BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of Ashland School District 5	)	FINDINGS OF FACT, CONCLUSIONS, AND FINAL ORDER
	)	Case No. 26-054-081

I. BACKGROUND

On June 23, 2026, the Oregon Department of Education (Department) received a written request for a special education complaint investigation (Complaint) from the legal guardian (the Complainant) of a student (Student) residing in the Ashland School District 5 (District). The Complainant 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 Complainant 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 July 6, 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 July 20, 2026.

The District requested an extension and submitted a *Response* on July 27, 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, 06/27/26
2. Picture of Letters of Guardianship, 10/30/23
3. Individualized Education Program, 04/24/24, 04/17/26
4. Section 504 Documentation, 10/30/25
5. Attendance Report, 2025-26 School Year
6. Discipline Log, 08/27/25-05/22/26
7. Student Profile, 2025-26 School Year
8. Prior Notice about Evaluation/Consent for Evaluation, 01/22/26

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

9. Incidents Summary, 07/01/25-06/30/26
10. List Schedule, 2025-26 School Year
11. Emails between the parties, 08/23/25-05/21/26

The Complainant submitted additional documents on July 6, 2026. The Complainant submitted the following relevant items:

1. Section 504 Documentation, 10/30/25
2. IEP, 05/24/23, 04/17/26
3. Academic Assessment Report, 05/24/23
4. Case Notes, 01/04/26
5. Special Education Notice of Team Meeting, 03/31/26
6. Meeting Notes, 10/30/25
7. Statement of Eligibility for Special Education - Specific Learning Disability (90), 04/17/26
8. Psycho-Educational Evaluation, 04/09/26
9. High School Transcript, 04/09/26
10. Emails between the parties, 08/27/25-05/20/26

Additional materials reviewed:

1. District Student and Parent Handbook, 2025-26
2. District Board Policy JE - Attendance, 6/12/17
3. District Board Policy JEA - Compulsory Attendance, 01/10/22
4. General Education Teacher Written Response, 08/11/26
5. Special Education Teacher Written Response, 08/11/26

The Complaint Investigator interviewed the Complainant on July 30, 2026. On August 4, 2026, the Complaint Investigator interviewed District personnel, including the Assistant Principal, the Special Education Teacher, the School Counselor, and the School Registrar. The School Psychologist declined to be interviewed, and the Director of Student Services did not respond to the invitation to interview. 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 June 24, 2025, to the filing of this Complaint on June 23, 2026.

Allegations	Conclusions
Transfer Students/Comparable Services The Complainant alleged the District violated the IDEA by not requesting the Student's out-of-state records for months after their enrollment, which delayed the Student receiving comparable services. (OAR 581-015-2230(2); 34 CFR § 300.323(f)(g))	**Not Substantiated** The Student enrolled without an active IEP or disclosure of special education status, and the District promptly requested records, provided interim 504 supports, and initiated an evaluation upon receiving actual notice of the past out-of-state IEP.
Prior Written Notice (PWN) The Complainant alleged the District violated the IDEA by not providing the Complainant with PWN when significant educational decisions were made. (OAR 581-015-2310(2-4); 34 CFR § 300.503(a-b)(c)(1))	**Not Substantiated** The events cited were exploratory inquiries or informal matters appropriately routed to the upcoming collaborative IEP team process rather than unilateral District proposals or refusals that would trigger formal notice safeguards.
Eligibility The Complainant alleged the District violated the IDEA when eligibility processes were conducted without team discussion and eligibility determinations were made without considering all relevant information. (OAR 581-015-2120(1)(a)(2-6); 34 CFR § 300.306)	**Not Substantiated** A multidisciplinary team convened a collaborative meeting, carefully reviewed historical records alongside comprehensive new evaluations, and generated a legally compliant Statement of Eligibility signed by the Other Parent and the Student.
Content of the Individualized Education Program (IEP) The Complainant alleged the District violated the IDEA by not developing an IEP that met the Student's needs. (OAR 581-015-2200(1); 34 CFR § 300.320(a))	**Not Substantiated** The District developed a comprehensive IEP tailored directly to the Student's evaluated academic deficits, while the Complainant's requests for non-educational wraparound services and

Allegations	Conclusions
	truancy enforcement fell outside the District's statutory obligations.
When IEPs Must Be In Effect The Complainant alleged the District violated the IDEA by failing to implement the Student's IEP due to "repeated procedural disruptions and placement changes." (OAR 581-015-2220(1)(3); 34 CFR § 300.323(a)(d))	**Not Substantiated** The Student's schedule modifications occurred entirely within general education settings prior to the formal adoption of the Student's initial Oregon IEP, meaning no active special education plan was in effect at the time.
Confidentiality of Student Records The Complainant alleged the District violated the IDEA when the Student's protected information was disclosed "beyond what the family reasonably understood to be the scope of those involved in the [S]tudent['s] case." (OAR 581-015-2000(24), OAR 581-015-2300; 34 CFR §§ 300.623, 300.622(a-b))	**Not Substantiated** A teacher forwarded protected Student information containing grades and behavioral struggles to an external individual who lacked both parental consent and a legitimate educational interest. The disclosure took place, however, before the Student was eligible for special education in Oregon.
Evaluation The Complainant alleged the District violated the IDEA when academic assessments were not completed as part of a comprehensive evaluation. (OAR 581-015-2110(3-4), OAR 581-015-2115 (1)(a)(b)(A)(i)(B)(3-4); 34 CFR § 300.304)	**Not Substantiated** The District conducted a comprehensive evaluation by evaluating all suspected disabilities demonstrating educational impact and analyzing data from multiple sources despite the Student's chronic non-attendance and explicit reluctance to undergo testing.

Parent Participation The Complainant alleged the District violated the IDEA when communication issues negatively impacted the Complainant's participation. (OAR 581-015-2190(1); 34 CFR § 300.322(a))	**Not Substantiated** The District provided timely advance meeting notices, accommodated scheduling conflicts by offering virtual participation, consistently incorporated parental input, and honored the Complainant's specific communication preferences.
Free and Appropriate Public Education (FAPE) The Complaint alleged the District violated the IDEA when it denied the Student a FAPE as a result of the aforementioned allegations, and when the Student's academic performance remained stagnant. (OAR 581-015-2040(1); 34 CFR §§ 300.17, 300.101(a)(c))	**Not Substantiated** The District designed a compliant, individualized program of services and accommodations, and the Student's lack of academic progress was due to chronic absenteeism, rather than an inappropriate educational program.

REQUESTED CORRECTIVE ACTION

1. An independent records review.
2. A consistent point of contact for the coming year.
3. A collaborative, District-wide correction plan: a clearly defined, district-wide corrective action plan, built in collaboration with supportive agencies able to provide training, consultation, and implementation support as the District continues its organizational restructuring. Comprehensive compensatory education, whether hour-for-hour or qualitative, for periods during which comparable services, accommodations, or meaningful access to instruction were denied or substantially interrupted, including the period during which transfer records remained unrequested and periods during which accommodations existed on paper but were not functioning in practice.
4. An Independent Educational Evaluation (IEE) at public expense, conducted by a qualified provider selected in accordance with applicable law, to replace the April 17 evaluation, which omitted assessment of reading comprehension despite its relevance to the disability category under review and relied upon a behavioral history that later proved incomplete.
5. Removal from District-maintained educational and behavioral records of disciplinary actions imposed without manifestation determinations or without adequate consideration of disability-related factors, including the December 10 cease-and-desist, the January 5 in-school suspension and any behavioral or disciplinary records created

without manifestation determinations or adequate consideration of disability-related factors.

6. A Functional Behavioral Assessment conducted by an independent, appropriately credentialed provider, followed by development and implementation of a Behavior Intervention Plan addressing the behavioral and executive-function needs already documented in the record.
7. Reconvening of the IEP team before any return to instruction, with formal consideration of parent input already provided on October 30, January 14, and April 17, and with attendance and behavioral history considered within the context of documented disability-related needs.
8. Development of a single integrated educational chronology for the Student through independent review of records, integrating out-of-state records, existing family and tribal information already provided to the District, and behavioral information relevant to educational decision-making, thereby reducing the need for repeated disclosure of the same history to future personnel.

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 June 24, 2025. 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 tenth grader attending a high school in the District and is eligible for special education under the IDEA category of Specific Learning Disability (SLD). A Guardianship Letter, dated October 30, 2013, appointed the Complainant and the Other Parent as guardians for the Student.

2. The Student is "kind, respectful, social," and "wants to be successful in school."

3. An out-of-state IEP, dated April 24, 2024, outlined the following relevant information for the Student:
   a. The Student's last reevaluation was May 24, 2023 and their next reevaluation was due May 23, 2026.
   b. The Student's primary disability was listed as SLD.
   c. Parent input indicated, "[The Student] would like to be done with special services. [The Complainant] has seen a huge improvement in [the Student's] confidence."
      i. In an interview with the Complaint Investigator, the Complainant confirmed this sounded accurate, and when asked if they recalled having an annual IEP meeting around April 24, 2025 with any previous school, they said, "No, I don't remember anything much from that period."

d. It was noted that, "Current grades in all classes are Cs. [The Student] has met [their] reading goals. [The Student] can read grade-level content fluently. [The Student] is a much more confident reader and student in general." The Student read fifth and sixth grade-level passages, averaging 130 correct words per minute with 99% accuracy, and was able to answer comprehension questions with an average of 97% accuracy.
e. For social-emotional/behavioral, it was noted that the Student was "attention-seeking" and struggled with attention in class.
f. It was marked "no" that the Student's behavior impeded learning of themselves or others.
g. Goals for writing and assignment completion.
h. Accommodations: "Copy of teacher's notes as a graphic organizer, preferential seating, re-take failed assessments, [ability] to take tests in a separate setting, frequent checks for understanding, use of notes on tests/quizzes, and speech-to-text, as appropriate. Breaks, as needed."
i. Specialized Academic Instruction: 30 minutes twice weekly.
j. The IEP was signed by the Complainant on April 24, 2024.

