BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of In the Matter of McMinnville School District 40	))))	FINDINGS OF FACT, CONCLUSIONS, AND FINAL ORDER Case No. 26-054-069

I. BACKGROUND

On May 22, 2026, the Oregon Department of Education received a written request for a special education complaint investigation from the parents of a student (Student) residing in the McMinnville School District 40 (District). The Parents requested the Department conduct a special education investigation under OAR 581-015-2030. The Department confirmed receipt of this Complaint and forwarded the request to the District.

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

On June 2, 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 17, 2026.

The District submitted a *Response* on June 16, 2026, denying the allegations, providing an explanation, and submitting documents supporting the District's position. The District submitted the following relevant items:

1. District's Written *Response* to Complaint, 06/16/26
2. Comp Ed/Evaluation Planning Meeting Video/Audio Recording, 03/05/2026
3. ESY/Comp Ed Services Meeting Video/Audio Recording, 04/29/2026
4. Meeting Video/Audio Recording, 05/14/2026
5. Meeting Notice for 03/05/2026, IEP Meeting, 03/01/2026
6. Meeting Minutes, 03/05/2026
7. Abbreviated School Day Paperwork, 03/05/2026
8. Prior Written Notice (PWN) re Compensatory Education, 03/05/2026
9. Emails re Meeting Options, 04/06/2026
10. Emails re Doctor's Note for Parent Requested Accommodation, 04/10/2026

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

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

11. PWN re Extended School Year (ESY) Clerical Correction, 04/10/2026
12. Emails re ESY Meeting, 04/15/2026
13. Meeting Notice for 05/14/2026 Meeting, 04/21/2026
14. Emails re Request for In-Person Meeting, 04/21/2026
15. Emails re Changing Meeting due to ODE Amended Final Order, 04/23/2026
16. Email re Rescheduling Meeting, 04/24/2026
17. Meeting Notice for April 29, 2026 Meeting, 04/24/2026
18. Emails re Request for In-Person Meeting, 04/27/2026
19. PWN, 04/29/2026
20. Meeting Minutes, 05/14/2026
21. PWN re ESY, 05/14/2026
22. Emails re Plan for Compensatory Education, 05/30/2026
23. ODE Final Order 26-054-025
24. Amended Final Order 26-054-025
25. Attorney Letter and Communication Plan to Parent, 02/02/2026
26. Communication Plan Evaluation Report, 06/02/2026

The Parents submitted a *Reply* on June 19, 2026, providing an explanation and rebuttal and documents in support of the Parents' position. The Parents submitted the following relevant items:

1. Parents' *Reply* to the District's *Response* to *RFR*, 06/19/2026

The Complaint Investigator interviewed the Parent on July 7, 2026. On July 1, 2026, the Complaint Investigator interviewed District personnel. 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 Parents' 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 23, 2025, to the filing of this Complaint on May 22, 2026.

Allegations	Conclusions
Parent Participation - Mutually Agreed Upon Time and Place The Complaint alleges the District failed to schedule IEP meetings at a mutually agreed-upon time and place, asserting that the District required the meetings to be held	**Substantiated** The District failed to schedule IEP meetings at a mutually agreed-upon place by requiring that the meetings be conducted virtually.

virtually and that this format was not mutually agreed upon by the Parent. (OAR 581-015-2190; 581-015-2195; 34 CFR §300.501; §300.322(a))	
Parent Participation - Accommodations for Meaningful Participation The Complainant alleges the District failed to take necessary steps to accommodate the Parent's documented medical needs, thereby limiting meaningful parental participation in the IEP meeting. (OAR 581-015-2490, 581-015-2195; 34 CFR §300.501; §300.322(c) and (e))	**Substantiated** The District failed to take necessary action to ensure that Parent #2 understood and was able to take part in the Student's IEP meetings.

REQUESTED CORRECTIVE ACTION

1. The Complainant requests that the District be required to schedule future IEP meetings at a mutually agreed-upon time and place.

2. The Complainant requests that the Department direct the District to make reasonable efforts to schedule IEP meetings in person and to implement accommodations consistent with medical documentation provided by the parent, in order to support meaningful parental participation.

III. FINDINGS OF FACT

IDEA regulations limit complaint investigations to alleged violations occurring no more than one year before the Department's receipt of the special education complaint. This Complaint Investigation did not consider any IDEA violations alleged to have occurred before May 22, 2026. Any facts listed below relating to circumstances or incidents earlier than that date are included solely to provide the context necessary to understand the Student's disability and special education history.

1. The Student is a seventh-grade student eligible for special education services under the categories of Emotional Behavior Disability (primary) and Other Health Impairment (secondary). Documentation reviewed reflects concerns raised by the Parents regarding the format and accessibility of the February 19, 2026, IEP meeting.
    a. On or around December 4, 2025, the Student's IEP team agreed to place the Student at a public separate school, Polk Adolescent Day Treatment Center (PADTC), and the Student began attending PADTC on March 10, 2026.

b. On February 20, 2026, the Parents filed a complaint with ODE alleging that the District did not offer to hold the February 19, 2026, IEP meeting at a mutually agreeable place, and that the meeting was scheduled and conducted through video conferencing rather than in person, despite the Parents' request for an in-person meeting.
c. The complaint further alleges that the District did not accommodate one Parent's (Parent #2) known disability during the February 19, 2026, IEP meeting, asserting that the virtual format did not support Parent #2's participation needs.

