BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of West Linn-Wilsonville School District 3J	))))	FINDINGS OF FACT, CONCLUSIONS OF LAW, AND FINAL ORDER Case No. 26-054-048

I.BACKGROUND

On April 10, 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 April 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 May 8, 2026.

The District submitted a *Response* on May 8, 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. Email Communication, 3/29/25
2. High School Calendar, 25-26 School Year
3. Accommodation Letter, 3/6/25
4. Agee Release of Information (ROI), 9/1/25
5. Step Up Tutoring ROI, 9/1/25
6. The Math Balance ROI, 9/1/25
7. Northwest Neurodevelopmental Center ROI, 9/30/25
8. Previous School District IEP Amendment, 3/3/25
9. Previous School District Emotional Behavior Disability Eligibility Form, 4/25/25
10. Previous School District Other Health Impairment Eligibility Form, 4/25/25
11. Previous School District Specific Learning Disability Eligibility Form, 4/25/25
12. Previous School District Eligibility Summary Statement, 4/25/25

[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. Previous School District Evaluation Report, 4/25/25
14. Previous School District Prior Written Notice, 4/25/25
15. Previous School District Eligibility and IEP Signature Record, 4/25/25
16. Transfer Interim IEP, 6/8/25
17. IEP Placement, 8/26/25
18. Prior Written Notice, 8/27/25
19. Notice of Team Meeting, 9/25/25
20. IEP Meeting Notes, 10/2/25
21. Notice of Team Meeting, 10/8/25
22. Notice of Team Meeting, 10/10/25
23. IEP, 10/13/25
24. IEP Meeting Notes, 10/13/25
25. Notice of Team Meeting, 10/17/25
26. IEP Meeting Notes, 10/20/25
27. Placement Determination, 10/20/25
28. Prior Written Notice, 10/20/25
29. Consent for Functional Behavioral Analysis, 10/20/25
30. Notice of Team Meeting, 1/8/26
31. IEP Meeting Notes, 1/12/26
32. Functional Behavioral Analysis, 1/12/26
33. Behavioral Support Plan, 1/12/26
34. Notice of Meeting, 1/14/26
35. IEP Amendment, 1/15/26
36. IEP at a Glance, 1/15/26
37. IEP Meeting Notes, 1/15/26
38. Prior Written Notice, 1/20/26
39. Notice of Team Meeting, 3/5/26
40. IEP Amendment, 3/13/26
41. IEP at a Glance, 3/16/26
42. IEP Meeting Notes, 3/13/26
43. Prior Written Notice, 3/16/26
44. Prior Written Notice, 9/11/25
45. Prior Written Notice, 11/12/25
46. Prior Written Notice, 11/13/25
47. Prior Written Notice, (Correction) 11/14/25
48. Prior Written Notice, 11/14/25
49. Prior Written Notice, 11/14/25
50. Prior Written Notice, 1/22/26
51. Prior Written Notice, 1/22/26
52. Prior Written Notice, 1/23/26
53. IEP Progress Report, 11/5/26
54. IEP Progress Report, 1/26/26
55. IEP Progress Report, 4/9/26
56. Daily Attendance Profile, 25-26

57. Daily Attendance Totals
58. Weekly Attendance
59. ASL Course Report, 5/6/26
60. ELA Course Report, 5/6/26
61. Life Class Course Report, 5/6/26
62. Session Log, 1/6/26
63. Support Meeting Notes, 12/5/25
64. Parent Square Emails
65. Internal Emails
66. Responsive Narrative

On May 19, 2026, the Parent submitted a written Reply to the District's May 8, 2026 Response and documentation.

The Parent submitted the following items:

1. Parent Response
2. Meeting Recording Transcript, 12/11/25
3. Email Thread, January 2026-April 2026
4. Draft IEP, 10/13/25

On May 22, 2026, the Complaint Investigator interviewed the Parent. The Complaint Investigator interviewed District personnel on June 1, 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 April 11, 2025 to the filing of the Complaint on April 10, 2026.

