BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of	)	FINDINGS OF FACT,
Beaverton School District 48J	)	CONCLUSIONS,
	)	AND FINAL ORDER
	)	Case No. 26-054-058

I. BACKGROUND

On May 7, 2026, the Oregon Department of Education (the Department) received a written request for a special education complaint investigation from the parents (Parents) of four students (Students) residing and attending school in the Beaverton School District 48J (District). The Parents requested that the Department conduct a special education investigation under OAR 581-015-2030. The Department confirmed receipt of this Complaint and forwarded the request to the District.

Under state and federal law, the Department must investigate written complaints that allege violations of the Individuals with Disabilities Education Act (IDEA) and issue an order within sixty days of receipt of the complaint.[1] This timeline may be extended if the Parent and the District agree to the extension in order to engage in mediation or local resolution or for exceptional circumstances related to the complaint.[2] Due to the number of students involved in the Complaint, the date for the Department to issue a final written decision was extended to August 10, 2026.

On May 22, 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 June 5, 2026. The District requested and the Department granted an extension of the *Response* due date to June 8, 2026.

The District submitted a *Response* on June 8, 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, 6/8/26
2. Student Enrollment/Registration History, 2025-26 School Year

Student 1 Records:

3. Notice of Team Meeting on 3/20/26, 3/3/26
4. Individualized Education Program (IEP), 3/4/25

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

5. Special Education Placement Determination, 3/4/25
6. Special Education Placement Determination, 3/20/26
7. IEP, 3/20/26
8. Meeting Minutes, 3/20/26
9. Prior Written Notice (PWN), 3/20/26
10. Notice of Team Meeting on 4/28/26, 4/20/26
11. Meeting Minutes, 4/28/26
12. Special Education Placement Determination, 9/20/25
13. Transfer/Interim IEP, 3/4/25
14. PWN, 9/9/25
15. Student Enrollment, 2025-26 School Year
16. Transfer IEP, 3/4/25
17. Special Education Placement Determination, 11/3/25
18. PWN, 11/3/25
19. Notice of Team Meeting on 12/19/25, 12/18/25
20. PWN, 12/19/25
21. Student File Review, 2025-26 School Year
22. Email exchanges amongst District Staff and with Parents, 10/7/25 – 5/8/26

Student 2 Records:

23. Meeting Minutes, 4/28/26
24. Meeting Minutes, 5/7/26
25. Notice of Team Meeting on 10/13/25, 9/11/25
26. Student Enrollment, 2025-26 School Year
27. IEP, 10/29/24
28. Special Education Placement Determination, 10/29/24
29. Notice of Team Meeting on 11/18/25, 11/4/25
30. Special Education Placement Determination, 11/18/25
31. IEP, 11/18/25
32. Special Education Placement Determination, 11/18/25
33. IEP Meeting Notes, 11/18/25
34. PWN, 11/18/25
35. Notice of Team Meeting on 12/18/25, 12/18/25
36. Transfer IEP, 12/18/25
37. PWN, 12/18/25
38. Notice of Team Meeting on 12/18/25, 12/18/25
39. Student File Review, 2025-26 School Year
40. Email exchanges amongst District Staff and with Parents, 10/17/25 – 5/8/26

Student 3 Records:

41. Special Education Placement Determination, 1/5/26
42. IEP, 5/28/25
43. Amended IEP, 5/28/25
44. Special Education Placement Determination, 5/28/25
45. Behavior Support Plan, 9/25/25

46. PWN, 10/24/25
47. Student Enrollment, 2025-26 School Year
48. Student File Review, 2025-26 School Year
49. Email exchanges amongst District Staff and with Parent, 10/17/25 – 5/8/26

Student 4 Records:

50. Notice of Team Meeting on 9/2/26, 6/1/65
51. Student Enrollment, 2025-26 School Year
52. Student File Review, 2025-26 School Year
53. Email exchanges amongst District Staff and with Parents, 5/27/26 – 6/4/26

The District provided additional documents from July 14 to 24, 2026:

54. ParentSquare messages between District Staff and Parents, 1/12/26 - 5/7/26

Student 2 Records:

55. PWN, 5/8/26
56. IEP, 5/7/26
57. Special Education Placement Determination, 5/7/26
58. IEP Progress Report, 6/10/26
59. Notice of Team Meeting on 5/7/25, 4/28/26
60. PWN, 4/8/26

Student 3 Records:

61. PWN, 10/24/25

The Parents submitted documents with their May 7, 2026 complaint. On June 15, 2026, the Parent submitted a *Reply*, providing an explanation and rebuttal, as well as additional documents. The Parents submitted the following relevant items:

1. Reply, 6/15/26
2. Email exchanges between District Staff and Parents, 10/7/26 – 6/1/26
3. Parents' Timeline, 2025-26 School Year
4. ParentSquare Messages between District Staff and Parents, 10/7/26 – 4/9/26
5. Text Messages between Case Manager and Parents, 3/11/26 – 3/20/26

The Complaint Investigator interviewed the Parents on July 16, 2026. On July 22, 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 May 8, 2025, to the filing of this Complaint on May 7, 2026.

Allegations	Conclusions
Child Find The Complaint alleges that the District violated the IDEA by failing to identify, locate, and evaluate one of the Students (Student 4) as a child in need of special education services. (OAR 581-015-2080; 34 CFR §300.111)	**Not Substantiated** Student 4 attended a District school from January 29, 2026, through the end of the complaint period on May 7, 2026. There is insufficient evidence to suggest that the District has reason to identify Student 4 as a child with a disability in need of special education services.
Transfer Students The Complaint alleged that the District violated the IDEA by failing to provide a free and appropriate education, including services comparable to those outlined in the Students' IEPs from a different district, until the District either adopted the Students' IEPs from the previous district; or developed, adopted, or implemented new IEPs for the Students. (OAR 581-015-2230; 34 CFR §300.323)	**Not Substantiated** The Students enrolled in the District on December 16 and 17, 2025. The District adopted the Students' existing IEPs and determined comparable placements within a few school days following enrollment. The Students were offered start dates of January 8 and January 9, 2026. There is no indication that the Parents expressed any disagreement with the District's adoption of the Students' existing IEPs or determination of comparable placements for Student 1, Student 2, or Student 3.

Placement of the Child The Complaint alleged that the District violated IDEA requirements for determining the educational placement of the Students. (OAR 581-015-2250; 34 CFR §300.116)	**Not Substantiated** The Parents never expressed any disagreement with placement determinations for Student 1, Student 2, or Student 3. The Parents expressly stated that they agreed that the Emotional Growth Center (EGC) placement was appropriate for each of these Students. The Parents only disputed school location for Student 1 and Student 2. The District's decision to keep the existing placement location through the end of the school year did not violate any IDEA requirements.
Parent Participation The Complaint alleged that the District violated the IDEA by interfering with the Parents' ability to participate in decisions with respect to the identification, evaluation, IEP and educational placement of the Students, and the provision of a free appropriate public education to the Students. (OAR 581-015-2190; OAR 581-015-2195; 34 CFR §300.501)	**Not Substantiated** The District had frequent communication with the Parents, and staff were responsive to questions and concerns raised by the Parents. The District convened IEP meetings within a reasonable amount of time when requested by the Parents. The District made efforts to secure Parent attendance at IEP meetings. There is no evidence that the District predetermined any decisions that were required to be determined by the Students' IEP teams.
Free Appropriate Public Education (FAPE) The Complaint alleged that that the District failed to provide the Students with a free appropriate public education. (OAR 581-015-2040; 34 CFR §300.101)	**Not Substantiated** The District did not commit any procedural or substantive errors that resulted in a lack of parent participation or lost educational opportunity or benefit.

REQUESTED CORRECTIVE ACTION

1. A finding regarding whether the District failed to provide timely access to education and services during periods of homelessness, enrollment delay, placement confusion, transportation delay, and transition.
2. A finding regarding whether the District failed to provide a clear interim plan for school access, services, placement, and transportation while enrollment, records, and placement decisions were pending.
3. A finding regarding whether McKinney-Vento protections were timely and properly applied, including enrollment access, school stability, transportation, sibling considerations, and written appeal rights.
4. A finding regarding whether the District properly handled special education placement and service obligations while enrollment and records were pending.
5. A finding regarding whether the District properly handled Student 1 and Student 2's boundary-school placement/location review after the family moved into a different District high school boundary.
6. A finding regarding whether the District properly handled IEP meeting requests, scheduling, parent participation, meeting notices, and placement/location discussions.
7. Compensatory education or other corrective educational support for each child based on missed instruction, delayed services, transportation barriers, and educational disruption.
8. For Student 1 and Student 2, an IEP team meeting with appropriate required team members to review missed instruction, service access, placement/location concerns, transportation barriers, academic impact, and whether compensatory education or other supports are needed.
9. For Student 3, review of the timeline for IEP placement confirmation, transportation removal/reinstatement, and any educational impact from delayed or disrupted access.
10. For Student 4, review of the transfer denial, McKinney-Vento school-stability/sibling-placement concerns, delayed elementary school enrollment, transportation delay, and any educational impact.
11. For Student 4, review whether the District properly responded to parent concerns that they may need special education evaluation and/or IEP support, and whether the District should convene a referral/evaluation review meeting.
12. Written corrective procedures requiring the District to provide clear enrollment, transportation, McKinney-Vento, and special education coordination for families experiencing homelessness.
13. Staff training or corrective guidance regarding McKinney-Vento enrollment protections, special education placement coordination, transportation, parent communication, and IEP meeting scheduling.
14. Any additional remedy ODE determines is appropriate based on the evidence.

III. FINDINGS OF FACT

IDEA regulations limit complaint investigation 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 May 8, 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.

Background

1. Student 1 is 15 years old and recently completed the ninth grade at a District school.

   Student 1 is currently eligible for special education services under the disability category of Other Health Impairment (OHI).

2. Student 2 is 17 years old and recently completed the eleventh grade at a District school.

   Student 2 is currently eligible for special education services under the disability categories of Emotional Behavior Disability (EBD) and OHI.

3. Student 3 is ten years old and recently completed the fourth grade at a District school.

   Student 3 is currently eligible for special education services under the disability category of EBD.