2. The September 18, 2025, IEP meeting was part two of the IEP meeting that occurred on September 15, 2025, and the Meeting Minutes note:

    a. The Special Education Director discussed placement options and noted that the IEP Team determined the Student's needs, level of service, and placement, while the District determined the location.
    b. The IEP team, except for the Parents, believed the Student needed a "higher level of care."
    c. The Department Facilitator clarified that the District representative would make a determination regarding placement if the IEP team were not in consensus.
    d. The Special Education Director, serving as the District representative, determined the Student needed a higher level of care. The Parents did not agree and refused to sign the Release of Information (ROI) to allow the District to "explore therapeutic day treatment options."
    e. Parent #2 "became visibly upset, said [they] were going to file a stay put order, and then started shouting insults at [the Special Education Director]."
    f. The Department Facilitator ended the meeting.

3. During a September 18, 2025, IEP meeting the District alleges Parent #2 engaged in "aggressive body language" and "shouting" during the IEP meeting.

4. A virtual IEP Meeting for the Student was convened on December 4, 2025, to discuss the Student's re-entry into school following a Manifestation Determination Review (MDR) meeting held 11/25/25. Meeting Notes from the December 4, 2025, IEP Meeting included the following relevant information:

    a. The following were in attendance: Student Services Coordinator 1, the Behavior Intervention Teacher, the Principal, Advocate 1, Advocate 2, the Parents, and the Outside Case Manager.
    b. One of the Parents asked about compensatory time, and if the Student was suspended "indefinitely."
    c. One of the Parents asked about the Student's suspension time and when the Student would return. The Principal stated the Student would not return to the

Alternative School. The Student Services Coordinator 1 added it could be "a couple of months" before the Day Treatment Program had room for the Student.

d. The IEP team agreed to discuss the need for a "one to one" for the Student.
e. The Student had been suspended for 18 days as of the meeting date.
f. The Student Services Coordinator 1 suggested setting up tutoring. The IEP team discussed an hour of services "maximum" and asked if it could be done virtually for safety. The team also discussed providing services at the Alternative School.
g. The Student Services Coordinator 1 stated they would develop an outline of minutes for tutoring services. 2 stated the Student was owed 16 hours of compensatory services based on their SDI, but one of the Parents disagreed that this was the correct amount of services owed.

5. An IEP meeting was convened for the Student on December 17, 2025, to discuss the Student's placement. According to a Special Education Placement Determination, the IEP team considered four placement options for the Student. Of those options, the team selected the following two placements:

a. Public Separate School. Benefits of this option include, "Therapeutic [sic] setting," "Highest levels of adult support," "Specially trained staff," "Highest levels of individualized attention," and "Opportunity for a parallel schedule." The possible harmful effects of this option include, "No contact with general education peers or curriculum," and "Away from resident school."
b. Homebound, Abbreviated School Day Program provided through tutoring. Benefits of this option include, "Continued instruction towards IEP goals," and "One on one adult instruction." The possible harmful effects of this option include, "Away from non-disabled peers," and "Limited access to the general education curriculum." The rationale for this selection was, "The team chose this option while placement at a Separate Public School (Day Treatment) is being pursued.

6. Meeting notes dated January 20, 2026, indicated the Outside Case Manager, Advocate 2, the Parents, the Student Services Coordinator 1, the Principal, and the Student attended an abbreviated day review meeting. The notes do not indicate whether the meeting was held in person or virtually. Parent #2 attended an in-person IEP meeting on January 20, 2026 "without incident," according to the Outside Case Manager interviewed by ODE in the prior investigation. The Case Manager stated they had "never heard or seen any direct aggression, physical aggression, verbal aggression, or threat of aggression."

7. From January 7 to March 10, 2026, Parent #2 was physically present on campus twice weekly for tutoring sessions with the Student.

8. In a February 6, 2026, letter to the Parents, the Attorney for the District outlined a communication plan for email and in-person communications. This plan addressed the Parents' concerns about the District's communication with them and concerns staff had shared about how the Parents communicated with staff, "including during in-person meetings." The plan indicated:

a. Student Services Coordinator 2 was the point of contact, and the intent was to be sure messages were received and responded to.
b. Email responses from the District would be sent within three working days.
c. The Parents should leave a voice message when they call, and it would take up to two "business" days for the phone call to be returned.
d. "Any email that includes personal attacks, name-calling, threats, and/or intimidating and/or harassing language/statements will not be responded to. Similarly, staff have been directed to end any in-person or telephonic conversation when abusive language is used, etc."
e. Once the Student was back in school, the Parents could reach out directly to the Student's school for time-sensitive matters.
f. "All in-person meetings must be scheduled in advance."