4. An online enrollment portal notification from the School indicated that New Student Registration was submitted for the Student as a ninth grader from out-of-state, on August 22, 2025. The Student's registration listed the Previous Middle School as the "last school attended," and it was noted that the Student "Previously Received Services" under the IDEA.
   a. According to the District, the Student enrolled on August 22, 2025, entering general education after the Complainant indicated "Previously Received Services," rather than the option "Currently Receives Services," and initial records contained no IEP. Following emerging academic and executive functioning concerns, the District established a Section 504 plan on October 30, 2025. The Complainant reportedly participated in the October 30, 2025 Section 504 meeting but did not mention an out-of-state eligibility or IEP. Upon learning of an out-of-state IEP when the Complainant signed the Section 504 plan on December 19, 2025, the District requested special education records on January 14, 2026, following winter break. The District received special education records on January 20, 2026, and two days later, initiated an Oregon eligibility evaluation and concurrently placed the Student into a Study Skills special education class to ensure immediate interim support.

5. On August 27, 2025, emails were exchanged between the School Registrar and the Previous High School Registrar regarding the Student's records. The Previous High School Registrar noted they had requested the Student's cumulative file from the Previous Middle School but did not receive it. The Previous High School Registrar attached documents provided with the Student's enrollment and stated the Student only attended the Previous High School for seven days before moving.
   a. In an interview with the Complaint Investigator, the School Registrar said, upon the Student's enrollment, they noted the Student came from out-of-state and requested records from the school listed as the last school the Student had attended, which was the Previous High School. The Previous High School responded with basic records via email, including a birth certificate and immunization records, but no IEP.

b. The School Registrar stated that they requested records from the Previous Middle School in January 2026 when directed by the Assistant Principal. The School received the Student's previous IEP from the Previous Middle School on January 15, 2026 and received physical cumulative records from the Previous Middle School on January 20, 2026.

6. On October 3, 2025, a University Student Intern sent a mass email inviting parents to enroll their students in a 6-week Executive Functioning Skills Group at the School. The group was targeted at building essential high school skills, including organization, time management, flexible thinking, self-control, and task completion. The group would be led by the University Student Intern, a graduate student in a Mental Health Counseling Program, under the supervision of a licensed professional. The consent process operated as a reverse-consent (opt-out) model, requiring parents to return the form or email back only if they did not consent to their student's participation.

7. On October 17, 2025, the Spanish Teacher emailed the General Education Teacher and the School Counselor with an update on the Student. They said the Student had a "very hard time focusing and staying on task" and was missing "a lot of work." At the time, the Student was earning a 33% "F" grade in the class and was missing 12 assignments, 2 tests, and 1 project. They offered to discuss options for getting credit for the class, but noted, "There has been little to no effort placed upon learning Spanish and there is something clearly going on with [the Student] outside the class." They asked the School Counselor to let them know if they should move forward with a Student Support Team (SST) meeting. The School Counselor replied, "[The Student] has been on my radar for a while," and mentioned regular check-ins with the Student and the Student's participation in a weekly group session focused on executive functioning. They said, "My understanding is that there are some concerning issue[s] happening at home, so I want to get more information before holding an SST, but that is the plan right now."
   a. On October 17, 2025, the General Education Teacher forwarded the Spanish Teacher's aforementioned October 17, 2025 email outlining their concerns about the Student to the Education Service District (ESD) Project Manager. The ESD Project Manager was not an employee of the District, but shared the same last name as the General Education Teacher. The General Education Teacher wrote, "This is what I'm talking about." The ESD Project Manager responded, "Yep. So my question to you would be: Do you see the same or different behavior in your class? If it's the same, I wouldn't bother responding. If it's different, I would say, '[The Student] is participating appropriately in my class and turning in assignments." The forwarded email from the Spanish teacher included the Student's first and last name, their Spanish class grade, comments about the Student's in-class behavior, and a question about moving forward with an SST meeting.
   b. In a written response to questions from the Complaint Investigator, the General Education Teacher acknowledged that forwarding the email containing the Student's personally identifiable information to the ESD Project Manager was a "mistake," admitting the situation should have been described in general terms instead. This action stemmed from confusion regarding role boundaries and the expected response following the email from the Spanish Teacher, compounded by personal challenges. The General Education Teacher maintained that the email was forwarded solely to seek professional

academic advice on how to assist the Student effectively while managing workload capacity and clarifying the distinction between teacher and counselor roles.

8. On October 23, 2025, the Counseling Secretary emailed the Complainant to schedule an SST meeting for the Student, which would include the School Counselor, "Administrative staff members," and "some of [the Student's] teachers." The next available date was October 30, 2025. The Complainant confirmed via email that October 30, 2025 worked "great," and they would attend.

9. Meeting Notes, dated October 30, 2025, documented that the Complainant outlined the Student's educational and family history and described the Student's missing foundational academic skills, while teachers discussed classroom "challenges" and agreed to implement an in-class binder system and to prioritize partial-credit work over zeroes. Additionally, team members initiated a referral to the Health Clinic to address the Student's substance use, and the Youth Advocate would work with the Student to schedule weekly office hours. Specific classroom challenges were not noted.

10. On October 30, 2025, the Counseling Secretary emailed the Complainant, "Please find the attached 504 documents. If you can sign and return the 'Prior Notice and Consent to Evaluate' form, that would be great. I will be mailing you a copy of [the] final documents once I receive the signed consent form from you." The attached documents included a Parent/Students Rights in Identification, Evaluation, and Placement form and a Prior Notice and Consent to Evaluate Under Section 504, dated October 30, 2025. The Consent to Evaluate form indicated the District proposed to evaluate the Student using teacher evaluations and a review of educational data.
    a. On November 5, 2025 and December 4, 2025, the Counseling Secretary emailed the Complainant a reminder to sign the Consent to Evaluate Under Section 504 form and attached the form.
    b. On December 4, 2025, the Complainant sent the Consent to Evaluate Under Section 504 form, signed and dated December 4, 2025, back to the Counseling Secretary via email and apologized for the delay.
    c. Later, on December 4, 2025, the Counseling Secretary emailed the Complainant and said they also needed the Section 504 Student Accommodation Plan to be signed and returned, which was attached to the email.
    d. On December 19, 2025, the Counseling Secretary emailed the Complainant to remind them to sign and return the Section 504 Student Accommodation Plan. The Complainant replied via email the same day, "Here you go! Is this new from the last one I signed?" The Counseling Secretary replied, "Yes, the first one was a consent form."
    e. A Section 504 Eligibility Determination, dated October 30, 2025, outlined the following for the Student:
        i. The Complainant agreed to the eligibility.
        ii. Educational history: The Student spent all of their schooling out-of-state prior to enrolling in the School. The Student "mostly" attended Waldorf and charter schools in order to meet the Student's needs. It was noted the Student was "struggling in high school with academic expectations and grades."

iii. Evaluation information: “There is no evaluation currently available, but [the Student’s] history suggests trauma and some symptoms of [Attention Deficit Hyperactivity Disorder] ADHD which are apparent in [the Student’s] classes.”
iv. Current classes and grades:
(1) Integrated math: F (59%).
(2) English: F (26%).
(3) Spanish: F (36%).
(4) Academy: B (83%).
(5) Intro to Guitar: A (97%).
(6) Global Studies: F (40%).
(7) Science: F (44%).
(8) Intro to Manufacturing: F (49%).
v. Attendance: Year-to-date - 98% with one full-day absence.
vi. Other relevant information: The Student played on a sports team but was unable to play due to grades. It was noted the Student was “struggling with executive functioning, including work completion and turning it in, due dates, organization, and time management.”
vii. Physical or mental impairment: “[The Student’s] poor executive functioning and difficulty with focus are causing challenges for [the Student] academically. [The Student] is passing very few of [their] classes at this time.”
viii. Limited “major life activities”: Thinking, concentrating, and learning.
ix. The Student was found eligible for a Section 504 Plan.

f. Initial Section 504 Meeting Notes, dated October 30, 2025, documented the following relevant information:
i. “Parent described family history and school challenges as well as school history and missing foundational skills that are important to succeed academically.”
ii. “Teachers discussed challenges in class and all agreed that keeping a binder in the classroom for [the Student] would be better than [the Student] taking work home with [them] and possibly losing it. Teachers agreed that turning in work for some points rather than [zero] points is better.”

g. A Section 504 Student Accommodation Plan outlined the following for the Student:
i. Section 504 Eligibility Determination Date: October 30, 2025.
ii. Date of Initial Plan: October 30, 2025.
iii. Periodic Evaluation Due Date: October 29, 2028.
iv. Annual Review Date: October 26, 2026.
v. Accommodations in the educational setting:
(1) “[The Student] can keep a binder in each of [their] classes so [the Student] doesn't lose [their] school work.”
(2) “Frequent checks for understanding.”
(3) “Extended time as prearranged with teachers and deadline negotiated with teacher.”
(4) “Extended time on tests as negotiated with teacher.”
(5) “Take test in smaller setting as available.”
(6) “Access to breaks for 3 [to] 5 minutes at a time.”
(7) “Access to audiobooks.”

(8) "Use of time management strategies that allow for working for a certain period of time, then taking a short break before resuming work on assignments as negotiated with teacher."

vi. Educational placement: General education with accommodations.

vii. The document was agreed to and signed by the Complainant on December 19, 2025.

11. An undated letter from the School, prior to the November 24 and 25, 2025 conferences, indicated the Student had the following course grades:
    a. Math: 60%
    b. Spanish: 41%
    c. Intro to Guitar: 97%
    d. Science: 41%
    e. English: 25%
    f. Academy: 83%
    g. Global Studies: 47%
    h. Intro to Manufacturing: 45%

12. A December 11, 2025 mass email from the School Counselor, sent to select ninth-grade families, indicated that recipients had a ninth-grade student identified as "struggling" in Integrated Math 1. To support them, the School recommended enrolling in a second-semester elective, Fundamental Math, to build the foundational skills needed to retake Integrated Math 1 the next year. This enrollment would require a schedule change to replace their current math class and would count as an elective credit, rather than a math credit. The same day, the Complainant replied to this email, "I am happy for [the Student] to switch to this class."

13. On December 17, 2025, the Complainant emailed the School Counselor explaining that the family was new to the area and lacked visibility into the Student's local peer group, who the Student was "out with … all the time," since it was "not always safe for [the Student] with [their] [siblings], [because] they put a lot of pressure on [the Student]." The Complainant stated the Student needed "strong mentors that have eyes [on the Student]." The Complainant stated the Student was "resistant to therapy," but "starting with the school counselor level would be great." They also said the Student was "not being combative or resistant" with them, but the more support the Student could get "externally," the more the Complainant and the Other Parent could "maintain a supportive stance." The Complainant added, "I am fully onboard [*sic*] with [the Student] being removed from Spanish next semester."