4. Student 4 is eight years old and recently completed the second grade at a District school.

   Student 4 is not currently eligible for special education services.

5. During the 2024-25 school year, the family resided in a neighboring school district (District 2) in Oregon. Three of the Students attended schools in District 2, while Student 1 attended a specialized program with an Educational Services District (the ESD), located outside of District 2. In late spring 2025, Student 1 transferred to a District 2 school.

6. At the start of the 2025-26 school year, all four Students attended a school in District 2. District 2 adopted Student 1's IEP from the ESD on September 2, 2025.

7. All four Students attended District 2 until the beginning of October 2025, when the family moved out of District 2 boundaries and into temporary housing located in the District.

8. The Parents initially submitted online District enrollment applications for the four Students in October 2025. The Parents submitted the enrollment application for Student 1 first, on October 7, 2025. The Parents submitted enrollment applications for the other three Students on October 17, 2025.

9. The District reported that Student 1's enrollment at the District neighborhood high school was confirmed on October 10, 2025. The enrollment for Students 2, 3, and 4 was accepted on October 20, 2025.

10. According to the District, as each of the Students was enrolled, the District requested education records from District 2. The District did not receive a copy of Student 1's Individualized Education Program (IEP) from the Parents or District 2 until October 21, 2025.

11. On October 21, 2025, the Parents informed the District that they no longer wished to enroll the Students in the District. The Parents stated the Students would be homeschooled and enrolled in an online school.

12. All four Students were enrolled in a virtual academy (the Virtual Academy) with another Oregon school district (District 3) from October 23, 2025 to January 7, 2026. The Students started attending the Virtual Academy on November 3, 2025. The Virtual academy adopted the IEPs for Student 1, 2, and 3 from District 2, with some revisions made to address the change in school setting.

13. On December 16, 2025, the Parents re-submitted enrollment applications with the District for all four Students. Students 1 and 2 were enrolled in their neighborhood District high school (the High School) on December 17, 2025. Students 3 and 4 were enrolled in their neighborhood elementary school on December 19, 2025.

14. On January 5, 2026, the District determined Student 3's comparable placement was not available at the neighborhood elementary school and Student 3's enrollment was switched to another elementary school (the Elementary School). In late January 2026, Student 4's enrollment was also moved from the neighborhood school to the Elementary School.

15. All of the Students began attending District schools in January 2026.

Relevant Special Education Documents for Student 1, Student 2, and Student 3 for the Complaint period:

Student 1

16. Student 1's IEP developed by the ESD (the ESD IEP), dated March 4, 2025, included the following, in part:

    a. IEP Review Due Date: March 3, 2026.

    b. Parent Concerns: Attendance.

    c. Present Levels of Academic Achievement and Functional Performance: "[A]s of the end of February 2025 there have been 103 school days. Of those, [Student 1] has been absent 47 days."

       Student 1 receives special education services in the classroom for 100% of their day. They attend a specialized school with a focus on teaching self-regulation, social, and behavioral skills. At times, Student 1 has problems respecting others' personal space; standing too

close or making unwanted physical contact; and struggles to maintain classroom appropriate language with staff and other students.

d. How the Student's disability affects involvement and progress in the general education curriculum: Student 1 struggles with emotion regulation, safety, academic flexibility, and peer reactions, resulting in the need for a small learning environment, a high level of structure and predictability in the school day, and frequent checks for understanding. Challenges impact their involvement and participation in the general education setting.

e. Special Factors: Student 1 exhibits behavior that impedes their learning or the learning of others, has communication needs, and has assistive technology (AT) needs.

f. Annual Goals: Three goals; one goal each in the areas of Self-Management, Writing, and Reading.

g. Specially Designed Instruction (SDI): Self-Management (100 minutes per week); Writing (100 minutes per week); and Reading (100 minutes per week).

h. Related Services: Transportation (60 minutes per day).

i. Accommodations: Five accommodations, including Behavior Support Plan and "[o]ptions for work locations and ways to demonstrate learning."

j. Non-Participation Justification: "[Student 1] is 100% removal… In a larger general education setting the increased noise levels, amount of movement, reduced structure, and expected levels of independence present challenges that exceed [their] skill levels at this time."

17. The ESD's March 4, 2025 Special Education Placement Determination selected, "Special Education in a public separate school."

18. Student 1's records included a "Transfer/Interim IEP (not an official document)" dated September 2, 2025 from District 2, which included only measurable annual goals and the service summary from the March 4, 2025 ESD IEP.

19. In the September 2, 2025 Placement Determination from District 2, the team selected, "80% or more of day in regular classroom… Two periods of structured learning support in a small group setting."

20. District 2 issued Prior Written Notice (PWN) dated September 9, 2025, stating it decided to implement Student 1's March 4, 2025 IEP from the ESD. It also stated, "The available IEP can be used to guide the provision of services, but available information is insufficient or may require modification" and "[i]mmediate review of the IEP or reevaluation of the placement were rejected as unnecessary due to receipt of necessary information to support existing eligibility and programming."

21. Student 1's records included a Transfer IEP dated November 3, 2025 from District 3 and the Virtual Academy, which only included annual goals and a service summary. The IEP included the following information:

    a. The Virtual Academy spoke with the Parents on October 27, 2025 and agreed to adjustments to Student 1's IEP goals, services, and accommodations.

    b. SDI: Reduced, consisting of Language Arts (60 minutes per week) and Behavior (30 minutes per week).

    c. Accommodations: Included reduction of workload as determined by teacher, and breaks as needed, among others.

22. The November 3, 2025 Placement Determination from District 3 selected, "80% or more in general education with a combination of push-in supports during general education and small group supports as needed in [Student 1's] areas of specially designed instruction."

23. District 3 issued PWN dated November 3, 2025, stating it decided to implement Student 1's March 4, 2025 IEP from the ESD. It also stated, "The available IEP is current and can be implemented as written, with agreed upon adjustments," which were made during a discussion with the Parents. "Immediate review of the IEP or reevaluation of the placement were rejected as unnecessary due to receipt of necessary information to support existing eligibility and programming."

24. The District issued a Notice of Team Meeting dated December 18, 2025, for a meeting on December 19, 2025, with the purpose of the meeting listed as "Transfer from in or out-of-state: Meeting to determine comparable services until a full IEP/Placement can be developed, adopted and implemented." The meeting time was listed as 9:00 a.m. and the meeting location was listed as "Email."

    The District reported it did not convene an IEP meeting but instead informed the Parents via email about the IEP transfer.

25. The District issued PWN dated December 19, 2025, stating the District decided to "[i]mplement the existing Oregon IEP dated 03/04/2025 from [the Virtual Academy]." It also stated, "The available IEP can be used to guide the provision of services, but available information is insufficient or may require modification… Acceptance of the IEP without conducting a review in the near future was rejected due to the fact that changes in the IEP may be necessary for the provision of services within the District…. Available records and parent input support continued implementation of the current IEP… This decision is proposed to be implemented on: 01/06/2026."

26. On March 20, 2026, the District convened Student 1's annual IEP meeting. Student 1's March 20, 2026 IEP included the following changes:

a. Parent Concerns: “Needs support accessing [their] general education curriculum when [they don’t] want to do the work.”

b. Present Levels of Academic Achievement and Functional Performance: “[Student 1’s] present levels of behavioral performance indicate a pattern of inconsistent class attendance that is closely tied to [their] level of interest and perceived relevance of coursework… has difficulty with flexibility and compromise when expectations do not align with [their] personal preference… When motivated, [Student 1] is capable of attending scheduled classes, sustaining attention, and completing assignments independently, demonstrating that [Student 1] has the necessary skills to be successful in the general education environment… when [they are] not interested in a class or activity, [they] may leave the classroom without permission and return to the special education setting, where [Student 1] engages in preferred tasks… instead of assigned work[.]”

c. Annual Goals: Three goals; continued the existing Reading and Written Language goals and developed a new Behavior goal.

d. SDI: Behavior (30 minutes per week); Reading (60 minutes per week); and Written Language (60 minutes per week).

e. Related Services: Transportation (60 minutes per day, “to and from”).

f. Accommodations: Continued the five accommodations from the Virtual Academy IEP and added “Breaks as needed with access to coregulation from preferred staff” for all school settings, 30 minutes per day.

g. Non-Participation Justification: “[Student 1] will be removed from the general education setting for three periods out of eight in a block schedule… demonstrates significant educational impact related to Emotional Behavioral Disability associated with PTSD and Other Health Impairment related to ADHD. Exposure to certain classroom content frequently triggers trauma related responses, resulting in heightened emotional distress, withdrawal, or dysregulation that interferes with the student’s ability to access instruction in the general education setting. During these episodes, the student requires immediate emotional support and individualized intervention to regain a regulated state… exhibits persistent difficulty sustaining attention and engagement in non-preferred tasks… Despite the implementation of targeted supports and accommodations in the general education environment, the student is unable to consistently maintain focus, regulate emotional responses, or independently participate in learning activities… a more supportive and structured setting is necessary[.]”

27. In the District’s March 20, 2026 Special Education Placement Determination, the team selected “80% or more of the day in regular class… Special class, focus on social-emotional/behavioral skills, with supports in academics.”

28. The District's March 20, 2026 meeting minutes included the following, in relevant part:

    a. District staff noted, "[Student 1] is a capable of far more than [their] past IEPs have indicated."

    b. Parent "[a]grees with placement. Does not be [*sic*] as restrictive placement as indicated by previous IEP."

29. The District issued PWN dated March 20, 2026, "proposing to adopt and implement the recently developed IEP."

30. The District issued a Notice of Team Meeting dated April 20, 2026, for a meeting scheduled on April 28, 2026, with the purpose of the meeting listed as, "Parent requested meeting to review services, placement, and discuss a location change."

    The District reported that no changes were made to Student 1's IEP at the April 28, 2026 IEP meeting.