9. The February 6, 2026, communication plan states as such:

a. Starting immediately the Student Services Coordinator will be your point-of-contact on matters related to the Student's education and will either respond directly, or will direct incoming emails to the appropriate person in order to gather a response, as necessary
b. At this time, the Parents and the District are currently engaged in an ongoing mediation. Please continue to direct any and all communications regarding mediation directly to the ODE mediator who can then reach out to the appropriate person from the District about the mediation communication. Please be aware that staff are rarely able to respond to emails the same day that they receive them. You should generally expect to receive an email within three working days. That timeline may need to be extended based on the number of emails that are sent to the District, as well as the substance/scope of the email.
c. Similarly, the Parent(s) should not anticipate staff being able to respond to or return phone calls during the same day that a voicemail or message is left.
d. Any email that includes personal attacks, name-calling, threats, and/or intimidating and/or harassing language/statements will not be responded to. Similarly, staff have been directed to end any in-person or telephonic conversation when abusive language is used, etc.
e. The District will continue to send outgoing mass communications (e.g., Districtwide notifications) to the Parent(s) in the same manner that communications have been disseminated thus far this school year
f. Once the Student begins attending instruction at a school, if you have a time-sensitive matter relating to the Parent(s) you should reach out directly to the school. For instance, Parent(s) are always welcome to call the front desk to let staff know the Student needs and appointments, etc.
g. The Parent(s) continue to be able to file a complaint with the District via the District's standard policy/practice for filing/receiving complaints. See, e.g., Board Policy KL/KL-AR (Public Complaints).

h. All in-person meetings must be scheduled in advance. Like with all visitors, Parent(s) must sign in at the front office any time visiting District property. At this time, the District intends to hold all meetings either virtually or telephonically for the foreseeable future.
i. This communication plan does not impact the Parent(s) ability to participate in community activities (parent-teacher conference, extracurricular activities, etc.).

10. On February 6, 2026, Parent #2 notified the District of a hearing-related disability for the first time and required in-person attendance to meaningfully participate.

11. In a February 6, 2026, email to the Attorney for the District, the Parents stated they had not called names, made threats, or cursed in any of their emails, and they were requesting the upcoming February 19, 2026, IEP meeting be in person. They indicated they would not be able to meaningfully participate in the Student's education because of Parent #2's "severe hearing problems."

12. The Parents response record reflects that the District implemented a Communication Plan on February 6, 2026, following earlier concerns related to a September 18, 2025, IEP meeting and subsequent complaint activity.

a. Documentation shows that during the September 18, 2025, IEP meeting, Parent #2 became angry. No communication plan or meeting-format restrictions were implemented at that time.
b. The Communication Plan requiring virtual attendance for IEP meetings was implemented on February 6, 2026, approximately five months after the September 18, 2025, meeting.
c. The record reflects that the Communication Plan was implemented three days after ODE Complaint 25-054-069 was substantiated on all allegations on February 3, 2026.

13. In a February 10, 2026, email to the Parents, the Attorney for the District noted the February 19, 2026, meeting to discuss the Abbreviated School Day Program would be held virtually. They indicated "there are many ways to comply with both the intent and plain language of the statute and obtain meaningful participation without holding an in-person meeting. Moreover, although I understand that the last in-person meeting did not result in safety concerns, I also understand that in past meetings staff have become concerned for the physical safety of their colleagues due to your behavior during in-person meetings. In short, I can confirm that the meeting next week will, in fact, be held virtually, and that you will receive all of the necessary information so that you can participate." They acknowledged the request for an ADA accommodation, stated staff had not observed an impact on Parent #2's ability to participate in previous virtual meetings, and said they would be happy to receive "any and all information" so the District could "fully consider your request for an accommodation, as well as whether alternative accommodations might be able to provide the same level of access as in-person meetings."

a. The Parents replied to the same day, “This IEP team meeting is to be in person unless we consent to holding it via telephonic or other electronic means, and we do not consent.”
b. The Attorney for the District replied to the Parents, stating it was the first time Parent #2 had requested ADA accommodations, and added school staff had not “observed an impact on [their] ability to participate in previous virtual meetings due to a disability.” The Attorney for the District confirmed the meeting would be held virtually, the Parents would receive “all of the necessary information” to participate, and the District would ensure the “closed captioning” feature was turned on for the meeting.