14. On December 19, 2025, emails were exchanged among the Spanish Teacher, the School Counselor, and the Assistant Principal. The Spanish Teacher informed them the Student was failing Spanish 1 with a 44% due to multiple unexcused absences and missing assignments. Despite the Spanish Teacher implementing the agreed-upon classroom binder, the Student had not submitted any work, making it unlikely they would pass the semester or advance to the next level. The Spanish Teacher also noted the Student arrived to class visibly upset from a previous period and was overheard discussing taking their classes online. The School

Counselor acknowledged the update, briefly noting that the Student had "a lot of things going on" and would not be in the Spanish class during the second semester.

15. On December 23, 2025, the Science Teacher emailed the Complainant stating that with three weeks left in the semester, they were offering support to help raise the Student's current 25% grade. They recommended the Student use the upcoming break to complete missing work on the online learning platform. The Complainant replied the same day, saying they planned to review the online learning platform the following week and suggested setting up an early, in-person check-in next semester to catch any academic slips quickly. In response, the Science Teacher calculated that the Student could raise their grade to 56% (near passing) by completing two assignments. To ease the workload, the Science Teacher offered flexible accommodations, including scribing, voice memos, or post-break teacher support, to help the Student finish the work.

16. On January 4, 2026, the Science Teacher emailed the Student and told them that after the Student recently submitted assignments, their grade was at 60%, which was "passing." The Science Teacher said the Student could potentially raise their grade to a "C" for the semester if they did some extra work over the next couple of weeks.

17. In a January 5, 2026 email to the Complainant, the School Counselor agreed to meet with the Complainant to develop a behavioral and emotional support plan for the Student. The School Counselor recommended counseling, noting the Student previously failed to show up for multiple substance abuse support appointments, and emphasized, "Ultimately, it is up to [the Student] to accept the support offered … ." The School Counselor committed to checking in with the Student that morning to start the process.
    a. On January 5, 2026, the Complainant replied and explained that counseling was not an effective solution at the time because the Student was not yet ready to participate.
    b. On January 5, 2026, the Assistant Principal replied to the Complainant's email and offered to invite the Behavior Analyst to the upcoming meeting to discuss a potential Functional Behavior Assessment (FBA) or Behavior Intervention Plan (BIP).

18. In a January 7, 2026 email to the School Psychologist and the Behavior Analyst, the Counseling Secretary asked if both were available to attend the meeting scheduled for the Student on January 14, 2026. The School Psychologist responded that they could attend and asked for background information to proactively gather any relevant information for the meeting. The Behavior Analyst replied they were not available to attend, but asked if there were "significant behavior concerns," to have the teachers, the School Counselor, or the Assistant Principal contact them.

19. On January 9, 2026, the Counseling Secretary emailed the Complainant to schedule a meeting with the School Counselor and "some other staff members." The Counseling Secretary asked if the Complainant was available on January 14, 2026. The Complainant replied via email the same day, "Yes! That's great." The Counseling Secretary sent a follow-up email confirming the meeting on January 14, 2026 in the Counseling Office.

20. On January 14, 2026, the Assistant Principal emailed the School Registrar and said, "... we are just finding out that [the Student] previously had an IEP." They asked the School Registrar to contact the Charter Home Study Program and the Previous Middle School.
    a. On the same day, the School Registrar emailed the Previous Middle School, stating that they were looking for the Student's records. The Previous Middle School Office Director replied that they had the Student's records and would send them upon receiving a records request. The School Registrar asked, "Do you happen to have a copy of [the Student's] IEP that you could email ahead of the records?" The Previous Middle School Office Director replied, "I just pulled [the Student's] file and unfortunately there are no IEP records. … I will go ahead and get [the Student's] file sent [to] you."
        i. A Records Request, dated January 14, 2026, from the School to the Previous Middle School requested the Student's cumulative file, transcript, health information, psychological testing, discipline records, and any special education or Section 504 records. The Records Request indicated it was signed by the Complainant on August 22, 2025 and the School Registrar on January 14, 2026.
    b. Also on the same day, emails were exchanged between the Assistant Principal and the Previous Charter Home Study Academy Secretary regarding the Student's records. The emails showed the Student was enrolled at the Previous Charter Home Study Academy from August 7, 2024 through October 25, 2024. After that, they attended the Previous Middle School and Previous High School. They had no other records to share.

21. In a January 14, 2026 email to the Assistant Principal and the School Counselor, the Complainant stated they were including a copy of the Student's IEP that they had saved in their computer files. They said they also requested the Student's medical records from a health provider and would schedule an appointment with the Student's primary care provider for an Attention Deficit Disorder (ADD) / ADHD evaluation. The Complainant also noted that due to challenging domestic dynamics with siblings, the Student frequently avoided being home, choosing instead to spend time with friends. The Complainant stated, "... I really don't see [the Student] that much."
    a. The Complainant also wrote the following strengths and goals they identified for the Student:
        i. The Complainant wanted to identify a college program where the Student could successfully earn a degree in ornithology because the Student "loves birds."
        ii. The Student thrived in structured environments and aimed to participate on a sports team while maintaining academic eligibility.
        iii. The Complainant sought coordinated mentorship, tutoring, and coaching across home and school to support athletic participation, executive functioning, and accountability.
        iv. The Student preferred hands-on learning and had a strong interest in cars, with a goal of engaging in high school vocational training or early career readiness opportunities.
        v. The Student had practical farming experience from their previous home and sought involvement in animal-related projects or programs.
    b. The Complainant concluded their email stating, "Thank you again so much for your support. … I really appreciate your collaboration, willingness to meet in person, and really taking the time to understand what was happening as soon as I raised concern. It means the world to me."

c. The Complainant included an attached copy of an 11-page "bio-social-educational analysis of [the Student's] case in an [artificial intelligence] AI model" that they said they used for "case organization" and incorporated their "academic research." The document outlined family history, systemic interactions, sibling information, the Student's educational profile, tribal services coordination, and impacts and implications for the Student.
d. The IEP the Complainant attached to the email was an out-of-state IEP dated May 24, 2023.
e. The Complainant also included an out-of-state Academic Assessment Report dated May 24, 2023, which included the following relevant information:
    i. Results of standardized academic achievement assessments showed the Student's overall academic skills were in the average range. Their broad math scores were in the low average range, with applied math and calculation in the average range. The Student's broad reading scores were in the low average range, and their written language scores were in the average range.
    ii. Recommendations: "The results of this report show that [the Student] appears to have average academic skills."

22. On January 16, 2026, the Special Education Teacher requested that the Student be added to their caseload. They also said they were giving the Complainant a consent for evaluation that day or the beginning of the following week. In a copy of this email, the Complainant included handwritten notes stating the Student was moved into the Special Education Teacher's class for an "informal accommodation without fully discussing or giving [prior written notice] PWN." They also wrote, "[The School] [r]efused eligibility/services until 4/17 [2026] meeting – 3 months out of [general education] [without] protections."
    a. In an interview with the Complaint Investigator, the Complainant was asked to clarify their handwritten notes. According to the Complainant, following the January 14, 2026 meeting, the Student was assigned to the Special Education Teacher's classroom as a teaching assistant to undergo evaluation testing and receive informal reading and academic support outside the general education setting, but "wouldn't be in the class." This shift reportedly occurred alongside broader schedule changes, including removing the Student from Spanish and enrolling them in a foundational math class. The Complainant said the Student spent three months, from mid-January to April 17, 2026, in these modified classes without formal special education protections or an active IEP, resulting in the Student only earning two credits for the year and risking their high school graduation and tribal service eligibility.

23. In a January 20, 2026 email to the Assistant Principal, the Complainant stated, "I really need some help. I am very worried about [the Student]. I could use any help possible getting [the Student's] time structured. [The Student] is clearly in over [their] head socially and this is such a slippery slope." They said the Student was sharing "very dangerous situations" with them involving peers, although the Complainant did not specify if these were occurring in or out of school. The Complainant noted, "I think we have some easy corrections that can be made with [the Student] being more supervised[,] by being more involved." The Complainant asked

to be connected to resources and said, “We just don’t know anyone and this transition has been hard for [the Student]. I really need [the Student] to get back focused on school.”

24. On January 21, 2026, the Complainant emailed the College Advisor, who was also in charge of a community program the Complainant had seen listed on the School’s website. The Complainant inquired about the program and stated they were looking for tutoring and mentoring resources for the Student. The College Advisor replied to the Complainant, recommending they explore the School’s alternative education options for the 2026-27 school year and beyond, because the community program they had inquired about was unable to deliver comprehensive wraparound services and had been limited by budget cuts. The College Advisor suggested a collaborative meeting between the Complainant and the Alternative Education Coordinator to evaluate options. The Complainant and the College Advisor discussed possible meeting days and times.
    a. On February 25, 2026, the College Advisor forwarded their email exchange with the Complainant regarding alternative education programs to the Alternative Education Coordinator and asked them to reach out to the Complainant. The Complainant added, “I talked to [the Student] about the possible move last night and [the Student] was very interested in it. I will work on filling out an application today/tonight.”
    b. The same day, the Alternative Education Coordinator notified the Complainant that the alternative education program was full for the year, and that the program was “a privilege and a commitment.” They included the Alternative Education Social Contract for review and noted the Student would need to meet with the Alternative Education Coordinator in person and complete the application themselves. Then, if the Student met all criteria for acceptance, their application would enter the waiting pool to review for the 2026-27 school year.

25. A Prior Notice about Evaluation/Consent for Evaluation from the District, dated January 22, 2026, indicated the Student had been referred for an evaluation because they “previously qualified for IDEA in [another state] and came to Oregon with an expired IEP.” The proposal to evaluate was based on the previous out-of-state IEP, teacher feedback, and high school grades. It was also noted, “Academic performance [at] this school suggests that [the Student] is struggling with academics and behavior during unstructured times.” Consent to evaluate was requested because it was an initial evaluation to determine disability and need for special education. Additionally, the evaluation would include intelligence or personality testing. The listed assessments included an academic achievement assessment, a cognitive ability assessment, observation, and developmental history to be completed by the School Psychologist and the Special Education Teacher. The copy of the form received for this Investigation did not include a parent/guardian signature.