Allegations	Conclusions
Free Appropriate Public Education (FAPE) The Complaint alleges that the District failed to provide the Student with a Free Appropriate Public Education. Specifically, the District has not been implementing and delivering special education supports and services, and has failed to implement the accommodations in Student's IEP, which have prohibited the Student from making meaningful educational progress.	**Not Substantiated** The District made special education services and supports to the Student during all times relevant to the Complaint. Any failure to provide services was the result of the Student's poor attendance.

(OAR 581-015-2200 (1)(g), 581-015-2040; 34 CFR §§300.101, 300.17)	
Parent Participation The Complaint alleges that the District failed to allow meaningful parental participation. Specifically, the IEP team has not been prepared for meetings, individuals have not responded to parental correspondence within a reasonable time, and the team did not allow a personal accommodation to be implemented. (OAR 581-015-2190, 2210; 34 CFR §§300.501 (b)(c), 300.321)	**Not Substantiated** The Parent participated in six (6) IEP team meetings during the complaint period. Additional meetings were held late in the spring of 2026. The records indicate that the District responded to Parent correspondence within a reasonable time and provided a reasonable alternative accommodation for notetaking at meetings.
Failure to Implement IEP The Complaint alleges that the District failed to implement the Student's IEP, including accommodations necessary for them to access the general education classroom, at the start of the 2025-2026 school year in August of 2025. (OAR 581-015-2220; 34 CFR §§300.323)	**Not Substantiated** The records reflect that the District properly adopted the Transfer IEP and that the Student's IEP was provided to the teachers and implemented at the start of the school year in August of 2025.
Extended School Year (ESY) Services The Complaint alleges that the District failed to collect data to consider, and appropriately determine, ESY services at the October 13, 2025, IEP team meeting. (OAR 581-015-2065; 34 CFR §300.106)	**Not Substantiated** The records support that limited data was available to consider ESY services at the time of the October 13, 2025, IEP team meeting, and that the IEP team considered regression and recoupment data later in the school year to determine that ESY services were not necessary.

REQUESTED CORRECTIVE ACTIONS

The Complainant requested corrective action as follows:

1. Provide all services and accommodations in the Student's IEP so the Student can access the general education curriculum.
2. Provide compensatory services based on the District's failure to implement the IEP and failure to provide FAPE.
3. Provide training to staff regarding the Student's disability and the individual needs relating to the Student's disability.
4. Provide training to the District's special education staff regarding the implementation of the Student's IEP.
5. Ensure that parental participation is supported and that accommodations that support parental participation are provided.
6. Provide training to staff regarding special education timelines.
7. Provide training to staff regarding the importance of parental participation, including what meaningful parental participation looks like through the IEP process.
8. Provide compensatory services for any Specially Designed Instruction (SDI) that the Student did not receive for failure to implement Student's previous IEP.
9. Provide staff training concerning the out-of-district IEP transfer process to ensure there are no lapses in students receiving services that should be implemented by the District.
10. Provide training to the special education team and the general education teachers to ensure the capable implementation of the Student's IEP.
11. Hold a facilitated IEP team meeting to discuss and determine ESY services from the 2024-2025 ESY data.
12. Provide training for District special education staff about the discussion of ESY services while considering student needs related to ESY data regarding regression/recoupment over breaks.

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 11, 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 fourteen years old and currently in the 9th grade at a District High School (the High School). The Student most recently enrolled in the District for the 2025-2026 school year. The Student is eligible for special education services under the eligibility categories of Other Health Impairment (OHI) and Specific Learning Disability (SLD).

2. The Student attended a District Distance Learning Program (DLP) in their previous school district from January to June of the 2024-2025 school year. The DLP is a virtual program hosted by a charter school in the previous district. Prior to the spring semester of the 2024-2025 school year, the Student was homeschooled.

3. The previous school district developed an annual IEP for the Student dated March 3, 2025 (March 3, 2025 IEP).

4. Seeking an in-person high school for the Student, the Parent submitted the appropriate paperwork to request an in-district transfer to the High School for the 2025-2026 school year, the Student's 9th grade year. The District approved the transfer to the High School, which was not Student's neighborhood high school, and the Student was officially registered on April 7, 2025.