Student 2:

31. Student 2's October 29, 2024 IEP from District 2 included the following information, among other things:

    a. IEP Review Due Date: October 28, 2025.

    b. Student Strengths: "[B]egan freshman year at [District 2] but spent most of freshman year (approximately mid-October through April 2024) at… a highly structured, secure, psychiatric day treatment setting… Upon [Student 2's] discharge… spent most of the month of May attending classes at [District 2] and getting back into the rhythm of school without the pressure of doing work or earning grades."

    c. Parent Concerns: Grades, use of electronics, leaving classroom during class, and "[n]eeds to be better with handling when [they are] upset."

    d. Present Levels of Academic Achievement and Functional Performance: "[Student 2's] behavior can vary significantly from day to day." Some days Student 2 "is defiant when asked to accomplish the simplest task, has difficulty accepting responsibility for [their] decisions, and blames external forces[.]"

    e. How the Student's disability affects involvement and progress in the general education curriculum: "[Student 2] needs modified curriculum in all subjects as well as specially designed instruction in Social/Emotional skills, classroom skills, reading, writing, and math."

f. Special Factors: Student 2 exhibits behaviors that impede their learning or the learning of others.

g. Annual Goals: Included two goals in Language Arts/Literacy, as well as one goal each in the areas of Mathematics, Classroom/School Skills, and Social/Behavioral.

h. SDI: Language Arts/Literacy (60 minutes per week); Mathematics (30 minutes per week); Classroom/School Skills (30 minutes per week); and Social/Behavioral (30 minutes per week).

i. Related Services: None.

j. Accommodations: Included 16 accommodations, including access to music as a self-regulation tool; no cold calling in class; and breaks as needed, including breaks in the special education classroom.

k. Modifications: Modified tests, quizzes, assignments, curriculum, and instruction in all classes involving reading, writing, math, and science.

l. Non-Participation Justification: "[Student 2] will be removed from the general education setting for one period per 8 period cycle… requires support in… a specialized classroom with dedicated systems of support."

32. The October 29, 2024 IEP did not include transportation.

33. District 2's October 29, 2024 Placement Determination selected, "80% or more of day in regular classroom."

34. On November 18, 2025, District 3 convened Student 2's annual IEP meeting.

35. The November 18, 2025 IEP from District 3 and the Virtual Academy included the following changes, in relevant part:

a. IEP Review Due Date: November 17, 2026.

b. Student Strengths: "This IEP is late due to [Student 2] starting at [the Virtual Academy] on November 3, 2025. The IEP was due October 28."

c. Parent Concerns: Moving to virtual school.

d. How the Student's disability affects involvement and progress in the general education curriculum: "[Student 2's] Emotional Disturbance and Other Health Impairment (OHI) impacts [their] ability to progress at the same rate as [their] peers. [They] may have a low interest in tasks, become hyperfocused, and struggle to move on. [They] may become anxious or overwhelmed if [they have] not competed an assignment."

e. Annual Goals: Changed goals, resulting in one goal each in the areas of Language Arts, Math, and Social/Behavioral.

f. SDI: Removed Classroom/School Skills.

g. Related Services: None.

h. Accommodations: 13 accommodations, including extended time for assignments, breaks as needed, frequent checks for understanding, and Case Manager check-ins.

i. Non-Participation Justification: "[Student 2] will be removed from the general education classes for no more than 120 minutes per week for support in Language Arts, Math, and Behavior… benefits from small group instruction away from the distraction of the large classroom."

36. District 3's November 18, 2025 Placement Determination selected, "80% or more of the day in regular class… General education with small group instruction for language arts, math, and behavior."

37. District 3 issued PWN dated November 18, 2025 which stated, "The team updated [Student 2's] IEP to reflect [their] current abilities and school."

38. The District issued a Notice of Team Meeting dated December 18, 2025, for a meeting scheduled the same day, with the purpose of the meeting listed as "Transfer from in or out-of-state: Meeting to determine comparable services until a full IEP/Placement can be developed, adopted and implemented." The meeting time was listed as 9:00 a.m. and the meeting location was listed as "Email."

39. The District issued an IEP for Student 2 which stated, "Transfer IEP Date: 12/18/2025" (IEP date listed as November 18, 2025). The IEP only included annual goals and a service summary.

40. The District issued PWN dated December 18, 2025, which stated it decided to "Implement the existing Oregon IEP dated 11/18/2025 from [District 3]." It also stated, "The available IEP can be used to guide the provision of services, but available information is insufficient or may require modification… Acceptance of the IEP without conducting a review in the near future was rejected due to the fact that changes in the IEP may be necessary for the provision of services within the District…. Available records and parent input support continued implementation of the current IEP… This decision is proposed to be implemented on: 01/06/2026."

41. The District issued PWN dated April 8, 2026, proposing to change Student 2's IEP by adding transportation services "to maintain consistency in special education placement and services" and "in order to attend [their] placement of [the High School] EGC [Emotional

Growth Center]." "[Student 2] has moved outside the neighborhood boundaries of [the High School]."

42. The District issued a Notice of Team Meeting dated April 20, 2026, for a meeting scheduled on April 28, 2026, with the purpose of the meeting listed as, "Parent requested meeting to review services, placement, and discuss a location change."

43. On April 28, 2026, the District convened an IEP meeting for Students 1 and 2 at the Parents request. The District's meeting minutes indicated that the IEP team discussed Student 1's IEP but ran out of time and scheduled another meeting to discuss Student 2's IEP.

44. The District issued an April 28, 2026 Notice of Team Meeting for a meeting on May 7, 2026, with the purpose of the meeting listed as "Review/Determine IEP Goals and Services."

45. On May 7, 2026, the District convened an IEP meeting for Student 2, resulting in an annual IEP review. Student 2's May 7, 2026 IEP included the following changes:

    a. IEP Review Date: May 6, 2027.

    b. Student Strengths: "[Student 2] generally performs well… currently on a modified diploma track to reduce academic workload and increase access to supports... When emotionally regulated, [Student 2] demonstrates nearly grade-level academic skills in math, reading, and writing … benefits from learning environments that offer predictability, emotional safety, and reduced stimulation; [Student 2] prefers to complete independent work in a separate space… primary challenges are related to stress management, task persistence … highly social, forms strong peer relationships[.]"

    c. Parent Concerns: "Expressed concerns regarding [Student 2's] current placement and access to education, noting that the current situation is resulting in significant missed instructional time, transportation challenges, and reduced meaningful access to learning opportunities… requested that the team carefully consider whether the current placement remains appropriate and accessible without predetermining placement decisions… Additionally, they noted concerns about the impact of extended transportation time and its effect on [Student 2's] overall school experience and participation in activities."

    d. How the Student's disability affects involvement and progress in the general education curriculum: "[Student 2's] disabilities adversely affect [their] educational performance by impacting [their] ability to sustain attention, regulate emotions, and persist with non-preferred or challenging academic tasks… without supports, [Student 2's] disabilities limit [their] ability to consistently access and benefit from general education instruction."

    e. Annual Goals: Updated Reading, Math, and Social/Emotional/Behavioral goals.

f. SDI: Reading (60 minutes per week); Math (30 minutes per week); and Social-Emotional (increased to 90 minutes per week).

g. Related Services: Transportation (60 minutes, "to and from").

h. Accommodations: Removed ability to demonstrate proficiency in alternate ways.

i. Non-Participation Justification: "[The Student] will be removed from the general education classroom for up to two periods in an 8 class block schedule (about 180 minutes total) to receive specially designed instruction in the areas of reading, math and social/emotional skills . . . [The Student] requires access to a designated space to access emotional support resources, specially trained staff, and an emotionally regulating environment."

46. In the May 7, 2026 Placement Determination, the IEP team selected, "80% or more of the day in regular class… Special class, focus on social-emotional/behavioral skills, with support in academics."

47. The District issued PWN dated May 8, 2026, which stated, "Staff discussed that the impact of transitions has been significant and that [Student 2] has access to the EGC classroom for support. The team discussed the placement page and agreed that the [EGC] placement continues to be appropriate. Parents stated concerns that the current situation is causing excessive missed instructional time, transportation barriers, and lack of meaningful access to education, and asked the team to consider whether a different setting would be better. The team discussed the option of changing [Student 2's] school location. The general education teacher shared that it is difficult to establish routines, peer relationships, and study groups late in the school year and that it is easier for students to transition at the beginning of the year. The District representative stated that, given there are five weeks remaining in the school year, it would not be in the best interest to change location at this time and that the District is offering placement at [the High School], and parents can make a request for a different EGC location in the fall."

Student 3:

48. Student 3's records included a September 17, 2025 Amendment of a May 28, 2025 IEP, (September 2025 Amended IEP) from District 2, which included the following information, in part:

a. Parent Concerns: "[S]ocial and behavioral skills disrupting [their] learning."

b. Present Levels of Academic Achievement and Functional Performance: "The family reported a medical diagnosis of ADHD but we have not received a medical statement… was referred for a special education evaluation for unsafe behaviors in the classroom and [their] inability to regulate [their] emotions."

c. How the Student's disability affects involvement and progress in the general education curriculum: "[Student 3] has an Emotional Behavioral Disability observed in the areas of social/behavioral, affecting [their] ability to meet age-appropriate benchmarks. This impacts [their] ability to complete non-preferred tasks and appropriately regulate [their] emotions."

d. Special Factors: Student 3 exhibits behaviors that impede their learning or the learning of others and has Assistive Technology needs.

e. Annual Goals: One goal each in the areas of Social/Behavioral, Emotional Regulation, and Problem Solving.

f. SDI: Social/Behavioral (225 minutes per week); Emotional Regulation (100 minutes per week); and Problem Solving (100 minutes per week).

g. Related Services: Transportation (60 minutes per day, to and from service site).

h. Accommodations: 15 accommodations, including Behavior Support Plan, adult support for emotional regulation and safety, and break plan.

i. Non-Participation Justification: "[Student 3] may be removed from the general education setting for up to 425 minutes per week, plus additional time for breaks and deescalation[.]"

49. The September 17, 2025 Placement Determination from District 2 selected, "40%-79% of day in regular classroom… Specialized program with dedicated systems of support in the areas of social/emotional, executive functioning/organization, sensory and/or behavior."

50. The District issued PWN dated October 24, 2025, which stated the District decided to "[i]mplement the existing Oregon IEP dated 05/28/25 from… [District 2]." It also stated, "The available IEP is current and can be implemented as written… Immediate review of the IEP or reevaluation of the placement were rejected as unnecessary due to receipt of necessary information to support existing eligibility and programming… This decision is proposed to be implemented on: 10/24/2025."