26. On January 22, 2026, the Special Education Teacher emailed the Complainant and notified them the “consent for evaluation” would be in the front office “at some point tomorrow.” They asked if the Complainant could come to the School and sign the form. The Complainant replied via email the same day, “Yes. No problem.”

27. In a January 30, 2026 email, the School Psychologist notified the Special Education Teacher that the Student transferred from out of state and needed an initial state eligibility. They planned to do the standardized cognitive assessments and an observation. The Special Education Teacher needed to administer the standardized academic assessments.

28. On February 5, 2026, the Special Education Teacher notified the Complainant that the Student was not in their class that day and had also been marked absent for the last three class meetings in their fourth-period math class.
    a. The Complainant replied via email to the Special Education Teacher the same day and said, "We are really worried. Is it possible to set up an attendance contract with [the Student]?" The Complainant also mentioned wanting a referral to counselors through the Health Clinic.
    b. The Special Education Teacher asked the Complainant, "Are you getting attendance calls when [the Student] is marked absent in a class? I wanted to make sure you are at least getting those, so you know what is happening with [their] attendance."
    c. The Complainant replied via email on February 6, 2026, saying, "Yes. We do get the automated messages, but they are not very reliable. Since the beginning of the year, we have texted [the Student] when we get them, and it's often proven that [the Student] is in class. As time has gone on, the stress of checking with [the Student] is more harmful than good. We get them almost daily[,] but we don't know what/when it's real. From the report card last semester, it is very clear that we get them more than [the Student] is actually not there."
        i. The Complainant also stated, "At this point we assume [the Student] is not at school more than [the Student] is, but we are playing a balancing game. Our home is VERY fragile[,] and we cannot be in conflict with the kids. [A]ll of our safety plans are built on harm reduction and relationship[-]focused. But, we are also using our life[-]or[-]death safety plans. I am often worried that we will get a call from emergency responders that [the Student] is either hurt or arrested. We have been trying to alert the school that [the Student] is in danger, but we have not made much progress in meetings at this point because [the Student] is such a nice kid. [The Student] still seems to be liked by teachers, so [the Student] knows [they] [are] getting away with way more than [the Student] should. I don't know how to address the attendance concerns more than we have."
            (1) In an interview with the Complaint Investigator, the Complainant was asked to clarify their comments about assuming the Student was not at school more than they were. The Complainant said, "Well, we don't know. The whole year we would get attendance calls. We have no idea at all when [the Student] was at school or when [the Student] wasn't at school. In the beginning of the year, it was extremely confusing. We would get these attendance calls. [The Student] would confirm [they] [were] at school. We would ignore it. By the end of the first semester, I assumed [the Student] was not at school all the time, but then I think [the Student] only had nine absences the first semester, so [the Student] must have been there way more than I thought. And then the second semester, we knew [the Student] wasn't going. We knew [the Student] was scared, and we couldn't get a straight

answer from the school about when [the Student] was there and when [the Student] wasn't."

29. On February 6, 2026, the School Counselor emailed the Complainant to confirm they had made a referral to the Health Clinic and requested that the Health Clinic notify the School Counselor of any scheduled appointments to ensure the Student's attendance.

30. On March 6, 2026, the Special Education Teacher emailed the Complainant to ask whether they were available for an eligibility and IEP meeting on April 17, 2026. The Complainant replied, "I am no longer available during business hours to be in person. I might be able to meet [virtually]." The Special Education Teacher responded that they needed a parent present at the meeting to "sign consent," but virtual attendance would "work too." They also noted their contract time ended at 4:00 p.m. and they needed teachers and evaluators to be able to attend the meeting. The Special Education Teacher said, "We could possibly meet in the morning, but that makes the timeline tight. Let me know a good time for you." The Complainant responded on March 10, 2026, stating they could attend virtually and that the Other Parent could attend in person and sign.

31. March 7, 2026 notes the Complainant wrote for themselves indicated the School team decided to "move forward with an [I]EP evaluation." Additionally, they noted the School Counselor "focused on how well all of [the Student's] teachers liked [the Student]" and "downplayed behavioral problems" by saying they did not see behavioral problems in class, only during unstructured time. The Complainant wrote, "I asked them to enforce more supervision." They also noted the School Counselor mentioned a teacher had expressed reading concerns for the Student, yet the Complainant noted they mentioned reading "challenges" in October [2025].
    a. Additional notes recorded that on the day of a "restorative conversation" to occur between the Student and another student, the School Counselor called the Complainant and asked if they knew where the Student was because they were not at the School and had not attended the meeting. The Complainant noted they told the School Counselor they did not know where the Student was, and the Student "struggled with confrontation and would avoid if [they] could." The Complainant noted they then called the Student, who reported they were at School. When the Complainant told the Student they had spoken to the School Counselor who reported the Student was not at School, the Student reportedly said they had "returned to class." The Complainant added, "... I also told [the School Counselor] how impossible it was for us to enforce any rules that come from [the Student's] time at school."
    b. The Complainant also noted they asked for a team meeting to address the "rising tension," and address several off-campus incidents involving District students and families.

32. In a March 11, 2026 email to the Special Education Teacher, the Assistant Principal, and the School Counselor, the Complainant asked for a copy of the Student's "complete educational record," including disciplinary actions. They also asked for any reports involving the Student

that led to contact with the School Resource Officer (SRO) and documentation of the School's response for each documented incident.

33. On March 18, 2026, the Complainant emailed the Assistant Principal, the School Counselor, the SRO, and the Special Education Teacher. The Complainant said, "A reminder that the school district is the only outside eyes we have on our children. So far we feel major confusion and worry over supervision and communication. Another reminder that we are not legal parents. We have guardianship. Should the kids need higher levels of care due to deterioration, there is a lengthy process of systems to navigate."
    a. The same day, the Special Education Teacher replied via email to the Complainant saying, "I just checked [the Student's] attendance[.] [The Student] is currently not in class. What communication/supervision expectations do you have for us as a school?" They said they would call the Complainant "shortly."
    b. The Complainant responded via email, "I have no idea when my child is in class and when [they] [aren't]. The only offers I have gotten is that [the District] has an automated system that I have reported is also overwhelming because it gives false information. I have asked for communication SEVERAL times. I have asked [for] additional supervision when I requested contact with teachers … . I have asked for behavior contracts around attendance. I have asked for extra monitoring between classes and at lunch. I have asked for help setting up activities. [The Student] has a 504. There has been NO communication around how the accommodations have been applied."
        i. The Complainant continued, "All of this traces back to [the Student's] (history of [Post Traumatic Stress Disorder] PTSD from witnessing and being directly threatened by adults) REPORTING to the SRO being THREATENED by an adult. Which led to a cease and desist being the only intervention, despite the fact that [the Student] cannot read nor comprehend legal consequences when under stressed [*sic*]. … We at that time outlined concerns about [the Student's] disability being a factor. All of this has been ignored."
    c. Later the same day, the Assistant Principal replied to the Complainant stating, "We have been in ongoing communication with you and have facilitated multiple conversations involving teachers, support staff, and administration with the goal of providing transparency and responsiveness. You've also shared that certain communication methods sometimes feel overwhelming or contradictory. We want to communicate in a way that is supportive and effective for you, so clarification about your preferred format or frequency of updates would be helpful." The Assistant Principal confirmed the Student's Section 504 plan was active, an IEP evaluation was underway, and the Student had been placed in a classroom with more structured support. They said, "If you have concerns about how specific accommodations are being implemented, or feel certain supports are not being applied as intended, please let us know so we can address those."
        i. The Assistant Principal continued, "You have also requested additional supervision between classes, during lunch, and throughout the day. At the same time, we understand that interactions with multiple adults as you have communicated[,] feel overwhelming for [the Student]. We are working to find a balance that supports [the Student's] safety while honoring [their] emotional needs. One-to-one supervision throughout the day can only be assigned when supported by evaluation data and

included in a formal plan, but we are committed to exploring appropriate supervision strategies within those guidelines." The Assistant Principal proposed a follow-up meeting to align on communication preferences and the Student's supports and asked the Complainant to share their availability for a meeting.

d. On March 19, 2026, the Assistant Principal emailed the Complainant and said, "I'm happy to reply to your questions via email or give you a phone call[.] [L]et me know which you prefer[.]"
e. The Complainant replied to the Assistant Principal on March 30, 2026 and said, "Due to the severity of the ongoing crisis and the district's history of undocumented or mischaracterized verbal conversations, our family is no longer participating in phone calls regarding [the Student's] educational or safety planning. All communication must be in writing. Furthermore, please consider this a formal request under IDEA for [PWN]. I requested specific attendance tracking, safety monitoring, and a behavioral contract to protect [the Student] from a known flight/grooming risk during school hours. Please provide the district's formal acceptance or refusal of these safety accommodations, and the data used to make your determination, in writing within 48 hours. If the district is refusing to implement a safety plan for a student with documented [Fetal Alcohol Spectrum Disorder] FASD who is actively being targeted by an adult predator, I need that refusal documented on the official PWN form."
f. The same day, the Assistant Principal replied to the Complainant's email, "I'm including our director of student services on this email." They sent a follow-up email saying, "We will be replying later to all you have expressed in your email … . In the meantime I will continue to communicate with you about attendance via email now since you do not trust the robot-called [*sic*]. The Student missed [their] first block (5th period), but is currently in class with an unexcused tardy for second block (6th period)."
g. On March 31, 2026, the Director of Student Services emailed the Complainant introducing themselves, and said, "Regarding your request for attendance tracking, safety monitoring, and a behavioral contract, we would be happy to convene a 504 team meeting to discuss these potential supports and how they might be implemented on campus. We do not add supports to a student's plan without a team meeting, as the development of such plans requires input from the full team, of which you are a critical member. Please let us know your availability, and we will work to schedule a meeting at a mutually convenient time."
h. On April 9, 2026, the Director of Student Services emailed the Complainant and said, "I wanted to reach out to you once more to see if you are able to schedule a meeting with the 504 team to discuss the concerns you have indicated … . Please let me know if you are still interested in moving forward."
i. The same day, the Complainant replied to the Director of Student Services saying, "I am very hesitant to meet again. The meetings have seemed to have been used to calm emotions with no results. These are all issues and/or intervention ideas. I have been asking for the exact same things all year. Everything in this thread is something we have discussed prior in person. I am not bringing up anything new. I am asking for follow[-]up on the 10/30 [2025] and 1/14 [2026] meetings." They noted the Student had been pulled for assessments that week and said, "In my last email I asked for nothing to progress until the concerns I have brought have been addressed. I am extremely worried that none of the meetings have been recorded accurately. … I really do not want to make any decisions

until I have reviewed the full record. I am hoping this will be made available to me by tomorrow. My initial request was sent 3/11 [2026]."