5. The previous school district conducted a comprehensive re-evaluation of the Student in the spring of 2025. On April 25, 2025, the previous school district determined that the Student remained eligible for special education services under the eligibility categories of OHI and SLD. On same date, the IEP team developed an Amended IEP for the Student. This was the IEP in place for the Student when they transferred to the District for the start of the 2025-2026 school year.

6. The March 3, 2025 IEP, as amended on April 25, 2025, included the following:

   a. Goals:

      Math**:** By March, 2026, given accommodations and 1-2 step word problems, the Student will 1) select the appropriate operations to solve problems, and 2) complete the operations with 85% accuracy in 3 out of 5 opportunities as measured by curriculum-based measures and teacher observation.
      Present level: 7/11 recognizing operations connected to specific words.

      Writing**:** By March 2026, given specially designed instruction and accommodations, the Student will produce 1-2 paragraphs with topic, 2-3 supporting details, and conclusion sentences pertaining to a given topic with 80% accurate punctuation, 85% accurate spelling and 85% effective organization as measured by formal assessment and teacher observation.
      Present level: 2025 essay composition on the Wechsler Individual Achievement Test demonstrated very low in the .1 percentile range.

b. Specially Designed Instruction:

Written Language: 30 minutes per week;
Mathematics: 30 minutes per week.

The IEP included specially designed instruction in Written Language and Math for 30 minutes per week, virtually. The IEP further included accommodations for testing and support in the general education setting.

c. Accommodations: Assessment: Use of the embedded dictation feature or a scribe for the performance task; Multiplication chart; Assessment: separate setting when using dictation or scribe; Assessment: Text-to-speech feature available for all test content; Audiobooks/textbooks and read aloud technology; Frequent review before new content is introduced; Word processing supports such as speech to text, word prediction, spell check; Processing time for verbal/written responses; Multistep tasks broken into 1-2 steps; Shorten assignments to show understanding; Graphic organizers for note taking and writing assignments; Option to take breaks away from task.

d. Extended School Year: Available data did not demonstrate the need for ESY services.

7. On May 21, 2025, the Parent met with a counselor and a learning specialist (Case Manager) from the High School to informally discuss attendance for the Student for the 2025-2026 school year. Prior to the meeting, the Parent provided a copy of the March 3, 2025 IEP from the previous school district to the High School counselor and the Case Manager.

8. On August 14, 2025, the Case Manager sent an introductory email to the students they would be case managing during the 2025-2026 school year, including the Student. The Parent received the email.

9. On August 21, 2025, the High School held "Smart Start", which is a program where students in special education can meet their teachers, discuss accommodations, walk through their schedule, and generally discuss components of their program for the upcoming school year. The Student attended the Smart Start session on August 21st.

10. On August 24, 2025, the Parent provided each of the Student's first semester teachers at the High School, and the Case Manager, with a one-page profile regarding the Student.

11. Through email dated August 25, 2025, the Parent inquired about a timeline for setting up an IEP meeting for the transition to the High School, with an understanding that it would take some time for the teachers to get to know the Student. On August 26, 2025, the Case Manager responded to the email and suggested an IEP team meeting for the week of September 29 through October 3, which would allow the teachers time to get to know the

Student and be prepared with accommodation recommendations. The Parent responded that the Parent and the Student would be available on October 2 or 3, 2025, for the IEP team meeting. The meeting was set for October 2, 2025, at 7:45 am.

12. The Student began attending the High School in person on August 26, 2025, which was the first day of classes for the 2025-2026 school year. The Student attended classes in person from August 26, 2025 through September 2, 2025, which was five school days.

13. On August 26 2026, the District created a transfer IEP for the Student to be implemented until the IEP team could meet to adopt the IEP from the previous school district or create a new one (Transfer IEP). The Transfer IEP was identical to the March 3, 2025 IEP (as amended on April 25, 2025) that was developed and implemented by the previous school district. A prior written notice (PWN) was issued on August 27, 2025 proposing to implement the Transfer IEP.

14. On August 28, 2025, the Parent emailed the Case Manager and the Counselor about a possible schedule change since the Student's "B" day had the more difficult academic classes, including Algebra, Language Arts, and Biology. The District responded on that date that changes could be made to the schedule, but the Student would lose an elective.