51. The District issued PWN dated October 24, 2025, which stated, "[Student 3] has been un-enrolled from the school per parent request. Parent stated that [Student 3] will attend [the Virtual Academy]. You were invited to a meeting with [Student 3's] IEP team but did not attend… [The District] offered a like placement in a behavior-based program (EGC)."

52. Student 3's records did not include any documents from District 3 and the Virtual Academy.

53. The District's January 5, 2026 Placement Determination selected, "40-79% of the day in regular class… Special class, focus on social-emotional/behavioral skills, with support in academics."

54. The District issued an IEP for Student 3 which stated, "Transfer IEP Date: 01/05/2026" (IEP date listed as May 28, 2025). The IEP only included annual goals and a service summary.

55. The District reported that it did not make any changes to Student 3's IEP during the complaint period.

Initial October 2025 Enrollment

56. The Parents submitted an enrollment application for Student 1 only on October 7, 2025.

57. The District reported it reached out to the Parents on October 8, 2025, "to discuss a start date and comparable IEP placement" for Student 1. "According to the Parent, [Student 1] had been attending a specialized program at [District 2]; however, the District had not received a copy of the current IEP from either Parent or [District 2]. Due to the delay in providing the IEP, the Parent indicated that [they were] agreeable to waiting a week or two for Student 1 to start school in order to review the IEP and determine comparable services."

58. October 10 to 23, 2025 email exchanges between the Parents and the District regarding enrollment included the following information, in relevant part:

    a. On October 10, 2025, the District stated, "The first step will be to begin the enrollment process at [the neighborhood Elementary and High School]. From there, we can connect with school staff to support placement in appropriate EGC programs."

    b. On October 13, 2025, the District offered assistance with getting Student 3 and Student 4 enrolled in the neighborhood elementary school.

       The Parents responded, "[T]his isn't the school the kids will go to. They need a special program and I keep saying this and NOBODY is listening to me so I'm starting to get upset. [The neighborhood] schools don't offer that program. Those are also schools I don't want my kids in. Need the [schools] that have the egc."

    c. On October 16, 2025, the District instructed the Parents to first enroll the Students in their neighborhood school. Once enrolled, the District could request records from their previous school.

    d. On October 17, 2026, the District shared, "[O]nce your children are officially enrolled in our district, our special education team will be able to request the most recent eligibility documents and IEPs. This information is essential for us to determine appropriate placement and services that align with their previous supports… we're unable to make any program decisions until enrollment is complete and we have access to their special education records."

The Parents responded the same day, following the successful completion of enrollment applications for Student 2, Student 3, and Student 4.

e. On October 21, 2025, the Parents asked for an update, stating, "They have been out of school almost a month now and I'm not ok with that."

f. On October 21, 2025, the District stated that the Students could attend the neighborhood school until the District received their special education records and were able to evaluate the records and determine a placement.

The Parents responded, "Absolutely not, they cannot just walk into a fire. They need to be in the correct classes and placement. Jumping them around is not acceptable. We are going to homeschool."

g. On October 21, 2025, the High School emailed, requesting to meet with the Parents to plan for Student 2's start at the school and stated, "We will also hold an IEP meeting at that time, as [theirs] is almost outdated and needs to be reviewed soon." The District offered to hold the IEP meeting on October 24, 2025.

The Parents responded, "Because I've had SO MUCH issues [*sic*] getting my 4 kids enrolled I have opted to go a different route. I'm signing them up for homeschool. I've been trying to get 2 of those kids in your school for almost a month now. Disappointing."

The District offered to meet earlier, on October 23, 2025. The Parents responded, "No thank you. I'm in the process of enrolling them in online school."

h. On October 31, 2025, the District emailed the Parents, offering to hold an IEP meeting for Student 3 "to discuss [their] move-in IEP and determine whether [their] services can be provided during homeschooling."

The Parents responded, stating that they withdrew the Students from the District, they would be homeschooling, and Student 3's records needed to be sent to the Virtual Academy.

59. The Parents reported that they changed plans to homeschooling and online school because of the District's delays with enrollment, and the Students had been out of school for too long. However, it was always a temporary plan. The Virtual Academy was aware that it was temporary.

The Parents reported that the Students struggled with online schooling.

December 2025 Enrollment

60. According to the District, it did not hear from the Parents again until December 16, 2025, when the Parents submitted online enrollment requests for all four of the Students.

61. Records indicated that Student 4 was officially enrolled in the District on December 16, 2025; Student 1 and Student 2 were officially enrolled on December 17, 2025; and Student 3 was officially enrolled on December 19, 2025. All four Students were enrolled at their neighborhood schools, with Student 1 and Student 2 at the High School, and Student 3 and Student 4 initially enrolled at the neighborhood elementary school.

62. The District reported it received special education documents for Student 1, 2, and 3 on December 18, 2026 "from previous district(s)."

63. The District reported, "Student 4 was not eligible for special education upon enrollment in the District." Records received from the previous districts did not indicate that Student 4 was suspected of having a disability or a need for special education services, nor did the Parents raise this as a concern at the time of enrollment.

64. The Parents notified the District that the Students were finishing at the Virtual Academy at the end of the week, December 19, 2025. As December 19, 2025 was the District's last school day before winter break, the District set the Students' start date for the first school day following winter break, January 6, 2026.

65. The Parents could not recall whether the Students attended the Virtual Academy through December 19, 2026, or continued into the first week in January 2026. The Parents unenrolled the Students from the Virtual Academy on January 7, 2026.

January 2026 Adoption of Existing IEPs and Determination of Comparable Placement

66. The District determined comparable placements and adopted transfer IEPs for Student 1, Student 2, and Student 3 by January 7, 2026. All three students were placed in an EGC program, a placement which was requested by the Parents. The Parents were notified of the placement determination for each of these Students by January 7, 2026.

67. When asked about the District's transfer IEPs, District administrators stated transfer IEPs are created by Synergy and contain IEP goals and services, but not the full IEP. The District reported a transfer student's full IEP from the previous district is accessible to school staff through Synergy.

68. According to District records:

    a. On January 5, 2026, the High School emailed the Parents class schedules for Student 1 and Student 2, stating the Students could start attending school on January 6, 2026, while their special education placements were being determined. The Parents declined to have Student 1 and Student 2 start attending before their placements were determined.

       On January 7, 2026, the District notified the Parents that the comparable placement for Student 1 and Student 2 was the EGC program, which was available at the High School.

The Parents confirmed Student 1 and Student 2 would start attending the High School on January 8, 2026, and stated the Students would need transportation. The District sent information for the regular District school bus.

Student 1 and Student 2 started attending the High School on January 8, 2026.

b. In December 2025, Student 3 was initially enrolled in the neighborhood elementary school. On January 5, 2026, the District determined that Student 3's comparable placement was the EGC program. As this was not available at the neighborhood elementary school, Student 3's enrollment was changed to the closest elementary school with an EGC program (the Elementary School). The Parents were notified of Student 3's placement and change in enrollment on January 6, 2026.

   Although the Parents were told that it could take seven to ten days to arrange special education transportation services, the Parents were notified on January 9, 2026 that Student 3's transportation services would start on January 12, 2026.

   Student 3 was able to start attending the Elementary School on January 9 but did not attend until the commencement of special education transportation services on January 12, 2026.

c. On January 7, 2026, the District emailed the Parents, stating Student 4 could start attending the neighborhood elementary school as soon as January 8, 2026. The District also wrote, "since you do live in our boundary [Student 4] is required to attend [the neighborhood] school. That being said, there are a couple of options for [Student 4] if you want [Student 4] to attened [*sic*] [the Elementary School] as well as any school in within [the District]. Please give us a call for any questions or concerns."

   On January 7, 2026, the Parent requested that Student 4 be transferred to the same school that Student 3 was enrolled in, the Elementary School. The Parents stated that Student 3 and Student 4 needed to attend the same school, arguing that this was not a preference but a matter of stability**.**

   Student 4 was expected to go the neighborhood elementary school but never attended a single day. Student 4 did not attend a District school until January 29, 2026, when they started attending the Elementary School with Student 3.

69. The Parents reported Student 1 and Student 2 took the regular District school bus in January 2026, through March 2026.

70. The Parents' transfer request for Student 4 was initially denied. The Parents appealed the denial on January 9 and January 16, 2026. The Parents were notified on January 28, 2026 that Student 4 was enrolled at the Elementary School but also informed the Parents that the District would not provide transportation for Student 4 to the Elementary School.

71. The Parents reported they had numerous telephone calls and in-person conversations with the principal of the neighborhood school and the principal of the Elementary School (the Principal) in January 2026 about Student 4, prior to the approval of the transfer request.

    The Principal gave the Parents a tour of the Elementary School following Student 3's enrollment. According to the Parents, during the tour, they discussed Student 4 with the Principal. The Parents indicated they told the Principal that Student 4 had Attention-Deficit/Hyperactivity Disorder (ADHD), for which Student 4 took medication, and Student 4 probably needed an IEP. The Parents wanted to make sure that the special education process could be done at the Elementary School, which the Principal confirmed.

    The Parents maintained that they also shared Student 4's ADHD diagnosis with their General Education Teacher (the Teacher) after Student 4 started attending the Elementary School, and noted that if Student 4 experienced any behavior issues it might be from missing their medication for ADHD.

72. The Principal reported they thought the Parents shared that Student 4 had ADHD but did not recall any mention of the need for an IEP. Most of their discussions with the Parents were about the Parents' insistence that Student 3 and Student 4 be kept together at the Elementary School.

73. The Parents reported there were several issues with Student 3's transportation services, which included the following:

    a. On January 16, 2026, the Parents emailed the District to report that the bus for Student 3 did not come that morning. The District apologized and said it would investigate the issue.

    b. On January 23, 2026, the Parent called the District to report concerns about Student 3's bus driver. The District moved Student 3 to a different bus.

    c. On February 26, 2026, the District notified the Parents that Student 3's special education transportation would be stopped due to inconsistent use. The District left a voicemail stating it was removing Student 3 from their current bus route starting the following day. The District would no longer send the bus since the family was taking Student 3 to and from school with public transportation. The District stated, "nothing is on permanent basis" and the Parents could contact the District if they ever needed to reinstate transportation. The District noted it could take five to seven business days to reinstate transportation services.