j. On April 13, 2026, the Director of Student Services emailed the Complainant and stated, "I understand your hesitation for another meeting." They asked if the Complainant would be attending the April 17, 2026 meeting and said, "If so, please reach out to me after the meeting if you are still having questions/concerns." The Complainant replied asking for confirmation of the meeting time, agenda, and who would be in attendance. They also asked if they could record the meeting and if they needed to notify the District ahead of time if they were bringing support people. The Director of Student Services responded with an attachment of the meeting notice and said it would be helpful to know if the Complainant was bringing support people. They said, "We do not permit recording of [the] meeting." The agenda included reviewing the eligibility and then possibly developing an IEP if there was time.
k. The same day, the Complainant replied asking, "Can you confirm whether or not a PWN is going to be issued? First for the services discussed at the last two meeting[s]. And second explaining the district's refusal/failure to implement [the Student's] active IEP on admission, and the decision to use the 504 plan instead."
l. In an April 16, 2026 email, the Director of Student Services thanked the Complainant for their patience with their response as they were "digging in to" the Complainant's request and "trying to get caught up on what [had] occurred." The Complainant replied and said, "Going through this file has been extremely distressing. I have many concerns with what was included, and there seems to be key things missing. What is the best way to address these concerns with the district?" They said they did not believe the meeting the next day was the "right place" to do that and they did not want to delay the process further. They also said the Student and the Other Parent would attend the meeting, but the Complainant was "not sure" they could bring themselves to attend. They said, "Reading through the constant lack of response to serious concerns, and then to have the evaluation say, 'no parent input' was utterly insulting. If I can calm down enough to attend meaningfully, I will be there."
m. On April 17, 2026, the Director of Student Services replied to the Complainant's email saying they agreed with the Complainant's thoughts. They said, "I would also like to ensure we get the eligibility and IEP set in place this afternoon and then we can follow up on concerns." They asked if the Complainant could connect with them the following Monday either in person or virtually. The Complainant said they could meet that Monday at noon, and the Director of Student Services confirmed the noon meeting time on Monday and asked if the Complainant preferred a phone call or virtual meeting. The Complainant said a phone call was fine.
n. In an interview with the Complaint Investigator, the Complainant was asked to clarify what they meant by certain phrases in their emails and describe their expected response from the District. They shared the following:
    i. The Complainant explained what they meant by "flight/grooming risk." They said that following the loss of sports eligibility, the Student began socializing with older, "struggling" peers who matched the Student's developmental profile. These older acquaintances allegedly kept the Student away from campus during school hours because they were all together and the Student "wouldn't leave because [their]

friends are important to [them].” The Complainant said that the “grooming risk” referred to older peers “providing [the Student] drugs,” and in their opinion, teaching the Student how to sell drugs, and “steal things on the street to make money.” The Complaint stated, “And that was a far more fun and bigger reward for [the Student] than going to school and failing. And so that was what we were battling.”

(1) The Complainant reported that the District refused to enforce attendance to help counter these risks. The Complainant said they and the Other Parent discussed offering incentives or consequences for attendance with the Assistant Principal and the SRO, but “they just do not do attendance contracts and they won’t go find them. And so [the Student] would be out until all hours of the night or not come home.”

ii. Regarding their statement about the family “no longer participating in phone calls,” the Complainant explained, “So there were so many conversations that we had that were really large conversations that didn’t result in any change of action or anything written that stated that it happened.” The Complainant specified an incident where the Other Parent turned in drugs and weapons found in the Student’s room to the School’s SRO but did not receive any documentation from the District about it. The Complainant also mentioned a “communication plan” developed in December 2025 to support the Student’s “social conflict,” but there was “no documentation,” and “nothing would happen,” so the Complainant “just didn’t want to do the phone calls anymore.”

iii. Regarding their guardianship situation, the Complainant said they and the Other Parent held legal guardianship under the Indian Child Welfare Act (ICWA) without standard state funding, assigned social workers, or foster system oversight, making formal crisis interventions, such as hospitalizations or law enforcement, “a really intense process.”

iv. The Complainant said they relied on the District as a “partner in supervision” during school hours to ensure continuous oversight alongside home supervision in the evening. They said, “... if [the Student] [is] arrested or hurt or hospitalized in any way during school hours, it’s a very intense paperwork process to figure out how to keep [the Student] safe after that. And so if we don’t have supervision during the day at school, then we’re constantly worried about that, and it’s not good.”

v. The Complainant intended for the emails to prompt clear, agreed-upon procedures regarding daytime supervision duties, accurate attendance tracking, and actionable steps when the Student was absent during school hours.

34. On March 30, 2026, the Complainant emailed the Special Education Teacher, the School Counselor, and the Assistant Principal: “I am writing to formally object to the district’s characterization of the upcoming April 17[,] [2026] meeting as an ‘eligibility determination.’ [The Student] enrolled in August [2025] with an active out-of-state IEP.” The Complainant also stated, “... the district was required to provide comparable services immediately, not strip [their] behavioral protections via a 504 downgrade through the October 30[,] [2025] meeting, which was signed on December 19[,] [2025], delaying eligibility for eight months. In order to meaningfully participate in the April 17[,] [2026] meeting, I must have the complete educational file I previously requested. … Please confirm that the complete, unredacted

educational record (including all internal staff emails regarding [the Student], behavioral logs, and attendance tracking) will be provided to me no later than April 10[,] [2026] … .” The Complainant noted if they did not receive the records, the April 17, 2026 meeting “must be rescheduled, and the delay will be noted as a further denial of [a] FAPE.”

a. On March 31, 2026, the Assistant Principal added the Director of Student Services to the email thread. On April 1, 2026, the Director of Student Services explained via email, “When a student enrolls with an eligibility from out of state, we must establish Oregon eligibility. This requires us to conduct initial evaluations and then hold an eligibility determination meeting.” They stated that in regard to the “timeline delay” mentioned by the Complainant, they were interested in discussing that further. The Director of Student Services also said they would start working on the Complainant’s records request, but they were not sure if all of the requested information would be available by April 10, 2026. They also asked if the Complainant wanted the information emailed or mailed to their home.
b. The Complainant replied the same day, asking the Director of Student Services if they were “confident” the District was “in the right.” The Complainant also said, “As I review the procedural safeguards you attached, I am identifying what appear to be multiple significant breaches … throughout this school year. … I would like to understand the district’s position on all of the concerns and questions we have brought, that have not produced results, before we proceed further.”

35. A Special Education Notice of Team Meeting, dated March 31, 2026, indicated a meeting was scheduled for April 17, 2026 to determine the Student’s eligibility and develop an IEP.

36. On March 31, 2026, the Assistant Principal emailed the Complainant and notified them they saw the Student on campus that morning and the Student attended their weights class but was not in their English class. They said, “I just wanted to update you at your request.”

37. In an April 8, 2026 email to the Director of Student Services, the Complainant stated the Student had completed an intake through the County Mental Health “crisis department” due to the “severity of symptoms” they were seeing “as a response to [the Student’s] experiences at [the District].” The Complainant said, “It also seems that [the District] failed to address issues as they rose and now the burden of care has been transferred to the county. My [child] is not receiving mental health services, and [the Student] is being processed [through] the criminal system, due to the fact that their [IEP] [was] not honored when moving from [out of state]. Meaning their developmental and educational needs remained unmet until deterioration caused enough harm to reach out to other services.”
    a. In this same email, the Complainant also wrote, “I am revoking my consent to evaluation.” They added, “From my understanding, [the Student] was pulled out of class to do testing yesterday. I understand that [the Student] said [they] did not want to go. This means that despite the fact that I provided signatures in January [2026], and have asked repeatedly for the information that will be used to make the ‘eligibility determination’ in a week, [the District] has waited until the last minute to assess the child involved. Against [their] will. Without talking with parents … . ”

i. In an interview with the Complaint Investigator, the Complainant explained that by saying "I am revoking my consent to evaluation," they meant they "did not want anyone at that time to write a diagnosis or anything. [The Complainant] did not want a permanent record from that institution to be written about [the Student]." The Complainant did not believe the District "ever did respond."

38. A Psycho-Educational Evaluation report from the District, dated April 9, 2026 and completed by the School Psychologist, outlined the following for the Student:
    a. It was noted the District was "made aware" of the Student's out-of-state IEP in January 2026 and "records were requested and sent that day."
    b. The Student's attendance rate was 79% with 28 absences.
    c. Based on standardized cognitive assessments conducted on February 2, 2026, the Student's results indicated overall cognitive abilities in the average range, with a "distinct pattern of strengths and weaknesses." The Student demonstrated strengths in Fluid Reasoning, Working Memory, and Visual Spatial Reasoning. Verbal Comprehension "fell in the low end of the [a]verage range." Processing Speed was in the "[v]ery [l]ow" range, which suggested "difficulty with tasks requiring rapid visual scanning ability, written output, and efficient completion of work." Overall, the Student's profile suggested "adequate reasoning ability, with academic challenges most likely related to reduced efficiency and speed of output rather than conceptual understanding."
    d. Standardized academic assessments were conducted by the Special Education Teacher and the School Psychologist "across multiple sessions," however, "frequent absences made completion of the assessment difficult, resulting in requiring several testing sessions over multiple days to complete." Available results indicated "generally average academic skills with a relative weakness in written language." The Student's word reading skills "fell in the average range." Math problem-solving was also in the average range. In contrast, spelling was in the low average range, with difficulty demonstrated in written language conventions. On a given writing prompt, the Student included basic structural elements, however, their writing lacked supporting details, transitions, clear paragraph structure, and a complete conclusion. Overall, the Student demonstrated "age-appropriate reading and math skills, with relative weaknesses in written expression, particularly in spelling, organization, and development of ideas."

39. On April 16, 2026, the Special Education Teacher emailed the Complainant, stating they were looking forward to the meeting the next day to review the results of the Student's evaluation and "possibly collaborating" on an IEP. The Special Education Teacher asked if the Complainant was attending in person, but also included a virtual meeting link.

