Manager and the Coordinator reported that the IEP team discussed regression at the January 20, 2026 IEP meeting. The Student had some regression on their IEP goals following an extended break from school, approximately five and a half weeks. The Student had a history of experiencing regression during breaks from education services and, therefore, qualified for extended school year (ESY) services in summer 2025 and in previous years. According to the District, the regression discussed at the January 20, 2026 IEP meeting was not due to a lack of appropriate services, rather an expected result following an extended interruption of educational services.

The Case Manager reported that the Student made a lot of progress during the 2025-26 school year. The Student was demonstrating progress on their IEP goals as of early December 2025, prior to the Student's break from school. By the January 30, 2026 IEP Progress Report, the Student had already recouped some of the skills lost during the break.

Both IEPs included an accommodation for additional staff support for new material, large group settings, and assistance in the bathroom. The Case Manager reported that when working in the classroom on academics, the Student usually had an adult sitting next to them to provide prompts and other support to the Student. When forming groups for outings and other activities, the Case Manager placed the Student in groups that would allow the Student to have additional adult support. However, the Case Manager also pulled back support at appropriate times to support the Student in gaining more independence.

The Case Manager conveyed that the District used a variety of strategies to reduce distractions and help the Student focus. This included seating the Student at the front of the classroom, facing towards the front with other students seated behind them; using cardboard folders set around the Student while sitting at their table; and having the Student sit in a separate area of

[7] *Endrew F.*, 137 S.Ct. at 1001.
[8] *Id.* at 1002.

the classroom at a desk facing the wall with dividers placed around the desk to limit visual and auditory distractions.

There was no disagreement amongst the parties that the Student performed better when in a quiet environment, with limited distractions and a high level of adult support. However, the goal of the Program was to teach students vocational and life skills, and how to be more independent in the community. The annual goals, services, and supports were appropriately developed to allow the Student to make progress and gain the skills identified in the Student's IEPs.

The Student's IEPs were reasonably calculated to enable the Student to make progress appropriate in light of their circumstances. Although the Student experienced periods of regression following extended breaks, the Student continued to make progress on their IEP goals throughout the complaint period.

The Department does not substantiate this allegation.

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.

School districts must provide special education and related services to a student with a disability in accordance with the student's IEP.[9] As soon as possible after the development of the IEP, the services included therein must be made available to the student.[10] The district must ensure that each staff member, including service providers, has access to a student's IEP and is informed of their specific responsibilities for implementing the IEP and the specific accommodations, modifications, and supports in accordance with the IEP.[11] "IEP Teams and other school personnel should be able to demonstrate that, consistent with the provisions in the child's IEP, they are providing special education and related services and supplementary aids and services."[12]

"States may permit the use of electronic mail to distribute IEPs and related documents, such as progress reports, to parents, provided that the parents and the school district agree to use the electronic mail option, and the States take the necessary steps to ensure that there are appropriate safeguards to protect the integrity of the process."[13]

There is no expectation that IEPs be implemented with perfection under the IDEA. "[A] district does not violate the IDEA unless it is shown to have materially failed to implement the child's IEP. A material failure occurs when there is more than a minor discrepancy between the

[9] OAR 581-015-2220(1)(a); 34 CFR §300.323(c).
[10] OAR 581-015-2220(2)(b); 34 CFR §300.323(c)(2).
[11] OAR 581-015-2220; 34 CFR §300.323.
[12] Questions and Answers on *U.S. Supreme Court Case Decision Endrew F. v. Douglas County Sch. Dist.,* Re-1, 71 IDELR 68 (EDU 2017).
[13] Letter to Breton, (OSEP 3/21/14).

services provided… and those required by the IEP."[14] "[T]he materiality standard does not require that the child suffer demonstrable education harm…However, the child's educational progress, or lack of it, may be probative of whether there has been more than a minor shortfall in the services provided." If a child is not provided with instruction as required, a shortfall in achievement would indicate a material failure to implement the child's IEP. "On the other hand, if the child performed at or above the anticipated level, that would tend to show that the shortfall in instruction was not material."[15]

As stated above, the Parent claimed that the Student's regression on IEP goals, as well as their display of anxiety and distress, indicated that the District did not provide sufficient support to the Student or meet the Student's disability-related needs. In addition, the Parent claimed that the District failed to report on the Student's progress.