74. When asked about inconsistent use of transportation, the Parents reported that because Student 4 did not have District transportation and the District would not allow Student 4 to ride the special education bus with Student 3 to the Elementary School, the Parents had to take Student 4 to school using public transportation. However, Student 3's bus did not arrive at a consistent time. If the bus did not arrive on time, the Parents had to take Student 3 with

them on public transportation with Student 4, as they could not leave Student 3 alone at the bus stop.

75. February 25 to March 13, 2026 ParentSquare messages and emails between the Parents and the High School special education case manager (the Case Manager) included the following information about attempts to schedule an annual IEP meeting for Student 1:

    a. The Case Manager reached out on February 25, 2026 to schedule an IEP meeting "to go over a new and updated IEP for [Student 1]," and asked, "if there are any dates in the next couple weeks that work for you."

    b. The Parents and the Case Manager agreed to have the IEP meeting on March 3, 2026 at 8:30 a.m. On March 3, 2026, the Parents forgot about the scheduled meeting and did not join the virtual link. The Case Manager contacted the Parents, and they mutually agreed to hold the IEP meeting the following day, March 4, 2026.

    c. On the morning of March 4, 2026, the Case Manager sent the Parents a new link for the virtual meeting.

    d. The Case Manager sent another message to the Parents at the end of the day on March 4, 2026, asking if they should schedule a meeting for the following Monday.

    e. On March 11, 2026, the Case Manager sent the Parents a message, offering to convene an IEP meeting on March 17, 2026.

    f. On March 13, 2026, the Case Manager emailed the Parents to follow up on the suggested March 17, 2026 IEP date. The Case Manager also noted that Student 2 disclosed that the family was moving. The Parents replied, stating March 18, 2026 would work for scheduling the meeting.

76. Records from the District did not include a response from the Parents to the Case Manager's March 4 and 11, 2026 emails. It is unclear what happened with the District's attempts to convene an IEP meeting on March 4 and 18, 2026.

    When asked, the Special Education Facilitator for the High School (the Facilitator) was uncertain about specific dates but recalled at least one meeting in which the Parents did not show up, as well as instances in which the Parents did not respond to communication regarding scheduling.

77. On March 6, 2026, Student 4's Teacher sent the Parents a ParentSquare message stating, "I just wanted to inform you on the very hard day that [Student 4] had… did not do any of [their] work throughout the day and was actively refusing to do it. [Student 4] spent most of the day in class under [their] desk/ chair and didn't join us for any of our lessons. I haven't seen this behavior from [Student 4] since joining our class and I'm hoping this was just an off day but am worried that this can cause some issues further on. Has this behavior been typical for

[them] in the past? If so, what strategies have worked for [them] in the past? Thank you for any insights you may have or any support you can give."

The Teacher reported they did not receive a response from the Parents.

78. According to the Parents, the March 6, 2026 message "was a school staff report documenting behavior that interfered with [Student 4's] access to instruction."

79. In mid-March, 2026, the family moved to a new residence within the District. With the move, Student 1 and Student 2 moved out of the school boundary for the High School; Student 3 and Student 4 moved into the school boundary for the Elementary School.

80. According to the Parents, with the move they assumed that Student 1 and Student 2 would transfer to their new neighborhood high school (High School 2), which also had an EGC program. The Parents, as well as Student 1 and Student 2, started informing staff at the High School that they would be transferring to a different school.

81. The Parents reported that from their new address it was difficult for Student 1 and 2 to get to the High School. It was a 20 to 25 minute walk to the city bus stop, and several bus transfers were required for Student 1 and Student 2 to travel to the High School. The Parents reported that because of their disabilities, Student 2 could not navigate public transportation transfers on their own.

82. On March 13 and 19, 2026, Student 1's Math Teacher sent a ParentSquare message to the Parents, expressing concern that Student 1 had only attended their math class one time since starting at the High School in January 2026. "Apparently [Student] goes to [the Case Manager's] room instead of [their] math class, and refuses to leave the room even though [the Case Manager] tells [them] to go to math class[.]"

    The Parents responded on March 19, 2026, stating, "Thank you for your messages. There's a lot going on for you to understand. However [Student 1] is no longer attending [the High School]."

83. March 16 to March 30, 2026 email exchanges between the Parents and District staff, including High School 2 staff, indicated that the Parents initiated enrollment for Student 1 and Student 2 at High School 2. The emails included the following, in part:

    a. On March 16, 2026, the High School 2 Counseling Secretary requested proof of address to "get the transfer started."

    b. On March 18, 2026, the Parents sent the District documentation of their new address and stated, "Both need EGC. Both need to get into school asap."

    c. On March 19, 2026, the Parents asked if Student 1 and Student 2 could start attending High School 2 after spring break.

d. On March 20, 2026, a District Program Specialist wrote the Parents about their transfer request, stating, "With both students having Special Education placements in [the High School] EGC program, we would be unable to comply with this request at this time. When students move during the school year, we are happy to continue to support them in the building where their placements are located, and offer transportation if it is not the neighborhood school…. If you would like to request to make a change to [High School 2] for the 2026-27 school year, I would ask that you respond to this email and share your request and the reasons behind it (even if that is simply you've moved into the boundary & would like them to attend school with students in your neighborhood community). If you would like to be considered for a shift to [High School 2] later this school year & next year as well, please feel free to share that request with me as well. I'll share it to the administrative team here for their review."

   On March 30, 2026, the Parents reported to the District that they did not receive this email.

   On March 30, 2026, the Program Specialist re-sent the March 20, 2026 email to the Parents.

   The Parents replied, stating they did not understand why placement at the EGC at the High School would prevent them from moving to their neighborhood school. They indicated they wanted to know how to get "their placement reviewed based on our move" and "get them back in school as soon as possible."

e. On March 30, 2026, the High School 2 Registrar emailed the Parents, stating that they could not process enrollment for Student 1 and Student 2 and the Parents needed to go through the special education office.

   The Parents responded, stating they did not understand why they were not allowed to enroll their children in their neighborhood school. They asked the District to involve the special education department and any relevant administrators in order to resolve the problem quickly.

f. A March 30, 2026 email from the counseling office at High School 2 stated, "[T]his is not a [High School/High School 2] thing, it is a district decision/rule. The reason your students are not able to attend [High School 2] is because they are in the EGC and their current school is the one that currently provides those services to them."

   The Parents responded, "Providing transportation to a non-boundary school does not resolve the issue for our family. Our children are now part of this community – they are making friends in the neighborhood, and it's important for their stability and consistency that they attend the school where we live." The Parents noted the children had been out of school for a week because of spring break, "as well as the week prior during our move

from temporary shelter housing into our permanent home. This delay is continuing to impact their education and needs to be addressed as soon as possible."

84. March 18 to April 2, 2026 email exchanges between the Parents and the District regarding transportation for Student 3 and Student 4 indicated the following, in relevant part:

    a. On March 18, 2026, the Parents sent proof of their new address to the Elementary School and requested transportation from their new address for Student 3 and Student 4.

    b. A March 30, 2026 email from the Parents indicated they were upset that (1) they were notified that bus transportation for Student 4 was available to the Elementary School but Student 3 could not take this bus, and (2) it could take a week to get Student 3's special education transportation services started. The Parents stated it was "not acceptable for [Student 3] to be out of school that long. Between the days [Student 3] already missed during our move into our new home days prior to spring break, spring break, and now this delay, [Student 3] would end up missing close to three weeks of school."

    c. On April 2, 2026, the District emailed the Parents, offering the option for Student 3 to take the regular District bus with Student 4 until Student 3's bus route started. The Parents confirmed that they wanted Student 3 to take the regular bus in the interim.

    d. Student 3 took the regular District bus with Student 4 on Friday, April 3, 2026, until their new bus route commenced on Monday, April 6, 2026.

85. On March 19, 2026, the Case Manager sent the Parents a ParentSquare message, writing that they heard from a teacher that Student 1 would no longer be attending the High School. The Case Manager stated they wanted to set Student 1 up for "a strong transition" and wrote, "I'm going to hold an IEP meeting for [Student 1] at 8:30 tomorrow morning just to finalize the paperwork that will be sent off to [their] next school. I will send you a copy and you will be free to request any changes from myself or the future case manager. This really isn't meant to go over your head, I understand this is a pretty hectic time for you and I want to support by taking this burden of the paperwork off your plate. Let me know what you think[.]"

    The Parents responded, "Wait, to have an IEP meeting without us? No. I am not okay with decisions being made without our being present. I can do a virtual tomorrow at that time."

    The Case Manager replied, stating, "Perfect, sounds great!"

86. According to the District, on March 20, 2026, the District convened Student 1's annual IEP meeting. "The team reviewed Student 1's transfer IEP and develop a new annual IEP. The team ultimately agreed to continue placement in the EGC based on Student 1's needs and data showing that the EGC had been an appropriate placement for Student 1 between enrollment and the annual IEP meeting."

87. The Parents reported that because the meeting was scheduled on short notice, one of the Parents was unable to attend. The Parents reported that the meeting only lasted 28 or 29 minutes and "was very rushed."

88. The District reported, "Pursuant to District practice and policy, the District denied the request for a mid-year transfer… the request for an administrative transfer between schools was a request for a location change, not an IEP placement change, which the District clearly articulated to Parent… there was no request for an IEP placement change and no change would have been taken place upon an administrative transfer. As such, the administrative transfer was not an IEP team decision, but rather a District administrative decision."

89. A March 31 to April 7, 2026 email exchange between the Parents and a District Special Education Assistant Administrator (the Administrator) about the school transfer request for Student 1 and Student 2 included the following, among other things:

    a. On March 31, 2026, the Administrator indicated they were informed of the request for a change in school location. The Administrator acknowledged the Parents' concern about the increased transportation distance from their new home to the High School and asked, "[I]s there a reason your children are not accessing a school bus at this time? Transportation can continue to be provided from your new address to [the High School]… I would also like to clarify your statement regarding a change in placement. Placement and location are separate determinations… Placement decisions do require parent input; however, the physical location of the placement is determined by the school district and is based on several factors."