14. Parent #2 asserts that the District has inaccurately characterized when it first became aware of Parent #2’s hearing-related disability and that the District’s reliance on virtual-only meetings conflicts with established requirements for parent participation and effective communication.

    a. The Parents’ response reports that the District’s statement that February 2026 was the first time the District was notified of Parent #2’s hearing disability is incorrect.
    b. The Parents reports in the response that staff located on the campus where the Student attended, were already aware of Parent #2’s hearing-related needs stating that Parent #2 only formally disclosed the disability after the District restricted in-person meetings, which compelled Parent #2 to disclose because virtual participation was not accessible.
    c. The Parents’ response states that the District cited logistical convenience in continuing virtual meetings and did not ensure effective communication for Parent #2, who relies on lip reading and cannot adequately access closed captioning.
    d. The Parents’ response acknowledges that staff reported concerns about Parent #2’s behavior during the September 18, 2025, IEP meeting, including statements that Parent #2 stood up, leaned over the table with raised voice and asserts that these characterizations are inconsistent with the observations of the Outside Case Manager who reported no aggression or threats and described Parent #2 as attentive, calm, and appropriate during meetings. Parent #2 states that this discrepancy raises concern about the basis for the District’s continued virtual-only meeting requirement.

15. A February 10, 2026, Meeting Request indicated a meeting was scheduled on February 19, 2026, for “Abbreviated School Day Program Review” with the meeting location listed as, “[Middle School] Office and Virtual.” Those invited were the Parents, Student Services Coordinator 2, the Middle School Administrator, two special education teachers, Advocates 1 and 2, and the Outside Case Manager.

16. In a February 13, 2026, 2:57 p.m. email to the Parents, the Attorney for the District confirmed the meeting the following week would be virtual due to “the safety concerns

voiced by multiple staff members." They ensured the District would "send [the Parents] the necessary information so that [they] can fully participate."

17. In a February 13, 2026, email sent at 4:24 p.m. to the Attorney for the District, the Parents attached a letter from a medical provider "indicating [Parent #2's] disability and that [they] need to attend IEP meetings in person in order to meaningfully participate."

    a. A February 13, 2026, letter from a medical doctor outlined Parent #2's hearing loss, which "makes video or phone visits impossible for [Parent #2] to get a complete understanding of the interactions." The medical doctor stated, "Please provide accommodation to allow [Parent #2] to attend any of [the Student's] academic and IEP meetings in person to allow [Parent #2] to understand what is being reported."

18. In a February 17, 2026, email to the Attorney for the District, the Superintendent, the Special Education Director, the Middle School Administrator, the Outside Case Manager, Advocates 1 and 2, and the Parents, Student Services Coordinator 2 stated they looked forward to the February 19, 2026, meeting and "the meeting will be held virtually per the communication plan." They indicated they would send an updated virtual meeting link.

19. In a February 17, 2026, email to Student Services Coordinator 2, the Outside Case Manager advocated for an in-person meeting and claimed that "suddenly reverting back to a virtual meeting" would hinder their ability to attend fully. They asserted Student Services Coordinator 1 provided assurance "all abbreviated day school meetings would be conducted in person at [the Middle School]."

20. A February 17, 2026, Meeting Request indicated a meeting on February 19, 2026, for "Abbreviated School Day Program Review" with the location listed as "Virtual." Those invited were the Parents, Student Services Coordinator 2, the Middle School Administrator, two special education teachers, Advocates 1 and 2, the Outside Case Manager, and the Attorney for the District. In a February 18, 2026, email, sent at 4:26 p.m. to the Attorney for the District, Parent #2 attached an "ADA accommodation letter" from their medical doctor. Parent #2 noted they "felt compelled" to disclose their disability after the District "took away" their ability to have meetings in-person.

21. In a February 18, 2026, email to Student Services Coordinator 2, one of the Parents asked if there were any virtual platforms "that would allow all of our IEP team members to participate in this meeting." Student Services Coordinator 2 replied the next day and provided the name of the platform the District used for virtual meetings. In an undated Abbreviated School Day - Notice to Parents, the District informed the Parents of its intent to "discuss the possibility" of the Student being placed on an abbreviated day during a meeting on February 19, 2026, to be held virtually.

22. On February 20, 2026, the Parents filed a complaint with ODE alleging violations related to parent participation and disability accommodations during IEP meetings.

22. The District scheduled IEP meetings on March 5, April 29, and May 14, 2026, virtually, citing the Communication Plan. The Parents agreed to the time and date of these meetings but disagreed with the District's decision to hold each meeting virtually pursuant to the February 6, 2026, Communication Plan.

23. On May 14, 2026, an IEP team convened to discuss Extended School Year (ESY) services. Evidence reviewed reflects audio-quality concerns during the virtual meeting and Parent #2's reports regarding difficulty hearing.

    a. The recorded meeting documents both staff and Parent #2 acknowledging static in the audio, with Parent #2 stating multiple times that it was difficult to hear portions of the discussion.
    b. The minutes from the May 14, 2026, IEP meeting reflect that Parent #2 informed the team prior to the meeting that static was present when using the cell phone, and this concern was reiterated during the meeting.
    c. The recording shows one staff member closed the computer in an attempt to reduce the static, though static continued to be audible and was acknowledged by staff during the meeting.
    d. During the meeting, Parent #2 stated that an in-person meeting had been requested but was not approved by the District, and they noted that they were recording the meeting.

23. Parent #2 reported difficulty hearing during multiple virtual meetings, including the May 14, 2026, IEP meeting, stating that they did not always know when questions were being asked.