15. On September 2, 2025, the Parent requested a meeting for that day based on the Student's early struggles with math and reluctance to come to school in person. The Counselor and the Case Manager met with the Parent and the Student on September 3, 2025.

16. The Student stopped attending the High School in person on September 3, 2025. The Case Manager emailed the Parent on September 4, 2025, asking about the absence, class schedule, and whether the Parent had other ideas regarding support. The Parent requested another meeting to discuss supports, and another meeting was held.

17. On September 4, 2025, the Case Manager offered to set up an earlier IEP team meeting for the week of September 8-12 to put more supports in place for the Student. On September 9, 2025, the Assistant Director for Student Services emailed the Parent and offered to facilitate an earlier meeting and/or meet with High School staff to offer support for the Student's transition to the High School.

18. On September 9, 2025, the Parent requested that the Student be enrolled in the District's on-line program, West Linn-Wilsonville K12 Online Academy (WKOA), for Language Arts 9, Biology and World History. In the request for online classes, the Parent stated that they understood that the teachers may not be "ready to launch in WKOA" until the next week, but sooner access to the system would help the Student navigate the site. The District responded on that date, and the Student was set up for the requested online classes on

September 10, 2025. With the three online classes, the Student would be online for "B" days and in person for "A" days.

19. WKOA is the District's online educational program that is available to District students in grades 9-12. Students can take all online classes or a hybrid of in-person and online classes. Through a PWN dated November 11, 2025, the District clarified that it does not consider education in the WKOA program as a change in placement. Rather, WKOA serves as one of the District's four general education high school locations of service. The PWN further indicated that the change in the Student's schedule to a hybrid model did not change the Student's special education placement.

20. The Student emailed the Coordinator of WKOA on September 11, 2025, using a WKOA email address. The Parent emailed the WKOA Coordinator on September 20, 2025, indicating that the family had not received a response from the Student' email nor had they received any further direction about starting the online classes.

21. The WKOA Coordinator emailed the Parent on September 22, 2025, and indicated that an email had been sent through the ParentSquare email application. Due to some apparent technical issues with the application, the Parent did not receive the email from the Coordinator. When the Parent logged into ParentSquare, they saw that an email had been sent on September 11, 2025 with information regarding WKOA orientation. On September 22, 2025, the Coordinator provided login information for the Student.

22. The Student logged into WKOA on September 22, 2025, for the first time after receiving the login information.

23. On September 22, 2025, the Parent responded to prior emails of September 4th from the Directors of Student Services regarding the IEP team meeting. On September 24, 2025, the Parent confirmed the Parent's decision to move forward with the IEP meeting set for October 2, 2025.

24. The IEP meeting was held as scheduled on October 2, 2025. The purpose of the meeting was to discuss the adoption or revision of the Transfer IEP. The team discussed various issues and concerns and agreed to schedule an additional meeting to develop the Student's annual IEP. As part of the October 2, 2025, Meeting Summary, the record reflects that the team would "develop a plan to make up the missed writing SDI due to miscommunications with transition to WKOA".

25. Another IEP team meeting occurred on October 13, 2025.

26. An additional IEP team meeting occurred on October 20, 2025. Through the three meetings, the Student's annual IEP was developed and agreed to by the team, including the Parent.

27. During the October 20, 2025, IEP team meeting, the team agreed to initiate a Functional Behavior Assessment of the Student. The Parent provided consent for the assessment on October 20, 2025.

28. During the October 20, 2025, IEP team meeting, the team discussed SDI and the Student's attendance. The IEP team added services to SDI in the areas of Study Skills, Reading and Self-Management. SDI in Reading was increased to sixty minutes, and Math remained at thirty minutes weekly. Further, the team decided that SDI for Language Arts and Math would be provided virtually in accordance with the Student's decision to attend those subjects virtually. The start date for the revised SDI services was November 3, 2025.