    "As a standard practice, we do not change a student's program location when a family moves within the district. Often, students have established a relationship with their teachers and classmates and have become an integral part of their school community. Additionally, because transportation is provided for students enrolled in specialized programs such as EGC, a location change is not required… In this case, there are EGC programs located at both [the High School] and [High School 2]. While we are not making a location change at this time, we would be happy to consider your request for a possible transfer to [High School 2] at the start of the next school year. Please also be aware that any transportation changes can take up to ten (10) school days to be fully implemented."

    b. The Parents' April 2, 2026 response stated they were requesting a transfer now, not in the future. The Parents stated, "I am requesting a clear answer to one question: Is [High School 2] able to implement my children's IEPs? If the answer is yes, then I am requesting that their placement location be reviewed immediately so they can return to school without further delay."

    c. In their April 3, 2026 reply, the Administrator stated, "[W]hile all EGC classrooms can implement IEPs in similar ways, it still does not change the fact that our district practice is to wait until the end of a school year to make decisions on changing student

locations. What we have discovered is that it appears that your children were not receiving transportation previously when you lived in [the High School] boundary. They are eligible for transportation on a school bus and we can get that set up so they can attend the EGC at [the High School] without any further issues." The Administrator shared that they would consider the location change request for the following school year.

The Parents responded, arguing Student 1 and Student 2 should not be denied access to their neighborhood school if their services could be implemented there. "The transportation issue also does not address the larger problem. My children have already missed significant school due to our move, spring break, and the delays in getting this resolved."

d. The Administrator responded on April 6, 2026, stating, "[I]t is important to distinguish between educational placement and educational location… they are not the same. Your children's placement, the EGC program and level of services identified in their IEPs, has not changed and continues to be implemented appropriately. The question at hand is a mid-year change in educational location (specific school site where placement is delivered… The district's practice is to maintain a student's current educational location during the school year whenever the placement remains appropriate… and is intended to minimize disruption to instruction, services, and established staff and peer relationships…. Special education placement and location decisions are not determined by school attendance boundaries… location will remain in effect for the remainder of this school year to support continuity and stability … transportation eligibility has been confirmed and a request to have this set up for your children has been put in to support attendance at the current location for the remainder of the year. Transportation will reach out with start date and pick-up times."

e. The Parents responded on April 7, 2026, stating, "I understand the distinction between placement and location, and I am not disputing placement. However, I do not agree that maintaining [the High School] as the location is appropriate under the current circumstances… Returning them to [the High School] after this length of absence is not a stabilizing solution. They have already said their goodbyes, and going back at this point would be uncomfortable and emotionally difficult for them… we are not comfortable with them returning to [the High School]." The Parents requested "that this decision be reviewed by a higher-level administrator[.]"

The Parents sent another email on April 7, 2026, "Based on your statement that IEP services can be implemented consistently across EGC locations, we believe it is appropriate for the IEP team to review whether [High School 2] can implement our children's IEP services… Please consider this email a formal request for an IEP meeting to review placement and location."

The Administrator replied, "While you are entitled to call an IEP meeting at any time, as previously stated location is **not** an IEP team decision…parents are required team members of the team that determines a student's educational *placement*, but the IDEA does not grant parents the right to decide or veto the specific *school building or site* (location) where that placement is delivered."

90. On April 6, 2026, the Administrator emailed the District transportation department and the Facilitator, stating (1) Student 1 and Student 2 moved and needed transportation from their new address to the High School; and (2) "[The Case Manager] will need to make sure both students have transportation added to their IEPs ASAP."

91. An April 9, 2026 email from the District transportation department to the Case Manager stated Student 1 and Student 2 could start on the new bus route on April 13, 2026.

92. The Parents alleged that there were delays with the District providing transportation for their new address, reporting a District bus was not provided until April 3, 2026 for Student 3, and April 13, 2026 for Student 1 and Student 2.

93. On April 17, 2026, the Parents emailed the Administrator, stating Student 1 and Student 2 went back to the High School "but it's already clear this situation isn't working. We're getting feedback from staff that there are ongoing issues, which confirms that sending them back to [the High School] didn't fix the problem. We formally requested an IEP meeting on 4/9 and followed up again today, and we don't have one scheduled… We need an IEP meeting scheduled and a real review of whether [High School 2] can serve them now."

    Another District Assistant Administrator (Administrator 2) responded the same day, stating the Case Manager was in the process of scheduling the IEP meeting. In addition, they wrote, "Location itself is not determined through the IEP process. This means the students will continue at [the High School] for the remainder of the school year."

    The Parents replied, "At this point, we are not looking to continue back-and-forth over the same points. We need a timely IEP meeting and a meaningful review of the current situation so appropriate next steps can be determined." The Parents stated they were available for scheduling the meeting during the current week or the following week. For the week starting April 27, 2026, they were available every day except Friday, May 1, 2026.

94. April 20 to 27, 2026 emails between the Case Manager, other District staff, and the Parents, included the following:

    a. On April 20, 2026, the Case Manager emailed District staff, announcing that an IEP meeting was scheduled for April 28, 2026 at 1:30 p.m. Although the Case Manager appeared to have intended to include the Parents on this email, and addressed one of the Parents in the body of the email to ask if they preferred an in-person meeting, the Case Manager failed to include either Parents' email address on this email.

b. On April 27, 2026, the Case Manager emailed the Parents, stating "I've been coordinating your requested IEP meeting to discuss the location change and am seeing that you were mistakenly not included in my email setting a date for tomorrow… I hit reply all to a message in the long email chain and accidentally responded to my facilitator's email about [their] availability instead of yours… we are ready to go for tomorrow at 1:30 pm if that time works for you or we can find a time later in the week or next week. I apologize for the mistake and accept responsibility for the lapse in communication."

c. On April 27, 2026, the Case Manager emailed the Parents, as well as District IEP team members for Student 1 and Student 2, sending the virtual meeting link and attached pdfs of meeting notices for the April 28, 2026 IEP meeting.

95. It is unclear whether the Notice of Team Meeting dated April 20, 2026, for an IEP meeting on April 28, 2026, was sent to the Parents before the Case Manager's April 27, 2026 email. When asked, the Parents could not recall.

96. According to the District, the Parents did not raise any concerns that Student 4 might have a disability and need special education services until school conferences on April 23 and 24, 2026, when they briefly raised a concern. The Teacher and the Parents discussed a potential Section 504 plan, but the Teacher "did not have reason to suspect a disability." The District reported that the Parents did not raise any concerns in writing about this during the complaint period.

97. The Parents reported that they spoke with Student 4's Teacher at the April 2026 conferences, and the Teacher agreed Student 4 might need a Section 504 plan and testing would probably be appropriate.

98. The District's April 28, 2026 IEP meeting minutes included the following, in part:

a. Parent concerns included "placement…, services are not being implemented, lack of education is showing in them and their behavior… Major concern is education portion of this and ease for them to get to/from school… We don't have transportation, we use city transportation. They have missed a significant amount of school… It is not being addressed because people are being controlling at the district level."

b. The District "[e]xplained that the placement is the EGC regardless of the school location… When we're talking about location, that's district policy, placement is up to the team."

c. The Case Manager stated, "We determined full removal was not appropriate for [Student 1]. When they're in my room, they are accessing the SDI/coping strategies/academic work time."

d. The Parents did not think that changes needed to be made to Student 1's IEP goals or services but stated, "[Student 2's] IEP needs to be completely fixed… current info is from [District 2] and [Student 2] needs an updated IEP."

District staff suggested the team needed another meeting to discuss this, and the Parents agreed. The team decided to convene an IEP meeting for Student 2 on May 4, 2026.

99. According to the Parents, the April 28, 2026 IEP meeting "did not fully resolve placement, missed instruction, accessibility, or service concerns for [Student 1 and Student 2]**."** The Parents' notes about the meeting included the following, in relevant part:

    a. "Staff stated at the beginning that placement was already decided and would not change… Multiple attempts to discuss location were redirected or shut down."

    b. "[Student 1's] IEP reviewed quickly due to time constraints… [Student 2's] IEP not meaningfully reviewed due to lack of time."

    c. "Meeting ended without addressing primary concerns (placement and accessibility)."

100. The Parents reported the District predetermined decisions, including that the District had already decided that the location for Student 1 and Student 2 would remain at the High School. The District stated the team would not discuss location during the IEP meeting.

101. When asked, the Parents stated they did not want the EGC placement for Student 1 or Student 2 to change. They were always in agreement with EGC placement, but they disagreed with the location of the EGC program.

102. In a May 1, 2026 email to the Parents and other IEP team members, the Case Manager send a draft IEP for Student 2's May 4, 2026 IEP meeting and stated, "New goals have been proposed to give us a starting point, and I have edited the existing list of accommodations to remove redundancies and make them more applicable to a generalized high school setting. Please note this is a draft, any elements that need adjustment can be changed in accordance with what we decide as a team."

103. According to the Parents, the May 4, 2026 IEP meeting for Student 2 "began but was not completed because the general education teacher was not present. Parents requested rescheduling so the full IEP team could participate." The District confirmed that this was accurate.

    The District rescheduled the IEP meeting for May 7, 2026.

104. On May 7, 2026, the District convened an IEP meeting to review Student 2's IEP. Student 2's May 7, 2026 IEP identified the meeting as the annual IEP.

105. The District's May 7, 2026 meeting minutes included the following, in relevant part:

    a. Parent concerns included placement location; transportation barriers; excessive missed instructional time; lack of meaningful access to education; and predetermination of

placement and location. The Parents expressed concern that Student 1 and Student 2 were on the bus for two hours each day. If they transferred to High School 2, they would be able to walk to school.

b. The Parents agreed that Student 2 still needed the EGC placement.

c. Student 2's general education teacher noted Student 2 had been working well with peers, established study groups, and they believed it would be easier for Student 2 to access general education with their current teachers.