24. During the July 1, 2026, staff interview, staff reported that Parent #2 participated in IEP meetings by phone, and closed captioning was not available in that format, or if it was visible, it was too difficult to read as reported to them by Parent #2. Staff indicated they provided Parent #2 with a recording of the meeting that included closed captions. Staff also stated that, following the May 14, 2026, IEP meeting, they met in person with Parent #2 and the Student to review the information discussed during the IEP meeting.

25. In the ODE Final Order in Complaint 26-054-025, 04/21/2026 the ODE found that the District's claim that virtual meetings were "necessary for safety" was unsupported, noting Parent #2 had attended in-person meetings "without incident." ODE further found that requiring Parents to attend virtually while District staff met in person "hindered the collaborative requirement of the IEP process," and ordered the District to revise the Communication Plan by May 22, 2026, to ensure the Parents could participate.

26. On April 22, 2026, the District sought clarification on the corrective action ordered by the Department. On April 23, 2026, the ODE issued an Amended Final Order. The Amended Final Order revised Corrective Action No. 3 to say "The District must revise the Communication Plan for the Parents to ensure that one or both of the Parents are present at each of the Student's IEP Team meetings or are afforded the opportunity to participate" by May 22, 2026.

27. The District acknowledged that it did not revise the Communication Plan by May 22, 2026, as required by ODE Amended Final Order in Complaint 26-054-025, 04/23/2026.

28. On May 22, 2026, the Parents filed this Complaint.

29. On June 2, 2026, the District conducted an evaluation of the communication plan that reflects the District's current communication structure, implemented for meetings related to the Student's education, has resulted in ongoing access concerns for Parent #2 and may benefit from reassessment.

    a. The Communication Plan establishes a virtual-only meeting format for IEP-related matters, and the record reflects this structure has been consistently implemented, with parent requests for in-person participation not incorporated during the review period.
    b. The information reviewed indicates that the virtual format has presented participation challenges for Parent #2 due to documented hearing-related limitations. Although the District implemented measures such as closed captioning and recordings, the record reflects continued difficulty with real-time comprehension and engagement.
    c. The Communication Plan cites staff safety concerns from a September 2025 interaction; however, the record also reflects subsequent in-person interactions, including a January 2026 meeting, which occurred without reported incident, suggesting an opportunity to reassess whether the current communication structure continues to align with the circumstances that originally informed its development.
    d. The final conclusion in the evaluation was that the Communication Plan would benefit from refinement to ensure a better balance of staff safety concerns while also providing a workable and effective opportunity for parent engagement moving forward, in light of potential accommodations needed for Parent #2.

30. The Parents' response states that the District's reliance on virtual IEP meetings has not supported meaningful participation for hearing-related limitations, and that the District has not adequately considered or implemented accommodations to address these concerns.

31. The Parents report concern in the response that the District has positioned itself as the arbiter of whether an individual is able to hear and fully participate during virtual IEP

meetings, noting that Parent #2 does not believe the District can accurately determine when Parent #2 is unable to hear or understand the proceedings. The Parent further states that the District dismissed medical documentation regarding a hearing-related disability.

32. The Parents' response states that the District's statements indicating Parent #2 had no difficulty hearing during virtual IEP meetings are inconsistent with the meeting recordings. Parent #2 reports repeatedly stating it was difficult to hear and understand discussions during multiple meetings, including the May 14, 2026, IEP meeting, during which Parent #2 did not know questions were being asked and was unable to engage in fluid conversation with the team.

33. Parent #2 states that virtual meetings, even with closed captioning, do not provide effective access as Parent #2 reports the need to rely on lip reading, which is not possible in virtual formats, and that closed captioning is often inaccurate or too fast to read. Parent #2 states that these limitations prevent real-time participation and hinder the ability to interject with questions or input and impede the ability to ensure the Student's educational needs are met.

34. The Parents' response states that the District's actions in the current complaint are inconsistent with ODE Amended Final Order in Complaint 26-054-025, 04/23/2025 and that the District has continued practices previously found to be noncompliant.

    a. The Parents report that the Amended Final Order found that the District did not offer to hold the February 19, 2026, IEP meeting at a mutually agreed-upon place and required the Parents and their advocates to attend virtually while District staff attended in person. The Parents emphasize that ODE substantiated all allegations in that complaint.
    b. The Parents assert that the District's justification for virtual-only meetings citing safety concerns is inconsistent with the findings in the Amended Final Order. The Parents note that ODE determined the District's claim that a virtual mandate was "necessary for safety" was unsupported, given Parent #2's appropriate attendance at subsequent in-person meetings, including the January 20, 2026, session. The Parents state that the District's continued unilateral scheduling of virtual meetings in the current complaint reflects the same practice previously found noncompliant.
    c. The Parents report that the Amended Final Order also found that the District's use of a virtual platform hindered the collaborative nature of the IEP process and prevented a parent-invited team member from participating. The Parents assert that the District has continued to disregard the requirements of the Amended Final Order, including corrective actions requiring the District to revise the Communication Plan to ensure one or both of the Parents could participate in IEP meetings in person or be afforded the opportunity to do so by May 22, 2026.