29. Direct virtual SDI was offered by the virtual learning specialist (Learning Specialist) on October 23, 2025, for Math and Writing. The District offered multiple options to the Student and the Parent from that point forward. From late October through December 1, 2025, the Learning Specialist offered several options for delivery of instruction, and the Parent either requested shorter sessions or did not respond to the offers of services. The first virtual SDI session occurred on December 5, 2025.

30. The Student's participation in the December 5, 2025, SDI session was minimal. The Parent indicated issues with the interactions between the Student and the Learning Specialist. The Learning Specialist attempted to reschedule sessions subsequent to the December 5th session, and the District made personnel available to conduct the sessions. On December 15, 2025, the Parent indicated that they would not be attending further sessions in December. From January 5, 2026, the District has continued to offer SDI services according to the Parent and Student's preferred schedule. Additionally, the District has continued to offer make up sessions for any missed SDI.

31. With respect to recording IEP meetings, District policy generally does not allow parents to record meetings unless the parent has a disability under the ADA and a reasonable accommodation is necessary for the parent to meaningfully participate.

32. The Parent and the District Special Education Director met virtually in December of 2025. The Parent utilized an AI notetaker for the meeting. The Parties factually disputed several components of the meeting.

33. In accordance with the District' procedures, the Parent requested the use of the AI notetaker for IEP meetings starting in January of 2026. The Parent submitted medical documentation stating that the AI notetaker served as a reasonable accommodation. The District ultimately denied the request, primarily due to the inaccuracies associated with

AI technology, and concerns about student FERPA privacy with a cloud application. As an alternative accommodation, the District offered to take detailed notes during IEP meetings as it had in the past.

34. The District completed a Functional Behavior Assessment, which was considered by the IEP team on January 12 and January 15, 2026. A Behavioral Support Plan was developed.

35. Several revisions were made to the IEP during the January IEP team meetings along with the introduction of the Behavioral Support Plan.

36. An additional IEP team Amendment meeting was held on March 13, 2026.

37. The IEP Progress Report dated November 5, 2025, demonstrates that the Student was making adequate progress on their Math and Writing goals.

38. The IEP Progress Report dated January 26, 2026, demonstrates that the Student was making adequate progress on their Math, Writing, Reading, Self-Management, Study Skills, and Learning Platform goals.

39. The IEP Progress Report dated April 9, 2026, demonstrates that the Student was again making adequate progress on their IEP goals.

40. Throughout the 2025-2026 school year, the records indicate that the Student's attendance has been sporadic and inconsistent.

41. On April 10, 2026, the Parent filed this Complaint.

42. The IEP team met on or about April 27, 2026. As part of the meeting, the team again considered ESY services. The team determined that the Student did not qualify for ESY services.

IV. DISCUSSION

Free Appropriate Public Education

The Complaint alleges that the District failed to provide the Student with a free appropriate public education. Specifically, the Parent alleges that the District has not been implementing and delivering special education supports and services, and has failed to implement the accommodations in the Student's IEP, which have prohibited the Student from making meaningful educational progress.

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. In order to determine

whether a student has been denied a FAPE, the courts review a district's compliance with the procedural and substantive components of the student's education. Reviewing courts must inquire whether the school district complied with the procedural requirements of the IDEA, and whether the school district met the substantive requirement to develop an IEP reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances.[3] Not every procedural error is sufficient to rise to a denial of FAPE.[4] The procedural test consists of three pivotal procedural errors: (1) whether the student suffers a loss of educational opportunity;[5] (2) whether the parent's right to participate in the IEP process was infringed;[6] or (3) whether the procedural error caused a "deprivation of educational benefit."[7] 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."[8]

If a child with a disability (who has an IEP in effect in a previous school district in Oregon) transfers to a new district in Oregon, and enrolls in a new school within the same school year, the new school district (in consultation with the child's parents) must provide a free appropriate public education to the child (including services comparable to those described in the child's IEP from the previous district), until the new district either: (a) Adopts the child's IEP from the previous school district; or (b) Develops, adopts and implements a new IEP for the child. (OAR 581-015-2230)

The Student attended a virtual program at the previous school district during the spring of the 2024-2025 school year. Prior to that time, the Student had been homeschooled for several years. The Student's goal was to attend high school in person, and the Parent first contacted the District in March of 2025 to inquire about the District's program at the High School. In May of 2025, the Parent provided District personnel with a copy of the Student's IEP from the previous school district dated March 3, 2025, and the Parent met with a counselor and the Case Manager from the High School on May 21, 2025. The Student's request for an in-district transfer was approved in the spring of 2025, and the Student's enrollment was finalized in August of 2025.