40. A Statement of Eligibility for Special Education for SLD, dated April 17, 2026, indicated the Pattern of Strengths and Weaknesses was used as the primary model used for the evaluation. The statement included the following relevant information:
    a. The School Psychologist conducted the following:
        i. A review of existing information from a variety of sources on April 9, 2026.
        ii. An observation of the Student's academic performance and behavior in the regular classroom setting on January 29, 2026.

iii. Standardized cognitive assessment on February 6, 2026.

b. Academic assessment was conducted by the Special Education Teacher on April 9, 2026.
c. Progress monitoring data was provided on April 9, 2026.
d. It was determined that a developmental history was "[n]ot needed for this evaluation."
e. Other assessments to determine the impact of the suspected disability were "[n]ot needed for this evaluation."
f. It was determined the Student did not achieve adequately for the Student's age or to meet State grade-level standards in the area of written expression.
g. The Student exhibited a pattern of strengths and weaknesses in performance, achievement, or both.
h. The team determined the Student qualified for special education with the eligibility of SLD in the area of written expression.
i. The form was signed by the Other Parent, the Student, and various School and District staff.

41. An IEP, dated April 17, 2026, outlined the following for the Student:
    a. The Student and the Other Parent were marked as attending in person. The Complainant was marked "unable to attend."
    b. The Special Education Teacher, the General Education Teacher, the School Psychologist, the Assistant Principal, and the School Counselor were all listed as attending in person. The Director of Student Services was listed as attending via video conference.
    c. The Complainant's handwritten notes on the IEP's cover page said, "Told [the Other Parent] they were 'giving us' the IEP even though they did not feel like [the Student] actually qualified."
        i. In an interview with the Complaint Investigator, the Complainant explained they did not attend the eligibility meeting and deferred to the Student, who attended the eligibility meeting and was also present for the Complainant's interview with the Complaint Investigator. The Student explained, "I didn't feel like it was correct. I didn't feel like I was getting the help that I needed. [I] feel like I was supposed to get something else from it besides just check boxes." The Complainant added, "And [the School Counselor] kept implying that you didn't have a disability?" The Student replied, "Yeah."
    d. Parent input: "[The Other Parent] is concerned about [the Student's] reading skills and attendance."
    e. Attendance: Area of concern. The Student's attendance rate was 77%. It was noted that their attendance in the first semester was "better," with nine days missed, but remained within the State's 92% attendance requirement. The Student reportedly missed 23 days of school in the second semester. It was noted, "[The Student] perceives that conflict among friend groups is a reason for not being able to get to class."
    f. Social-Emotional/Behavior was listed as "not an area of concern."
    g. Written goal: "By the end of the IEP cycle, given a grade-level writing prompt and a graphic organizer, [the Student] will compose a 5-paragraph persuasive essay that includes":
        i. "A clear, arguable thesis statement in the introductory paragraph."

ii. "Two or more pieces of relevant evidence (quotes or data) per body paragraph to support the claim."
iii. "A standard organizational structure (Introduction, 3 Body Paragraphs, Conclusion)."
iv. "Achieving a score of 4 [out of] 5 or better on a teacher-created writing rubric across 3 out of 4 consecutive trials, as measured by teacher observation and work samples."

h. Reading goal: "By the end of the IEP cycle, when given a grade-level informational or literary text, [the Student] will be able to identify the central idea (or theme) and provide at least three supporting details from the text to explain how that idea is developed with 80% accuracy across five consecutive trials as measured by teacher-made assessments and work samples."
i. Study skills goal: "By the end of the IEP cycle, given a digital or paper tracking system and weekly teacher check-ins, [the Student] will independently record all daily assignments and their respective due dates in 4 out of 5 opportunities as measured by a weekly review of their planner and teacher data."
j. Specially Designed Instruction (SDI) in the Resource Room, provided by the Special Education Teacher, from April 18, 2026 through April 16, 2027, in the following areas:
   i. Reading for 90 minutes monthly.
   ii. Written language for 90 minutes monthly.
   iii. Study skills for 90 minutes monthly.
k. Accommodations provided from April 18, 2026 through April 16, 2027 by the General Education Teacher:
   i. Break large projects into shorter goals as needed in the general education classroom.
   ii. Extra time for completion for 30 minutes daily in the general education classroom.
   iii. Written and visual instructions for 15 minutes daily in all school sites.
   iv. Graphic organizers for writing tasks.
   v. Frequent check-ins from the teacher to the Student.
   vi. Planning/assignment book check.
l. Accommodations provided from April 18, 2026 through April 16, 2027 by the Special Education Teacher:
   i. Access to the Resource Room for 100 minutes weekly in all school sites.
   ii. Electronic books daily on request in the general education classroom.
   iii. Notes on tests or quizzes.
   iv. Reduced amount of work for math, English language arts (ELA), social studies, and science.
   v. Preferential seating in all class periods away from distractions.
   vi. Text-to-speech/Speech-to-text in all class periods.
   vii. Testing accommodations in all class periods, as needed.
m. Consultation to teaching staff for 60 minutes yearly, provided by the Case Manager.
n. Nonparticipation justification: The Student was removed for one out of eight periods for SDI in reading and written language. "Evaluation … demonstrates that [the Student] has concerns with reading fluency, writing structure, and processing speed, which contribute to [their] below grade level reading levels."

42. A Prior Notice and Consent for Initial Provision of Special Education Services, dated April 17, 2026, documented the Student was found eligible to receive special education services via a

pattern of strengths and weaknesses. The decision was based on cognitive testing, file review, academic testing, teacher feedback, grades, attendance, and an out-of-state IEP. It was noted, "[The Student] had an expired IEP in [another state] with an eligibility that had recently expired when the district was notified that [the Student] had an IEP in [another state] and it was expired. The school-based team decided to evaluate [the Student] for [SLD], which was [their] previous eligibility in [another state]." The team also considered evaluating the Student for Other Health Impairment (OHI).

43. In an April 18, 2026 email to the Director of Student Services, the Complainant asked, "Does [the School] have possession of [the Student's] cum[ulative] file from [the Previous Middle School]? And if so, when was it received?" The Director of Student Services replied on April 22, 2026, "It looks like the school received those files on 1/20/26."

44. On April 28, 2026, the Science Teacher emailed the Complainant and shared that while the Student was respectful and worked well with peers, their Environmental Science grade was at 35% due to multiple missing assignments. To support the Student's learning, the Science Teacher and the Student agreed the Student could submit voice memos for their assigned articles instead of writing them down. All assignments could be accessed digitally via the online learning platform or as hard copies in the classroom file area. With six weeks left in the semester, the Science Teacher urged the Complainant to check the online grading portal regularly and encouraged the Student to turn in their missing work as soon as possible.
    a. On April 29, 2026, the Complainant forwarded the Science Teacher's email to the Director of Student Services and requested an in-person meeting with the Director of Student Services to address the Student's significant volume of makeup work in Environmental Science, noting the School had failed to implement the classroom binder agreed upon in the Student's Section 504 plan. The Complainant shared that the Student was often too "afraid" to attend the School and explained that they struggled to track the Student's progress on digital platforms, such as the online grading portal. Additionally, the Complainant requested that a collaborative support plan be established for the Student before the Other Parent left for a trip on May 8, 2026. During that time, the Complainant would be the Student's sole caregiver, and they had less availability than the Other Parent.

45. On April 29, 2026, the Complainant emailed the Director of Student Services and the Assistant Principal and said they were contacted by police regarding the Student's suspected involvement in a theft. The Complainant expressed frustration over the School's handling and documentation of the Student's behavior. They noted that while a criminal paper trail was forming with the police, the School had failed to document the Student's disciplinary history or create the referrals needed to leverage academic and behavioral support. The Complainant sought an explanation for why the School's official records did not align with the information provided in meetings and phone calls. The Complainant emphasized that they had warned the School about negative peer pressure since October 2025, as the Student had "zero behavioral challenges" before moving to the School from out of state. Finally, the Complainant mentioned the Student's IEP documents omitted any mention of their

interactions with law enforcement or school administration. They asked for advice as soon as possible.

a. The same day, the SRO replied to the Complainant's email and explained the police contact regarding the suspected theft. They also clarified, "[The Student's] behavior on campus does not often warrant any documentation as the concerning behaviors exhibited do not show up here. In the community[,] the incidents are document[ed] and investigated, but only as reported, and elevating crimes to a chargeable level is increasingly difficult." Later the same day, the Complainant responded, "It is really scary that [the Student] has had multiple contacts with police on school campus that have not 'warranted documentation' when [the Student] has been failing since the start of the year and is now facing criminal charges related to events that were related to reports we made to the school and police department. … And if the school records show NO documentation[,] then [the Student] is at an extreme disadvantage for all possible defenses."
b. The SRO continued, "... I feel a phone conversation may be best to completely articulate what might be going on and better help me assist you in getting some of these questions answered. It is always tricky when working with multiple institutions between [the School], [the police department], and the courts so I'm hoping I can connect with you via phone if you have any available time." The Complainant replied, "It's not you or [the police department]. The school made several administrative errors … . They are out of compliance. … They wrote an IEP last week that says developmental history 'was not needed for the assessment' as well [as] 'no parent input received.' It leaves no protections for [the Student]. [The Student] had an IEP in [another state] when we moved here. They did not implement it and it has spiraled."

46. In an April 29, 2026 email to the Assistant Principal and the Director of Student Services, the Complainant outlined communication fixes they wanted "immediately." They said, "I did not include [the SRO] on the last email specifically. I did not ask for it to be routed to [them]. Please do not add or remove people from email chains without checking with me first. There are many people involved, many that I do not know. I do not in anyway [*sic*] know who to trust right now. We are in active crisis with my kids and have been saying that for months. The informal handling of these concerns needs to be corrected." They also stated that "ALL of the issues that we have been dealing with" were "directly" related to the Student's report to the SRO in October 2025 regarding other students' behavior. The Complainant said, "I have explained several times, the handling of that situation has led to a continuous set of increasingly complex circumstances that are routing [the Student] directly to the justice system."
    a. On April 30, 2026, the Director of Student Services replied to the Complainant explaining that the SRO was included in the previous email thread because they had the "most current information" for the Complainant and would be "the best support" regarding "the investigation." Later the same day, the Complainant replied, "I am feeling completely isolated against a wide variety of people at [the District] that have not been responsive in anyway [*sic*]. It is wild to be completely unprotected in these exchanges despite the procedural safeguards that are always attached. … The school is supposed to act in loco parentis during school hours. This means that I have been trusting that the school was

monitoring the interactions between [the Student] and the police department. The records I have DO NOT SHOW THIS. I do not trust the school and the way the school has documented [the Student's] interactions with [the SRO] on school property."

b. The Assistant Principal replied on April 30, 2026, acknowledging receipt of the Complainant's email and saying, "I'm sorry you're feeling isolated. We are here to support you in the ways in which the school can support. Please let us know if you have any questions or would like to schedule a meeting." No further response from the Complainant was included in the record.