d. The Parents report that, despite the District's Human Resources statement acknowledging that Parent #2 experiences "ongoing difficulty with real-time comprehension and engagement" during virtual meetings, the District has continued to schedule IEP meetings virtually and has not attempted to schedule meetings at a mutually agreed-upon time and place. The Parents assert that this practice conflicts with the findings in the ODE Amended Final Order in Complaint 26-054-025, which determined that the District previously failed to offer an in-person meeting at a mutually agreed-upon location.
e. The Parents assert that the District has not taken "whatever action is necessary" to ensure Parent #2 can understand and meaningfully participate in IEP meetings, as required by OAR 581-015-2190. Parent #2 states that virtual meetings with closed captioning do not provide effective access due to hearing-related disability, and that the District's continued reliance on virtual formats denies the Student a Free Appropriate Public Education (FAPE) by limiting Parent #2's ability to participate.
f. The Parents report that the District has not revised the Communication Plan by May 22, 2026, as required by the corrective actions in the Amended Final Order. The Parents assert that the District's failure to amend the Communication Plan by the required deadline reflects noncompliance with the timeliness requirements established by ODE.

35. The District response states that Parent #2 requested that the meetings be held in-person, citing a disability related need and providing a doctor's note relating to their hearing disability. The District, acting in line with ODE Amended Final Order in Complaint 26-054-026, declined to hold the meeting in-person, and instead offered alternative reasonable accommodations to ensure the Parents were fully able to participate in the virtual meeting. These reasonable accommodations included use of closed captioning, regular check-ins throughout each meeting, and recording the meetings. Ultimately, with these alternative reasonable accommodations the Parents were able to participate in the meeting virtually

36. The District response states where a parent requires disability related accommodations to participate, the District must consider the requested accommodation; however, the District need not provide the exact accommodation requested by the parent and may instead provide alternative reasonable accommodations to ensure participation. See, e.g., ODE Final Order in Complaint 26-054-048 (finding that the school district did not violate the IDEA with regard to parent participation where the school district denied parent's request for an AI note taker accommodation and instead provided a reasonable alternative accommodation).

37. In the staff interview on July 1, 2026, staff reported that in one meeting in September 2025, Parent #2 became upset and raised voices were part of the meeting. The staff indicated the staff had met with the Parents following that meeting on multiple occasions. The staff indicated providing closed caption but recognized this was not

available to Parent #2 as they used their phone and it did not show up from what Parent #2 indicated. The staff offered Parent #2 a recording and an opportunity to review the information in person. The staff indicated there was not a threat of meeting Parent #2 to review information and discuss needs of the Student in person.

38. In the July 7, 2026, parent interview, Parent #2 acknowledged expressing frustration during the September 18, 2025, meeting by speaking loudly. Parent #2 stated that staff was not threatened and that the Parent(s) have never made threats in any IEP meeting. Parent #2 also identified concerns that:

    a. The Parent(s) reported that they have been required to file multiple complaints to secure appropriate educational services for the Student, and that these filings have resulted in approximately ten substantiated findings against the District.
    b. The Parent(s) have been able to attend the campus and meetings since the September 18, 2025, meeting and it was not until three days after a new complaint was filed that they were issued a virtual-only IEP meeting communication plan from the District.
    c. Since the communication plan was initiated, the Parent(s) have been able to attend on campus meetings and tutoring sessions with the Student and are only disallowed the opportunity to attend in person IEP meetings.
    d. Parent #2 reported that the District made no effort to implement the accommodations they requested, and that this lack of support caused ongoing barriers to their ability to meaningfully participate in the Student's IEP meetings.
    e. The Parent(s) stated the District has not tried to meet with Parent #2 to offer additional accommodations or support that would provide a meaningful participation opportunity.
    f. The Parent(s) stated the ODE order for the District to revise the communication plan has been violated as the District has made no changes to the communication plan.
    g. The Parent(s) stated the District's review on June 2, 2026, indicated the need for a revised communication plan, yet the plan has not been revised.
    h. The Parent(s) stated feeling the right to advocate for the Student has led to what is perceived to be retaliation on the part of the District.

IV. DISCUSSION

Parent Participation - Mutually Agreed Upon Time and Place

The Complaint alleges the District failed to schedule IEP meetings at a mutually agreed-upon time and place, asserting that the District required the meetings to be held virtually and that this format was not mutually agreed upon by the Parents.

IDEA requires school districts to ensure parents have the opportunity to participate in meetings regarding identification, evaluation, placement, and the provision of FAPE. Under 34 CFR § 300.322(a) and OAR 581-015-2195(1)(b), the District must:

- Notify parents early enough to ensure they can attend, and
- Schedule the meeting at a mutually agreed-upon time and place.

IDEA permits alternative means of participation, such as video conferencing, only if both the parent and the district agree. 34 CFR § 300.328.