The Student only accessed the in-person program at the High School for five school days, from August 26 through September 3, 2025. The Parent then requested that the Student be enrolled in the District's virtual high school for three classes, and the District completed the enrollment. Issues arose with respect to the Student's access to the online program, such as technical issues regarding the Parent's school email, which prevented the Student from attending an orientation session and other components of the program. Thus, the Student did not have full access to the program until September 22, 2025. The Student continued to be enrolled in person at the High School half-time, although they did not attend.

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[3] *Endrew F.*, 137 S.Ct. at 999

[4] *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

[5] *W.G. v. Bd. of Trustees of Target Range Sch. Dist.*, 969 F.2d 1479, 1484 (9th Cir. 1992)

[6] *Id.*

[7] *Amanda J.*, 267 F.3d at 892 (citing *Roland M.,* F.2d at 994)

[8] *M.L. v. Federal Way Sch. Dist*., 394 F.3d 634, 657 (9th Cir. 2005)

In an effort to put more supports in place, the Case Manager made an offer to the Parent to set up an earlier IEP meeting within a day after the Student stopped coming to school in person. Likewise, the Assistant Director for Student Services also offered to set up an earlier meeting and facilitate a meeting with the school team to offer support for the Student's transition to the High School. Notably, the Parent did not respond to the offers until September 22, 2025. At that time, the Parent decided to keep the agreed upon date of October 2, 2025, to hold the IEP team meeting.

The Transfer IEP included specially designed instruction in the areas of Writing and Math for thirty minutes per week starting August 26, 2025. The Transfer IEP was identical to the IEP that was in place at the previous school district. The District's Learning Specialist offered direct, virtual SDI starting during the week of October 23, 2025, subsequent to the three October IEP meetings. Prior to that, SDI was available to the Student at the High School. While the District remained able and willing to implement the Student's SDI, the Student did not access instruction due to poor attendance. The District attempted to address the Student's attendance by convening several IEP meetings, conducting an FBA and developing a BSP. It has also offered to make-up any SDI sessions that were missed during the Student's transition to WKOA. Despite the District's efforts, the Student's participation in the offered SDI sessions has been minimal. Despite their poor attendance and lack of participation in SDI sessions, the record reflects that the Student made some progress on their IEP goals.

The Department does not substantiate this allegation.

Parent Participation

The Complaint alleges that the District failed to allow meaningful parental participation. Specifically, the Parent alleges that the IEP team has not been prepared for meetings, individuals have not responded to parental correspondence within a reasonable time, and the team did not allow a personal accommodation to be implemented.

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.[9] 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.[10] "[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."[11] While school districts have educational discretion, parents still have the right "to remain informed of, and to participate in, educational decisions concerning their children."[12]

The records reflect that the Parent was present and participated in six IEP team meetings during the relevant Complaint timeframe. The IEP team meetings occurred on October 2, 13 and 20, 2025, January 12 and 15, 2026, and March 13, 2026. Further, in accordance with Oregon law, the

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

Parent was consulted regarding the Transfer IEP on August 26, 2025. District documentation clearly shows that all IEPs during the relevant time period include sections for parental input, which were completed in each version. The District consistently considered and included parental input in the IEP discussion and development.

The Parties dispute issues relating to the provision of draft IEPs. Neither federal nor state law mandates that a draft IEP must be provided to a parent prior to a meeting. OSEP has warned about the potential pitfalls of providing draft IEPs since allegations of predetermination can be made. In some instances, it may be appropriate. The District's handbook favors providing draft IEPs, but further states "if at all possible". Regardless, the law looks at the IEP team meeting as the vehicle for discussing and developing the IEP. In this instance, the Parent attended and actively participated in six IEP team meetings during the relevant Complaint time period.