47. On May 1, 2026, the English and Global Studies Teacher notified the Complainant that the Student was failing both classes due to unsubmitted work. They highlighted specific missing assignments and noted all assignments were accessible on the online learning platform. Additionally, late work was accepted with a small deduction, and the Complainant was requested to remind the Student to submit their missing assignments.

48. On May 2, 2026, the Complainant emailed the Director of Student Services and the SRO, saying they were including their own supervisor on the email so they could help the Complainant "coordinate a meeting" with the County Mental Health crisis services, the police department, and the District. The Complainant said, "... I believe the county is the correct referral for this case due to the complexity and there has been no bridge agency to complete it. I would like to ask the county to facilitate the meeting." The Complainant also said, "I am extremely concerned about two incidents of criminality on campus this week that have involved the police without any manifestation analysis. I am not talking about [a] manifestation determination meeting. I am concerned why no one at the school has acted as if there is any disability that would be causing the behavior at all. The IEP did not document any behavioral concerns, did not document any social or emotional concerns, did not consider developmental history, and identified reading as a problem without testing [c]omprehension. The behaviors are escalating. We have been saying it for 8 months. There are no behavioral protections in the IEP at all."

a. The Complainant described in detail family history, challenges with other children in the home, and incidents that had occurred outside of school with other students and families. They concluded their email, "These are all concerns directly tied to the accommodations on the 504. I don't understand. [The Student] has been failing all year. [The Student] is a pleasure to have in class. There are no behavioral concerns when there is supervision. I have asked for supervision. I have asked for attendance support. No one reads."

b. On May 7, 2026, the Director of Student Services replied to the Complainant's email, "Wonderful idea. Thank you for getting the ball rolling. I can invite the school administrative team, [the SRO], [the Special Education Teacher], and I am happy to attend if I can be of support." They asked what days and times the Complainant worked best for them.

c. On May 8, 2026, the Complainant's Supervisor replied in the email thread, "This email is written with the intent to clarify the implied potential role" communicated in the Complainant's May 2, 2026 email. They clarified the Complainant had the same access to County support as other community members. They said, "I have no official role in this matter, nor will I, aside from supporting a process wherein [the Complainant] can be

connected to appropriate county resources while minimizing the number of contacts required … . I am not connected with any of the issues raised nor have I been consulted or given advice … ."

d. The Director of Student Services replied on May 12, 2026, "Thank you for the clarification. I am unsure of next steps." They asked the Complainant if they should move forward with setting up a meeting between the Complainant, the School, and the SRO. No response from the Complainant was included in the record.

49. On May 13, 2026, the Science Teacher emailed the Student and the Complainant to offer support in raising the Student's 37% science grade with only three weeks left in the school year. They reminded the Student of agreed-upon accommodations, like submitting voice memos for assignments, and noted the Student could get extra help from staff during the Student's study period. Finally, the Science Teacher highlighted that all assignments remained accessible via the online learning platform or as hard copies in the classroom.

50. On May 20, 2026, the Assistant Principal emailed the Complainant regarding the Student's attendance. They said if the Student did not attend a full day of classes the next day, they would be at the "10-day marker," meaning the School would be required to drop the Student from their roster after 10 consecutive days of absence. They said they would re-enroll the Student if needed and offered to set up a meeting if needed to discuss next steps.

51. On May 21, 2026, emails were exchanged between the Complainant and the Director of Student Services regarding the Student's attendance.
    a. The Complainant: "Is this real? If [the Student] is not in school today [they] [are] 'dropped'? I almost lost my job for asking for help setting the meeting. I can't talk about this at work anymore. We haven't seen [the Student] since [redacted] got home on Saturday. It's not safe for [the Student] here. … [The Student] says [they] [are] at school. The IEP says [the Student] has attendance issues because of peer conflicts. I have been asking for help with both all year. What do I do?" The Complainant also said, "I no longer have access to my [email] account because I removed it after the last email I sent caused me to get written up at work. I didn't want to make anything worse for myself."
    b. The Director of Student Services: "So sorry. This has been rough for your family. We are legally required to unenroll a student if they have not attended for 10 consecutive days. [The Student] will be re-enrolled when [they] [come] back."
    c. The Complainant: "Has there been a manifestation determination?"
    d. The Director of Student Services: "No. Those take place when there are suspensions, not absences."

52. On May 21, 2026, the School Registrar notified the School team that the Student had been "dropped from our rolls as of yesterday, 5/20/26."

53. Contact log entries for the Student listed the following relevant information:
    a. August 27, 2025: Records requested from the Previous High School.
    b. August 27, 2025: Records received: "A few records received via email" and "no records were received from previous middle school."

c. August 27, 2025: It was noted the Student was new and coming from out of state.
d. October 21, 2025: Concerns about "F" grades - the School Counselor spoke with the Other Parent and would schedule an SST meeting.
e. October 30, 2025: SST decided to make the meeting a Section 504 meeting to "best support" the Student "with academics."
f. January 14, 2026: Records requested from the Previous Middle School.
g. January 20, 2026: Records received from the Previous Middle School.
h. February 3, 2026: The Science Teacher spoke with the Complainant about the Student's absences. "[The Complainant] does not know where [the Student] is during the day if [the Student] is not at school. [The Complainant] would love for detentions to be enforced when [the Student] misses classes."
i. March 12, 2026: The Science Teacher spoke with the Complainant - there was "a lot going on with [the SRO] involved." The Complainant was "guardedly hopeful" the Student would return to School soon.
j. May 20, 2026: The Student was withdrawn due to 10 days of non-attendance.
k. May 22, 2026: The Student was re-enrolled after withdrawal.

54. The Student's ninth-grade transcript indicated the following:
    a. First semester of the 2025-26 school year: Eight periods of classes with six "F" grades (all academic classes and physical education), one "B," and one "P" (Pass). Zero credits were earned.
    b. Second semester of the 2025-26 school year: Eight periods of classes with four "F" grades (English, math, global studies, and an elective class), one "C" (elective class), one "I" (Incomplete, science class), one "NM" (No Grade, Spanish), and one "A-" (elective class). The Student earned two credits.
    c. The Student attempted eight credits, completed two credits, and had a 0.95 grade point average (GPA).

55. A 2025-26 school year attendance record for the Student showed the following:
    a. Absences for active classes:
        i. Athletic: 9.
        ii. Counseling: 2.
        iii. Excused, parent-reported illness: 10.
        iv. Excused absences: 7.
        v. Excused tardies: 3.
        vi. Unexcused absences: 36.
        vii. Unexcused tardies: 31.
    b. Absences for dropped classes:
        i. Absent, late (unexcused): 7.
        ii. Activity: 2.
        iii. Excused, parent-reported illness: 7.
        iv. Excused absence: 1.
        v. Unexcused absence: 181.
        vi. Unexcused tardies: 41.

56. An Incidents Summary report for the 2025-26 school year indicated the following for the Student:
    a. April 13, 2026: Minor offense (skipping class).
    b. May 1, 2026: Minor offense (disorderly conduct/disruptive behavior).

57. The Student's 2025-26 schedule showed eight periods of general education classes for the first semester, August 25, 2025 through January 26, 2026, and seven periods of general education classes and one period of Study Skills with the Special Education Teacher during the second semester, until June 20, 2026.

58. The District's 2025-26 Student and Parent Handbook outlined attendance policies and included the following relevant information:
    a. Families would be notified of daily unexcused absences via an automatic calling system. By default, the system would call the primary phone number listed for students. Directions for changing the primary phone number were included.
    b. A list of qualifying reasons for considering an absence "excused" was listed, as well as examples of "unexcused" absences.
    c. Parents were required to notify the School regarding student absences.
    d. For multiple unexcused absences, three tiers were described:
        i. Tier One: Teacher contact - If a student had two or more unexcused absences in a single class, the teacher would make home contact and inform the student's counselor.
        ii. Tier Two: Attendance Team Referral - Students who had four or more unexcused absences would be referred to the School's attendance team. Students would be required to make up that time and classwork during teacher office hours or a prearranged meeting with the teacher.
        iii. Tier Three: Attendance Contracts - Students who continued to "struggle" with regular attendance would be supported through an attendance contract. If the student was unsuccessful in fulfilling the contract, additional interventions might be necessary. These included closed campus, community service, daily attendance checks, parent education, a meeting with the attendance team, or home visits.
    e. The School had an open campus, which allowed students to leave campus during lunch or an "Out Period." Students were not allowed to leave campus at other times.

59. School Board policies regarding attendance outlined the following relevant information:
    a. The District will establish attendance procedures designed to:
        i. "Contribute to the academic success of students";
        ii. "Inform parents about their student's class attendance or nonattendance";
        iii. "Place the responsibility for attendance in the hands of students and their parents";
        iv. "Aid students in making decisions and accepting the responsibilities and consequences resulting from those decisions";
        v. "Stress that punctual and regular attendance is a learned function necessary in coping with life";
        vi. "Stress attendance may impact grades and credit" and
        vii. "Meet Oregon graduation requirements."

b. “Persons having legal control of a student between ages 6 and 18, who has not completed the 12th grade, are required to have the student attend and maintain the child in regular attendance during the school term.”

60. On June 23, 2026, the Complainant filed this Complaint.

61. In an interview with the Complaint Investigator, the Complainant said the Student expressed a preference not to start high school with an IEP, therefore, upon registration in August 2025, the Complainant checked a box indicating the Student had “previous services.” The Complainant confirmed they provided no formal IEP documentation or special education details to the District during August 2025 enrollment. The Complainant said the “first time” they had a conversation with the District about a prior IEP was in October 2025 after the School Counselor called them about the Student’s sports ineligibility. During the subsequent SST meeting, the Complainant said they shared the Student’s complete academic and developmental history and the existence of a prior IEP. However, the Complainant also said they told the District they were uncertain whether the Student’s IEP was active or inactive, as the Student had been in private school during the eighth grade. The Complainant said they first gave a copy of the previous IEP to the District in January 2026.