The District must also take reasonable steps to ensure parent participation, including offering alternative dates, locations, or formats when necessary (OAR 581-015-2190).

The District reports that the meetings held on March 5, April 29, and May 14, 2026, were scheduled virtually pursuant to a Communication Plan on February 6, 2026. The District states that virtual meetings were necessary due to:

1. Safety concerns stemming from a September 2025 meeting where Parent #2 raised their voice and used "aggressive body language."
2. Logistical considerations, including staff located across multiple sites.
3. The District's belief that the Parents had previously participated in virtual meetings without difficulty.

The IDEA framework assumes that meaningful parent participation is not an abstract procedural requirement but a lived, practical experience. For the Parent(s), the ability to participate depended on being able to hear, follow, and engage with the IEP team in real time. The record shows that, throughout early 2026, Parent #2 repeatedly attempted to secure an in-person meeting format that would allow them to understand and contribute to decisions affecting the Student's education. The District, however, continued to schedule meetings virtually, relying on the Communication Plan that did not reflect Parent #2's documented disability-related needs.

The District's decision to require virtual meetings began on February 6, 2026, three days after ODE substantiated a prior complaint and five months after the September 2025 meeting the District cites as the basis for safety concerns. Until that point, Parent #2 had attended meetings in person, including an IEP meeting on January 20, 2026, which the Outside Case Manager described as calm and without incident. Parent #2 was also physically present on campus twice weekly for tutoring sessions between January and March 2026. These facts show that the District continued to allow in-person contact in multiple settings, even while asserting that in-person IEP meetings posed a safety risk.

The shift to virtual meetings created immediate barriers for Parent #2. On the same day the Communication Plan was issued, Parent #2 disclosed a hearing-related disability and explained that virtual meetings were not accessible requesting in-person attendance in order to

meaningfully participate. The District acknowledged receiving this information but did not alter the meeting format but did provide accommodations such as closed captioning and sharing of the recorded meetings.

From February through May 2026, the Parents consistently asked for in-person meetings. Their requests were grounded in both disability-related needs and the practical reality that virtual meetings were not working. Parent #2 reported difficulty hearing, difficulty following discussion, and an inability to lip read through video platforms. The May 14, 2026, meeting recording confirms these concerns: static was present throughout the meeting, staff acknowledged the audio problems, and Parent #2 stated multiple times that portions of the meeting could not be understood.

Despite these documented barriers, the District continued to schedule meetings virtually and did not attempt to negotiate an in-person location or an alternate accommodation that could prove meaningful to the Parent(s). The District did not propose alternative sites, hybrid options, staggered attendance, or any other method that would allow Parent #2 to participate in person. Instead, the District relied on closed captioning and recordings supports that Parent #2 had already explained were insufficient.

The District's stated reasons for virtual-only meetings, safety concerns and logistical convenience, are not supported by the record. Parent #2 attended an in-person meeting on January 20, 2026, without incident. The Parent(s) were also allowed on campus regularly for tutoring sessions, and under the Communication Plan were permitted to schedule in-person visits to the school in advance, demonstrating that the District continued to allow physical access to campus even while prohibiting in-person attendance at IEP meetings. Staff met with Parent #2 in person after the May 14 IEP meeting to review information. These facts directly contradict the District's claim that in-person IEP meetings posed a safety risk.

ODE determined in Amended Final Order 26-054-025 that the District's safety rationale was unsupported. Yet the District continued to rely on the same rationale and did not revise the Communication Plan by the May 22, 2026, corrective action deadline. As a result, the District continued enforcing a virtual-only requirement that ODE had found required revision.

IDEA requires districts to schedule IEP meetings at a mutually agreed-upon time and place. This obligation includes documenting attempts to reach agreement, proposing alternatives, and engaging in dialogue with parents. The record contains no evidence of attempts to negotiate location, no alternative proposals, and no documentation of efforts to reach mutual agreement. Instead, the District scheduled meetings virtually and maintained that format and the communication plan even after receiving medical documentation showing that virtual participation was not accessible.

The Amended Final Order did not authorize virtual-only meetings; it simply clarified that at least one parent or both parent(s) must be present at the IEP Meeting or afforded the opportunity to participate. That opportunity must be meaningful, accessible, and consistent with IDEA's

requirements. The District's June 2, 2026, evaluation of the Communication Plan identified ongoing access concerns for Parent #2 and concluded that the current structure "may benefit from reassessment." This internal finding further demonstrates that the District was aware the virtual-only format was not supporting meaningful participation yet continued to enforce it without revision. The District's continued reliance on this interpretation, combined with its failure to revise the Communication Plan with timeliness as ordered, further demonstrates that it did not meet its obligations under OAR 581-015-2195 and 34 CFR §300.322.

The Department substantiates this allegation.

Parent Participation - Accommodations for Meaningful Participation

The Complaint alleges the District failed to ensure the Parent's meaningful participation in the IEP process and failed to provide proper notice of IEP meetings.