The Parent reported that they became concerned about the Program and the Student's progress after learning about the Student's regression at the January 2026 IEP meeting. According to the Parent, the Student's present levels, particularly in reading comprehension, were lower than they had been in twelfth grade. The Parent also reported that when they asked for additional practice work for the Student to do at home, the materials sent by the Case Manager were below the Student's reading level. The Parent maintained that the regression and lower-level reading materials indicated that the District failed to implement the Student's IEP, including not providing appropriate instruction on their IEP goals as required by the Student's IEP.

As previously mentioned, District staff stated that the discussion about regression at the January 2026 IEP meeting was referring to the Student's regression following their extended break from school; the District did not report that the Student regressed over the course of the January 2025 IEP. On the contrary, the Student had made progress overall.

The January 2025 IEP included a transition goal for reading and answering comprehension questions. The January 2026 IEP did not specifically include a reading comprehension goal, but the District stated that working on reading comprehension was embedded in the Program and the Student continued to receive reading instruction three times a week. Both IEPs included the same accommodations, which included hourly reminders to use the restroom; access to change of clothes; and additional staff support for new materials, large group settings, and assistance in the bathroom, among other things.

When asked about the practice materials they sent home in response to the Parent's request, the Case Manager explained that they sent practice work that was at the level that the Student was able to do independently. This was below the level of work that the Student was able to complete with adult support. The Case Manager reported that the Student continued to make progress in reading and their reading level increased over time. The District noted that it was not possible to compare accuracy percentages between the Student's various IEP goals over the years, as the goal descriptions and reading levels changed each year.

[14] *Van Duyn v. Baker Sch. Dist. 5J*, 502 F3d 811, 815 (9th Cir. 2007).
[15] *Id*. at 822.

The Parent claimed that the Student was anxious and distressed while at the Program. The only basis provided for this claim was the Parent's report that the Student experienced toileting accidents while at the Program but did not have accidents in other environments. There is conflicting evidence regarding the number of toileting accidents the Student had during the complaint period. The Parent indicated the Student had one to two accidents each month, as reported to the Parent by outside care providers.

The Case Manager and the Coordinator reported they did not witness the Student exhibit signs of distress at the Program. The Student had some existing anxiety or fears about certain things, such as loud noises and dogs, that were not specific to the Program. The Coordinator reported they asked other Program staff about the Student showing signs of distress, but staff had not seen anything.

The District reported that the Student had only a few toileting accidents during the complaint period, which resulted from situations in which the Student was startled or laughing. The Case Manager acknowledged that the Student had more accidents during the 2024-25 school year, as the Student was adjusting to recent changes. However, during the 2025-26 school year, the Case Manager reported the Student had less than a handful of accidents. The Case Manager reported that staff provided regular reminders to the Student to use the bathroom. The Student went into the bathroom each time they were given a reminder, but it was not possible for staff to verify whether the Student emptied their bladder.

Even assuming the Student had toileting accidents as frequently as reported by the Parent, there is no evidence that this was caused by a lack of support to the Student or the failure to implement the Student's IEPs.

Although the Student's IEPs stated that progress on the annual goals would be provided during the school's regular written report time, to be included with report cards mailed, students in the Program did not receive grades or report cards. The District stated, "Parents in [the District] get educational records, such as report cards, IEPs, and progress reports via ParentVue." The Case Manager reported that they did not send IEP progress reports to the Parent, but they were available to the Parent online via ParentVue. The District could not establish, however, that the Parent was notified when progress reports were available online and the evidence showed that the Parent had not accessed ParentVue since 2020.

There is no evidence that the District failed to implement the Student's IEP services and supports. However, the District did not report progress to the Parent on the Student's IEP goals in accordance with the method set forth in the Student's IEPs. Making IEPs and progress reports available for the Parent to access in ParentVue, absent an agreement with the Parent and without any notifications provided to the Parent when documents were available, did not fulfill the District's obligation to provide the Parents with copies of the Student's IEP and IEP progress reports.

The Department substantiates this allegation, in part, as it relates to the failure to provide the Parent with IEP progress reports.

Placement of the Child

The Complaint alleged that the District violated IDEA requirements for determining the educational placement of the Student.