   The Parents argued that Student was not accessing their classes anyway, so it would be better for Student 2 to transition to High School 2 right away.

d. The District maintained that there were only five weeks left in the school year and it was not in Student 2's best interest to change locations at this time. The District shared that it was offering placement at the High School and the Parents could make a location change request for the following school year. The District stated it would provide PWN to the Parents regarding decisions made at the meeting.

106. In a May 7, 2026 email to the Case Manager, the Parents requested PWN for refusing the change in location.

The Case Manager responded on May 8, 2026, sending the Parents documents from the May 7, 2026 IEP meeting, including PWN.

107. On May 7, 2026, the Parents filed this complaint.

108. The Parents reported, "[A]lthough [Student 4] did not have an IEP at the time, the parents raised concerns multiple times that [Student 4] may need special education evaluation and/or IEP support. These concerns were also raised during [Student 4's] conference, but the district did not clearly address whether [Student 4] should be evaluated, whether a referral would be initiated, or what next steps would be taken. [Student 4's] situation should therefore be reviewed as a potential failure to respond to parent concerns and consider special education evaluation/child-find obligations."

109. District staff reported the following about Student 4:

a. The Principal reported they did not witness anything to indicate that Student 4's ADHD interfered with their learning. Some inattentiveness was seen in class, but Student 4 performed incredibly well and was a great student. School staff never expressed any concerns about Student 4.

b. The Teacher indicated that the March 6, 2026 incident in which Student 4 refused to participate and stayed under the desk seemed to be Student 4 having an "off day." It was the only time the Teacher witnessed any concerning behavior from Student 4. The

Teacher did not have any concerns about Student 4's behavior or any other issues moving forward. Student 4 made a lot of academic growth in the short amount of time they had been in the Teacher's classroom. The Teacher did not have any reason to suspect that Student 4 may need special education services.

c. The Teacher reported the Parents first mentioned an ADHD diagnosis at the April 2026 school conferences. The Parents noted that if Student 4 had a bad day, it might be because they forgot to take their medication in the morning. The Parents shared that their other children had IEPs and Student 4 might need one as well. The Teacher brought up a Section 504 plan as a potential option.

d. The Special Education Facilitator for the Elementary School reported they were told by school staff that Student 4 was doing very well in school and no concerns were indicated.

110. District staff reported that once Student 3 started attending the Elementary School, they did not hear any concerns from the Parents about Student 3's IEP or placement. No meeting requests were made, and there was nothing to warrant convening the IEP team during this time.

111. The District's June 8, 2026 Response included the following, among other things:

a. For Student 1, Student 2, and Student 3, the District complied with IDEA obligations "by promptly taking steps to obtain records from the previous district, determining comparable services and placement, and adopting and implementing a transfer IEP."

b. The Parents did not express any disagreement with the District's adoption of transfer IEPs for Student 1, Student 2, and Student 3. The Parents never disagreed with the EGC placement for these Students; They expressly requested the EGC placement. The Parents complaints were related to location, not placement.

c. The District held IEP meetings promptly when requested, and the Parents actively participated in IEP meetings that occurred.

d. The Parents claimed the Students each missed approximately one month of school. However, the absences were because of parent choice (disagreement with school location) or other non-IDEA issues.

IV. DISCUSSION

Child Find

The Complaint alleged that the District violated the IDEA by failing to identify, locate, and evaluate one of the Students (Student 4) as a child in need of special education services.

School districts have an affirmative duty to identify, locate, and evaluate all children with disabilities who are in need of special education, regardless of the severity of the disability.[3] A disability is suspected when the district has notice that the child has displayed symptoms of that disability. [4] If a school district suspects a disability and has reason to believe that special education services may be needed to address that disability, the district is obligated to evaluate the child. [5] This includes children who are suspected of having a disability even though they are advancing from grade to grade.[6] The IDEA clearly establishes that this inquiry is not limited to academic performance.[7] School districts must also consider a child's "social and emotional needs that affect academic progress, school behavior, and socialization."[8]

Parents stated they shared concerns about Student 4 with the Principal in January 2026, and with the Teacher in April 2026. In addition, the Parents asserted that the Teacher's March 6, 2026 message was evidence that Student 4 had behavior issues that interfered with their learning.

The Principal and the Teacher reported they were told by the Parents that Student 4 had ADHD. However, the Principal and the Teacher did not see any concerning behavior or indication that anything was interfering with Student 4's ability to access the general education curriculum. Student 4 was doing very well academically and socially. School staff did not have any concerns or reason to suspect the Student had a need for special education services.

There was insufficient evidence to conclude that District had an obligation to identify, locate, and evaluate Student 4 as a student with a disability and in need of special education.

The Department does not substantiate this allegation.

Transfer Students

The Complaint alleged that the District violated the IDEA by failing to provide a free and appropriate education, including services comparable to those outlined in the Students' IEPs from a different district, until the District either adopted the Students' IEPs from the previous district; or developed, adopted, or implemented new IEPs for the Students.

When a student with an IEP that was in effect in a previous school district in Oregon transfers to a new school district in Oregon within the same school year, the new school district must provide a free appropriate education (FAPE) to the child.[9] That FAPE must include services comparable to those described in the student's previously held IEP from the outside school district, in consultation with the parents.[10] The new school district must continue offering FAPE

[3] OAR 581-15-2080(2); 34 CFR § 300.111(a).
[4] *Timothy O. v. Paso Robles Unified Sch. Dist.*, 67 IDELR 227 (9th Cir. 2016).
[5] *Dep't of Educ., State of Hawaii v. Cari Rae S.*, 35 IDELR 90 (D. Haw. 2001).
[6] OAR 581-15-2080(2)(d); 34 CFR § 300.111(c)(1).
[7] Letter to Clarke, 48 IDELR 77 (OSEP 3/8/07).
[8] *Cty. Of San Diego v. California Special Educ. Hearing Office*, 93 F.3d 1458, 1467 (9th Cir. 1996).
[9] OAR 581-015-2230(1); 34 CFR § 300.323(e).
[10] OAR 581-015-2230(1); 34 CFR § 300.323(e).

in this manner until it adopts the child's IEP from the previous school district or develops, adopts, and implements a new IEP.[11]

The new district must take steps within a reasonable period of time to adopt the previous IEP or to develop and implement a new IEP, to avoid any undue interruption in the provision of services.[12] While the IDEA contains no specific timeline for the adoption of a previous IEP or development of a new IEP, Office of Special Education Programs (OSEP) has found an interruption of services for 30 days to be impermissible.[13]

Because there is a presumption than an IEP developed by a district guarantees FAPE, implementation of the previous IEP is how the new district can guarantee compliance until it develops and implements a new IEP or adopts the previous IEP as its own.[14] "If a copy of the child's IEP is available, whether from the parents or the former school district, the new school district can implement the IEP if the parents are satisfied with it and the new school district determines the old IEP is appropriate and can be implemented as written. If the child's current IEP is not available, or if either the new school district or the parent believes that it is not appropriate, an IEP meeting would have to be conducted. This meeting should take place within a short time after the child enrolls in the new school district (normally within one week after enrollment)."[15]

A district in which the child enrolls must take reasonable steps to promptly obtain the child's records, including the IEP and supporting documents, from the previous district in which the child was enrolled.[16] After taking reasonable steps, if the new district is not able to obtain the IEP from the previous district or from the parents, the new district is not required to provide special education and related services to the child. [17] However, child find obligations would still apply.

This allegation relates to Student 1, Student 2, and Student 3, as Student 4 was not eligible for special education services during the complaint period.

The initial enrollment of the Students in October 2025 consisted of the Parents enrolling Student 1 on October 7, 2025, and the remaining Students on October 17, 2025. The Parents notified the District that they did not have access to the Students' records at that time. Once each of the Students was officially enrolled, the District was able to request records from District 2, which was communicated to the Parents. The District requested educational records for the Students within a few days of enrollment. Before the District received the records from District 2, the Parents notified the District on October 21, 2025 that they no longer wished to enroll the Students in the District. There is no evidence that the District failed to fulfill any IDEA obligations to Student 1, Student 2, or Student 3 in October 2025.

[11] OAR 581-015-2230(1); 34 CFR § 300.323(e).
[12] Questions and Answers on Individualized Education Programs (IEPS), Evaluations, and Reevaluations, 111 LRP 63322 (OSEP 2011).
[13] Letter to Campbell, 213 IDELR 265 (OSEP 1989).
[14] *Id*.
[15] Letter to Anonymous, 25 IDELR 525 (OSEP 1996).
[16] Q&As on Individualized Education Programs (IEPS), Evaluations, and Reevaluations, 111 LRP 63322 (OSEP 2011).
[17] *Id*.

On October 24, 2025, the District provided PWN stating it adopted Student 3's IEP from District 2. On December 18, 2025, the District provided PWN stating it adopted Student 2's IEP from the Virtual Academy and issued a District Transfer IEP. On December 19, 2025, the District provided PWN for Student 1, stating it was adopting Student 1's IEP from the Virtual Academy. On January 5, 2026, the District issued a District Transfer IEP for Student 3. As the District adopted the previous IEPs as written, there is a presumption that the District provided FAPE to the Students.

Claims of delays with determining placement for the Students are not supported by the record. On January 5, 2026, the District determined comparable placements for Student 1 and Student 2 (the EGC program at the High School), which was communicated to the Parents on January 7, 2026. On January 5, 2026 the District determined comparable placement for Student 3 (the EGC program at the Elementary School). The Parents were notified of Student 3's placement and change in enrollment to the Elementary school on January 6, 2026.

Further, Student 1's IEP was reviewed and revised on March 20, 2026, and the potential need for further review and revisions was discussed by the IEP team on April 28, 2026. Student 2's IEP was reviewed and revised on May 7, 2026. There was no indication from either party that there was any evidence to warrant review of the Student 3's IEP during the complaint period.

Regarding claims about delays in transportation, the District's notification to the Parents that changes in transportation can take seven to ten school days was reasonable. However, on most occasions the District was able to commence special education transportation services much sooner than this.