The Parent alleges that District personnel failed to timely respond to the Parent's correspondence, which limited parental participation. However, the record reflects that literally hundreds of emails were exchanged between the Parent and District personnel during the relevant timeframe, beginning in March of 2025. Although a substantial level of correspondence is not necessarily indicative of responsiveness, the record reflects that the Parties were constantly communicating and that District personnel responded within a reasonable timeframe to the Parent's correspondence.

The Parent further alleges that Parent's parental participation was hindered based on the District's refusal to grant the accommodation of an AI notetaker during IEP team meetings. In this instance, District policy does not allow recording or alternative means of creating a record of an IEP team meeting unless the parent requires an accommodation. Although the policy primarily addresses the ability of a parent to record a meeting, the handbook provision is instructive.

The Parent provided medical documentation that an AI notetaker would be a reasonable accommodation to record an IEP team meeting. The District voiced concerns about the accuracy of AI transcriptions and about potential FERPA issues with cloud storage and pointed to a December meeting between the Parent and District's Director of Special Education whereby the District, unaware that the meeting was being transcribed, disputed the accuracy of the transcribed meeting. As such, the District denied the use of the AI notetaker for IEP meetings. Rather, the District offered to take detailed notes as an alternative accommodation, as it had in the past, in accordance with the District's handbook. The record reflects that the District provided detailed notes for the IEP team meetings that were held subsequent to the Parent's request for an accommodation.

The Department does not substantiate this allegation.

Failure to Implement IEP

The Complaint alleges that the District failed to implement the Student's IEP, including accommodations necessary for the Student to access the general education classroom, at the start of the 2025-2026 school year in August.

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.[13]

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.[14]

In this instance, the teachers received the IEP at the beginning of the school year. The Parent had been in contact with District personnel throughout the spring of 2025 and the Transfer IEP was put into place on August 26, 2025, which was the first day of school. The Student attended the Smart Start event and met all but one teacher. The Student also had an opportunity to discuss the components of the Student's program with the teachers. On August 24, 2025, the Parent provided each of the Student's first semester teachers with a one-page profile regarding the Student.

The components addressing the implementation of the Transfer IEP are addressed in the FAPE section above.

The Department does not substantiate this allegation.

Extended School Year Services

The Parent alleges that the District violated the IDEA when it failed to collect data to consider, and appropriately determine, ESY services at the October 13, 2025, IEP team meeting.

School districts must ensure that ESY services are available as necessary to provide a FAPE to children with disabilities. ESY services must be provided only if the child's IEP team determines, on an individual basis, that the services are necessary for the provision of FAPE to the child. School districts must develop criteria for determining the need for ESY services. Criteria must include regression and recoupment time based on documented evidence or on predictions according to the professional judgment of the IEP team.

Prior to the Student's enrollment at the High School, the Student was homeschooled and then attended the previous school district's virtual program during the spring of 2025. The Transition IEP from the previous district, that was adopted by the District on August 26, 2025, had comparable services. The Transfer IEP did not provide for ESY services. The IEP draft from October 13, 2025, stated that the available data did not demonstrate a need for ESY services. The final IEP from the October 13th IEP meeting stated the same.

The Parent alleges that data was not collected that would allow the IEP team to properly consider ESY services during the October 13, 2025, IEP team meeting. At that point, the IEP team was

[13] OAR 581-015-2220(1)
[14] OAR 581-015-2220(3)

considering available data, which was minimal. The data included the determination from the Transfer IEP, which was in effect prior to the October meeting. At that juncture of the school year, the fall, winter, and spring breaks had not yet occurred, and the Student had minimal attendance at school.

ESY was considered by the IEP team again in the spring of 2026. At that time, the IEP team had collected regression and recoupment data from before and after spring break. Based on the newly collected data, the team continued to determine that the Student did not qualify for ESY services.

The Department does not substantiate this allegation.

V. CORRECTIVE ACTION

In the Matter of West Linn Wilsonville SD
Case No. 26-054-048

The Department does not order corrective action in this matter.

Dated: this 9 day of June 2026



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Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

Emailing Date: June 9, 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).)