Under 34 CFR §300.501(b) and OAR 581-015-2190(1), parents must be afforded the opportunity to participate in meetings regarding identification, evaluation, placement, and the provision of FAPE. Districts must:

- Provide proper notice of IEP meetings, and
- Take whatever action is necessary to ensure parents understand and can participate in the proceedings. OAR 581-015-2190(3).

Meaningful participation includes the ability to hear, understand, ask questions, and contribute to the development of the IEP. The District reports proper notice was provided for the March 5, April 29, and May 14, 2026, IEP meetings, and that the Parents attended each meeting. The District states:

- Notices for Team Meetings were issued in advance.
- The Parents were present at all meetings.
- The District used closed captioning, verbal check-ins, and meeting recordings to support participation.
- Parent #2 did not indicate during the meetings that it was difficult to participate.
- The District reported that Parent #2 had previously participated in virtual meetings without difficulty.

The District maintains that these steps satisfied its obligations under IDEA and OAR 581-015-2190.

The Parents report meaningful access to the IEP process was denied because:

- Parent #2 provided documentation of a hearing-related disability requiring in-person communication.
- Virtual meetings prevented Parent #2 from hearing and understanding the discussion.

- Closed captioning was inaccurate and too fast to follow.
- Parent #2 was unable to read lips through a virtual platform.
- Parent #2 reported difficulty hearing during multiple meetings, including the May 14, 2026, meeting.
- The District did not offer alternative accommodations or an in-person option.
- The District's Communication Plan restricted in-person attendance despite Parent #2 attending an in-person meeting on January 20, 2026, without incident.

Meaningful parent participation is a cornerstone of IDEA. It is not enough for a parent to simply be present at an IEP meeting; the parent must be able to understand the discussion, follow the conversation, and contribute to decisions about their Student's education. Parent #2's meaningful participation depended on being able to hear and process information in real time.

Parent #2 explained that virtual meetings were not accessible and that they required in-person communication to meaningfully participate. Parent #2's disclosure was supported by medical documentation. On February 13, 2026, Parent #2 provided a letter from a medical doctor stating that Parent #2's hearing loss "makes video or phone visits impossible… to get a complete understanding of the interactions" and requesting that the District "provide accommodation to allow [Parent #2] to attend any academic and IEP meetings in person."

The District acknowledged Parent #2's disability but maintained that virtual meetings were sufficient. The District stated that staff had not previously observed difficulty during virtual meetings and offered closed captioning as an accommodation. However, Parent #2 had explained that closed captioning was not an effective substitute for lip reading and did not allow them to follow the rapid, multi-speaker nature of IEP discussions.

The May 14, 2026, IEP meeting recording shows persistent static throughout the meeting. Staff acknowledged the audio problems, attempted to adjust equipment, and noted that Parent #2 was having difficulty hearing. Parent #2 stated multiple times that they could not hear portions of the discussion and did not always know when questions were being asked.
Staff attempted to mitigate the issue by providing a recording of the meeting with captions after the fact and by meeting in person with Parent #2 and the Student to discuss the IEP, but IDEA requires real-time access not delayed access through post-meeting recordings. Despite evidence that Parent #2 was unable to fully participate in the meeting, the District continued with the meeting in the current format and did not take additional steps to ensure that Parent #2 had the opportunity to either understand or meaningfully contribute to the development of the Student's IEP.

The Department substantiates this allegation[3]

[3] The Department does not make a determination regarding the reasonableness of the accommodations that were offered to the Parent, or any potential alternative accommodations, under the Americans with Disabilities Act (ADA) or Section 504 of the Rehabilitation Act of 1973. Those questions are outside the scope of the IDEA and this investigation.

V. CORRECTIVE ACTION[4]

In the Matter of McMinnville School District 40 Case No. 26-054-069

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

Action Required	**Submissions**	**As Soon As Possible But No Later Than Due Date**
The District must revise the Communication Plan for the Parents to ensure that one or both of the Parents are present at each of the Student's IEP Team meetings or are afforded the opportunity to participate. This includes allowing for the option of in-person IEP meetings.	The District shall submit to the ODE the following: Submit a revised communication plan.	**July 31, 2026**
The District must ensure that all District staff responsible for scheduling and facilitating IEP meetings receive training on the District's obligation to schedule IEP meetings at a mutually agreeable time and place and to ensure that parents understand and can participate in IEP meetings.	Training agenda/materials to ODE for review/approval. Sign-in sheet for training.	**October 1, 2026** **January 15, 2027**

Dated: this 21st Day of July 2026



Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing Date: July 21, 2026

[4] The Department's order shall include any necessary corrective action as well as documentation to ensure that the corrective action has been completed (OAR 581-015-2030(13)). The Department expects and requires the timely completion of corrective action and will verify that the corrective action has been completed as specified in any final order (OAR 581-015-2030(15)). The Department may initiate remedies against a party who refuses to voluntarily comply with a plan of correction (OAR 581-015-2030(17) & (18)).

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 581-015-203)