Student 1 and Student 3 had transportation services in their transfer IEPs; Student 2 did not have transportation services in their IEP until April 8, 2026. Student 3's transportation was made available by January 12, 2026. When the family moved in mid-March 2026, Student 3's new bus route commenced on April 6, 2026. Transportation as a related service was added to Student 2's IEP by Prior Written Notice on April 8, 2026. While it is unclear why Student 1 took a regular District bus from January through March 2026, special education transportation services were initiated for Student 1 and Student 2 from the family's new residence on April 13, 2026.

The District made reasonable efforts to obtain educational records from previous districts once the Students were enrolled in District schools. The District's determinations of comparable IEP services and placement were prompt and were certainly made within a reasonable amount of time. The District provided the Parents with PWN of the District's decision to adopt the Students' IEPs from the previous districts. There is no evidence that the Parents disagreed with the District's decisions regarding the adoption of the Students' existing IEPs, nor the District's determination of comparable placements. The District provided a free and appropriate public education, including services comparable to those outlined in the Students' existing IEPs, when it adopted the Students' IEPs from the previous districts.

The Department does not substantiate this allegation.

Placement of the Child

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

"[P]lacement refers to the provision of special education and related services rather than a specific classroom or specific school."[18] Placement is not interchangeable with location. "Placement" refers to "points along the continuum of placement options available for a child with a disability," while "location" refers to "the physical surrounding… in which a child with a disability receives special education and related services."[19]

School districts must ensure that the educational placement of a child with a disability is (1) 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; (2) made in conformity with the Least Restrictive Environment Provisions (LRE); (3) based on the child's current IEP; (4) determined at least once every 365 days; and (5) as close as possible to the child's home.[20] 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.[21]

Under LRE provisions, school districts must ensure, to the maximum extent appropriate, that children with disabilities are educated with children who do not have a disability.[22] Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment should occur only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.[23] In selecting the LRE, consideration must be given to any potential harmful effect on the child or on the quality of services which they may need.[24]

"Public agencies are strongly encouraged to place a child with a disability in the school and classroom the child would attend if the child did not have a disability. However, a public agency may have two or more equally appropriate locations that meet the child's special education and related services needs and school administrators should have the flexibility to assign the child to a particular school or classroom, provided that determination is consistent with the decision of the group determining placement." While District's are obligated "to notify parents regarding placement decisions, there is nothing… that requires a detailed explanation in children's IEPs of why their educational needs or educational placements cannot be met in the location the parents request… including such a provision would be overly burdensome for school administrators and diminish their flexibility[.]"[25]

[18] 71 Fed. Reg. 46,687 (2006).
[19] 71 Fed. Reg. 46,588 (2006).
[20] OAR 581-015-2250(1); 34 CFR §300.116(a)(1).
[21] OSEP Memorandum 95-9 (OSEP 11/23/1994); Letter to Veazey (OSEP 11/26/2001).
[22] OAR 581-015-2240(1); 34 CFR §300.116(a)(2)(i).
[23] OAR 581-015-2240(2); 34 CFR §300.116(a)(2)(ii).
[24] OAR 581-015-2250(4); 34 CFR §300.116(d).
[25] 71 Fed. Reg. 46,588 (2006).

This allegation relates to Student 1, Student 2, and Student 3.

The Parents confirmed that they had no objection to the Students' EGC placement and agreed that this was the appropriate placement for Student 1, Student 2, and Student 3. Rather, they stated they disagreed with the EGC location for Student 1 and Student 2.

In January 2026, Student 1 and Student 2 were initially placed in the EGC program that was located at their neighborhood school. At the time, this was the EGC location closest to their home, as well as the school they would have attended if they did not have a disability or need for special education services.

While districts are encouraged to have students attend their home school when possible, this is not a requirement and districts are allowed to take other factors into consideration. The District shared the reasoning for its policy to not move students mid-year, as long as their placement continued to be appropriate and could be implemented at their current school. In this case, the District cited the potential harm to the Students' stability by leaving an environment with established relationships. Because it was close to the end of the school year, the District determined it was not in the Students' best interests to move school locations before the next school year.

Although the District notified the Parents that school location was not an IEP team decision, IEP meeting minutes indicated that this was in fact discussed at the April 28 and May 7, 2026 IEP meetings. For example, Student 2's general education teacher shared that Student 2 had established relationships, was working well with peers, and they believed it would be easier for Student 2 to access general education with their current teachers. The decision to have Student 2 remain at the High School through the end of the school year involved an individualized inquiry based on various factors.

The Department does not substantiate this allegation.

Parent Participation

The Complaint alleged that the District violated the IDEA by interfering with the Parents' ability to participate in decisions with respect to the identification, evaluation, IEP and educational placement of the Students, and the provision of a free appropriate public education to the Students.

A school district must provide one or both parents the opportunity to participate in meetings with respect to the identification, evaluation, IEP, educational placement, and FAPE of the child.[26] Meetings should be scheduled at a mutually agreeable time and place.[27] Districts must provide parents with written notice of IEP meetings sufficiently in advance to ensure that one or both parents have the opportunity to attend.[28]

[26] OAR 581-015-2190(1); 34 CFR §300.501(b).
[27] OAR 581-015-2195; 34 CFR §300.501.
[28] OAR 581-015-2190(2); 34 CFR §300.501(b).

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.[29] "[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."[30] School districts have educational discretion, but parents still have the right "to remain informed of, and to participate in, educational decisions concerning their children."[31]

While IEP teams should work towards consensus, the district is ultimately responsible for the provision of FAPE to a student. "If the team cannot reach agreement, the public agency must determine the appropriate services and provide the parents with prior written notice of the agencies determinations regarding the child's educational program and of the parents' right to seek resolution of any disagreement by initiating an impartial due process hearing or filing a state complaint."[32]

The Parents contended that the District interfered with their ability to participate in IEP meetings for Student 1 and Student 2 when (1) the Case Manager suggested that they would hold an IEP meeting on March 20, 2026 without the Parents; (2) the District delayed scheduling an IEP meeting after the Parents' April 7 and 17, 2026 requests for a meeting; (3) the District left the Parents off of an email communicating information about the April 28, 2026 IEP meeting; (4) the District predetermined the location decision before the April 28 and May 7, 2026 IEP meetings.

The Case Manager made several attempts to schedule an annual IEP meeting for Student 1. On March 19, 2026, the Case Manager messaged the Parents that they would hold an IEP meeting the following morning to revise Student 1's IEP before they moved schools. The Parents communicated that they wanted to participate and could attend at the scheduled time. The District never held a meeting without at least one of the Parents in attendance.

The Parents requested IEP meetings to discuss the school location decision made by the District for Student 1 and Student 2. The Parents first requested an IEP meeting on April 7, 2026, and renewed the request on April 17, 2026. Although the District conveyed that school location was not a decision that would be made by the IEP team, the District scheduled an IEP meeting when requested by the Parents. The District convened an IEP meeting for both Student 1 and Student 2 on April 28, 2026. There is no evidence that there was any unreasonable delay in scheduling the requested IEP meeting.

The Case Manager acknowledged they left the Parents off an email identifying the chosen date for the April 28, 2026 IEP meeting. On April 27, 2026, the Case Manager realized this mistake, contacted the Parents, re-sent the meeting link, and emailed meeting notices for each Student. While the Case Manager offered to reschedule the meeting to a different date, the Parents indicated they could attend on April 28, 2026.

[29] OAR 581-015-2205(1)(b) and (d); 34 CFR §300.324(a)(1).
[30] *Letter to Northrop* (OSEP 2013), citing 71 Fed. Reg. 46,678 (2006).
[31] *Pasatiempo v. Aizawa*, F.3d 796, 804 (9th Cir. 1996).
[32] *Letter to Richards* (OSEP 2010).

When it became clear at the April 28, 2026 IEP meeting that the Parents thought Student 2's entire IEP needed to be reviewed and revised, the District scheduled an additional IEP meeting for Student 2 the following week. When the District was unable to secure a general education teacher for the May 4, 2026 IEP meeting, the District rescheduled the meeting for May 7, 2026.

The Parents contended that these IEP meetings did not address their concerns. However, the concerns expressed by the Parents were related to school location and the District's decision to deny a mid-year change in school, rather than concerns about the Student's special education placement. While the District stated that the school location decision had already been made by District Administration, this was an administrative decision. It was not a special education or IEP team decision and did not constitute a predetermination of IEP services or placement. Regardless, the District continued to listen to the Parents' concerns and explain why Student 1 and Student 2 would remain at the High School through the end of the school year.

There is no evidence in the record that the District interfered with the Parents' ability to participate in decisions related to the identification of Student 4 for special education during the complaint period.

The District took steps to ensure the Parents' participation at meetings, including scheduling meetings when requested, offering meetings at a mutually agreeable time and place, and rescheduling IEP meetings when Parents did not show up. The District never conducted an IEP meeting without the Parents.

The Department does substantiate this allegation.

Free Appropriate Public Education (FAPE)

The Complaint alleged that that the District failed to provide the Students with a free appropriate public education.

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.[33] 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.[34]

Not every procedural error is sufficient to rise to a denial of FAPE.[35] The procedural test consists of three pivotal procedural errors: (1) whether the student suffers a loss of educational

[33] OAR 581-015-2040(1); 34 CFR §300.101(a).
[34] *Endrew F.*, 137 S.Ct. at 999.
[35] *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 983, 994 (1st Cir. 1990)).

opportunity;[36] (2) whether the parent's right to participate in the IEP process was infringed;[37] or (3) whether the procedural error caused a "deprivation of educational benefit."[38] 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."[39]

There is no evidence that District actions resulted in a loss of educational opportunity or deprivation of educational benefit to the Students. There is no evidence that the District interfered with the Parents' right to participate in the IEP process for any of the Students.

The Department does not substantiate this allegation

V. CORRECTIVE ACTION

In the Matter of Beaverton School District 48J
Case No. 26-054-058

The Department does not order corrective action in this matter.

Dated: this 10th Day of August 2026



Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing Date: August 10, 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).)

[36] *Target* Range, 960 F.2d at 1484.
[37] *Id.*
[38] *Amanda J.*, 267 F.3d at 892 (citing *Roland M.,* F.2d at 994).
[39] *M.L. v. Federal Way Sch. Dist*., 394 F.3d 634, 657 (9th Cir. 2005).