School districts must ensure that the educational placement of a child with a disability is determined by a group of persons, including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options.[16] Placement decisions should not be based solely on factors such as category of disability, severity of disability, configuration of delivery system, availability of educational or related services, availability of appropriate staff, or administrative convenience.[17] "Each student's placement must be individually-determined based on the individual student's abilities and needs... it is the program of specialized instruction and related services contained in the student's IEP that forms that basis of the placement decision."[18] The IDEA "requires that the placement be based on the IEP, and not vice versa."[19]

In addition, the educational placement of a child must be made in conformity with the least restrictive environment (LRE) provisions. In selecting the LRE, consideration is given to any potential harmful effect on the child or on the quality of services they need, among other things.[20] School districts must ensure, to the maximum extent appropriate, that children with disabilities are educated with children who do not have a disability.[21]

The Parent alleged that the Program's classroom was too crowded, had too many distractions, and did not have enough staff to provide an appropriate level of support. This affected the Student's ability to focus and learn, resulting in the Student's lack of progress or regression.

The Parent expressed their concerns about the Program, including it having too many students and insufficient staff, to the Coordinator and the Case Manager in emails dated September 4, 2025 and April 1, 2026. The Coordinator responded to the September 4, 2025 email, sharing information on student numbers and staff levels, and offered to meet with the Parent to discuss the issue further with the Parent. The Parent did not respond to the Coordinator's email. The Case Manager responded to the April 1, 2026 email, stating they provided the Student with quiet spaces for learning with limited distractions. The Case Manager also noted that they teach academics that "tie to real world situations" and increase life skills, to prepare students for life after the end of the Program.

The Coordinator and the Case Manager reported that there were no significant increases in students during the complaint period, and the Program gained an additional staff member at

[16] OAR 581-015-2250(1); 34 CFR §300.116(a)(1).
[17] OSEP Memorandum 95-9 (OSEP 11/23/1994); Letter to Veazey (OSEP 11/26/2001).
[18] OSEP Memorandum 95-9.
[19] *K.D. ex rel. C.L. v. Dep't of Educ., Hawaii*, 665 F.3d 1110, 1123 (9th Cir. 2011).
[20] OAR 581-015-2250(4); 34 CFR §300.116(d).
[21] OAR 581-015-2240(1); 34 CFR §300.116(a)(2)(i).

the start of the 2025-26 school year. The District reported that the classroom had ample space and was designed to hold more students than were enrolled. Both the Coordinator and the Case Manager reported that the Program was well-staffed. They indicated that the Student was provided appropriate supports designed to meet the Student's needs, including with individualized workspaces to limit distractions and additional adult support.

The Student's January 2025 and January 2026 Placement Determination indicated that the selected placement best met the Student's needs because it balanced time spent in the community and the classroom, fulfilled IDEA transition requirements, and promoted the transfer and generalization of skills for community success. There was nothing to suggest that the team failed to consider the Student's individual needs when determining the Student's placement.

The Case Manager contended that removing the Student from the classroom and providing complete isolation from other students was not consistent with the least restrictive environment in which the Student was able to learn and make progress. Isolation would also be inconsistent with the Program's goals for students to learn life skills and increase independence.

Both the Coordinator and the Case Manager reported that the Parent did not express any other complaints regarding the Student's placement, nor did the Parent disagree with the placement selected by the IEP team at the Student's IEP meetings. For the most part, the Parent praised the Program and the Case Manager and expressed gratitude to District staff for the support they provided to the Student.

There is no evidence that the Student's placement was inappropriate, or that the District failed to comply with IDEA requirements when selecting the Student's placement.

The Department does not substantiate this allegation.

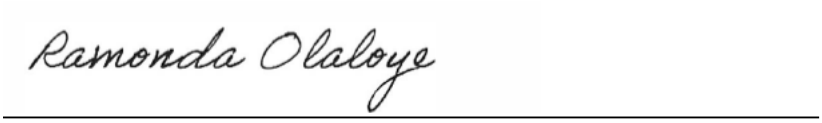
V. CORRECTIVE ACTION

In the Matter of North Clackamas School District 12
Case No. 26-054-045

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

Action Required	**Submissions**	**Due Date**
1. The District must ensure that all District staff who are responsible for providing parents with IEP progress reports receive training on the District's obligation to provide parents with progress reports in accordance with a student's IEP.	Training agenda/materials to ODE for review/approval. Sign-in sheet for training.	**October 15, 2026** **December 15, 2026**

Dated: this 5 Day of June 2026



Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing Date: June 5, 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).)