62. Following a records review, the Complainant discovered that although the District made an initial records request in August 2025 of the Previous High School, staff failed to follow up and request the Student’s records from the Previous Middle School until after the January 14, 2026 meeting, where the Complainant told the Assistant Principal to “contact specific principals and teachers at [the Student’s] previous schools.” During the January 14, 2026 meeting, the Complainant said they disclosed trauma history, domestic violence background, and details regarding the Student’s prenatal alcohol exposure. When the School Psychologist asked for documentation of the prenatal alcohol exposure, the Complainant noted it was referenced in the Student’s previous IEP from out-of-state, which prompted the Complainant to email the May 2023 out-of-state IEP to the District.

63. Regarding delayed or missing accommodations or supports for the Student, the Complainant listed the following:
    a. Individualized executive functioning assistance, designated safe spaces, and awareness of the Student’s developmental and emotional needs.
    b. In-classroom binders, reduced homework, and physical tracking lists for missing assignments to maintain structured home-school communication.
    c. Recognition of the Student’s reading deficits even though the Student demonstrated conceptual understanding and class participation was “never a behavior problem.”

64. The Complainant listed the impacts on the Student’s academic progress and attendance as follows:
    a. Persistent failing grades resulted in the loss of sports eligibility, removing a key source of positive social connection and behavioral structure.
    b. Unaddressed peer conflicts caused the Student to feel unsafe on campus.

c. The Student disengaged from school due to academic failure, feeling penalized for peer interactions, and feeling disrupted by pull-out evaluation sessions during class time. The Complainant said they would drop the Student off at the School and the Student would leave school and walk to a friend's house and the School wouldn't call or "the attendance calls would just call and call … no matter whether [the Student] was there or not." The Complainant said they then did not know where the Student was and were "worried half the time."

65. When asked if they mentioned the Student's previous IEP during the Section 504 process in October 2025, the Complainant said, "Yeah, we talked about it at length." They said they had explained the Student's "educational journey," which included two years of homeschool before middle school, during which the Complainant admitted, "I was the one that did not teach [the Student] how to read because I didn't grade anything and I didn't push [the Student]." The Complainant also shared, "And this now is the millionth time I've pulled [the Student] out of school, but I always try and put [the Student] at least in the place that [they] [are] safest."

66. When asked what specific District decisions, proposals, or refusals they believed required formal PWN that was not provided, the Complainant initially stated, "Oh, I have no idea. I read the statutes and it talks about any decision in placement." The Complainant then listed the following District decisions for which they believed they should have received PWN:
    a. The District internally discussed referring the Student to an alternative education program in October 2025 without the Complainant's knowledge or inclusion.
    b. The District removed the Youth Advocate, who the Complainant said was specified in the Section 504 Plan to assist with homework, class transitions, and physical safety, without replacing the support.
    c. The District failed to provide PWN or any written response after the Complainant formally requested one on March 30, 2026 regarding attendance tracking, safety monitoring, and a behavior contract.
    d. The Complainant stated, "I don't know if there are specific incidents, but they were either having conversations about my kid that they weren't including me in or refusing to have conversations with me about my kid that I was trying to have with them. And I don't care how that communication happened, but it seems like the law says there's a [PWN]."

67. The Complainant detailed the following factors they believed the District overlooked during the April 17, 2026 eligibility determination:
    a. Disclosures regarding past family violence tied to biological families, as well as systems-related trauma from older siblings' past disability labels.
    b. The Student's unaddressed reading deficits and need for classroom structure.
    c. The Student's internal safety fears. The Complainant emphasized that the Student masked internal safety fears behind a "well-behaved" and "socially gifted" demeanor while on campus. Consequently, non-attendance served as the primary indicator of distress, with the Complainant noting that "if [the Student] is not at school, it's because something is wrong and [they were] not the best version of [themselves]."
    d. The impact of ongoing peer conflicts.

e. Regarding ADHD, the Complainant stated they "requested medical records" following the January 14, 2026 meeting with the District, but did not complete the ADD/ADHD medical referral because the Student decided against exploring medication. The Complainant stated they did not submit any of this information to the District because by the time they got it, they were "pretty discouraged" by the District and it wasn't mentioned in the evaluation report, so the Complainant "wasn't going to send it because [they] [were] kind of done."

68. The Complainant identified the following services, accommodations, or supports they believed were missing from the Student's IEP:
    a. Social-emotional support: The Complainant stated, "So even if behavior wasn't a concern, some social[-]emotional acknowledgment of what was happening with some dedicated strategy to allow [the Student] to escape a risky situation or find a safe place … ."
    b. Attendance monitoring and adult supervision to hold the Student accountable for attending class and ensure staff knew the Student's whereabouts during school hours. The Complainant said, "... they had told me that the only thing that they do for attendance is just allow the kids not to graduate … . That was the only behavioral consequence to attendance tracking."
    c. "Positive reinforcement" for submitting classwork and collaborating with teachers, along with structured tracking and follow-up regarding attendance at teacher office hours.
    d. Referrals and access to tutoring, mentorship, or sports programs designed to provide structured time, supervision, and positive social engagement.

69. Regarding the difference between their perception of the Student's behavior and what the School was reporting, the Complainant stated, "[The Student] [is] a lovely kid. It doesn't matter what environment [they] [are] in. [The Student] [is] a lovely, lovely kid. But [the Student] started doing drugs and [they] started stealing and [the Student] started dealing drugs. And all of the kids in [the District] were doing that, and so [the Student] was normal. And so when [the Student] would go to school, [the Student] was normal. [The District] said in their response that [the Student] was performing as peers and behaviorally, [the Student] was. [The Student] was doing all the things that the kids were doing, but [the Student] wasn't passing school. And so we know [the Student] [is] great and [the Student] is not a behavioral challenge, but the behaviors that [the Student] [was] doing were extremely risky to [them]." The Complainant stated that on campus, the Student was "super friendly," greeted "every single person, every child, every teacher," and was "everybody's friend." They also said the Student was "very engaged in classes," joined projects, was not shy, and was "a great kid."
    a. The Complainant also mentioned the Student "was suicidal a lot of the year" without wanting to tell them, and coming home expressing "going through these mood destabilizations where [the Student] was getting really angry and really aggressive and [the Student] couldn't stop it." Additionally, the Complainant and the Student detailed three off-campus incidents where other parents allegedly "threatened" the Student and used "racial slurs" against the Student. The Complainant said, "And by the end of the year, [the Student] just was not going to school," and although the Student was not a "behavior problem," their behavior was still impacting the School.

70. Regarding their allegation of "repeated procedural disruptions and placement changes" that impacted the implementation of the Student's IEP, the Complainant stated that although the initial Section 504 Plan specified the Student would remain in general education with classroom accommodations, the District removed the Student from general education courses into an executive functioning group, transferred the Student out of Spanish to serve as a teaching assistant in a special education classroom, and moved the Student into a lower-level math course. The Complainant claimed that some of these "were discussed, but it left [the Student] less and less in general ed[ucation]." By the end of the 2025-26 school year, the Student no longer had "any of the teachers that [they] had in the 504 meeting," "they kept moving [the Student] in these places, and "it was just like [the Student] was in special ed[ucation] is what it felt like." The Complainant admitted that notification for the lower-level math and executive functioning classes consisted of a mass email stating students would be enrolled unless parents explicitly opted out. The Complainant said they verbally agreed to the course adjustments during discussions with the School Counselor under the expectation that the changes would assist the Student in passing classes, yet despite the changes and implementing a modified schedule, the Student failed all classes by the end of the school year.
    a. In a written response to questions from the Complaint Investigator, the Special Education Teacher responded to the Complainant's claim that the Student was placed in their classroom as a teaching assistant. The Special Education Teacher said, "The team decided that the study skills class was appropriate as an offer of [a] FAPE while [the Student] was in the evaluation process. This was necessary because [the Student] was an out-of-state transfer and establishment of Oregon eligibility had to be completed. The [Complainant] was issued a PWN as part of the consent to evaluation of [the Student]."
    b. According to the District, "Once the Oregon IEP was established on April 17, 2026, the District implemented the IEP and the agreed upon placement. No other placement changes occurred outside of the initial placement."

71. Regarding their allegation that the District disclosed confidential information about the Student without the Complainant's knowledge or authorization, the Complainant described that the General Education Teacher forwarded an internal email chain to the "Director of Indian Education Program" at an Educational Service District (ESD) outside of the District, who the Complainant believed was "somehow connected" to the General Education Teacher. The forwarded email had come from the Spanish Teacher and detailed the Student's failing grades, social challenges, and a request for an SST meeting. The Complainant claimed the transmission occurred without their prior knowledge or written consent, and no Indian Education programming or services were ever offered to the Student as a result. The Complainant characterized the email exchange to the outside person as "dismissive" of the Student's needs and expressed the belief that "everybody was annoyed at [the Spanish Teacher] for saying that [the Student] was struggling and that they thought [the Spanish Teacher] was overreacting."

72. In regard to their allegation about certain assessments not being completed during the District's evaluation process, the Complainant stated, "I'm not exactly sure what was or wasn't completed. The reports are kind of confusing. When I read it, it sounds as if there was

a 25-minute observation in February [2026] that was written up in April [2026]. And then maybe [the Student's] recollection of those testings were [that] [they] would show up to campus for the first time in many weeks and they would pull [the Student] out for those testings, and [the Student] would say [they] didn't want to go. And so I think in the report it says that attendance was an issue, but [the Student] was also saying that [they] did not want evaluation. And so I'm not entirely certain what was done or what wasn't."

73. The Complainant described their overall communication and perceived "communication issues" with the District as follows:
    a. In-person and phone discussions with District personnel, primarily the School Counselor, the Assistant Principal, and the SRO, were "collaborative" and "positive." The Complainant said phone calls occurred less frequently than they felt was "reasonable," but "frequent enough" to establish "rapport." The Complainant described calling the District more often than they received return phone calls.
    b. The Complainant said, "As long as we were talking, it was fine, but we never knew who would call or how to get in touch with people, and they would never respond to my emails."
    c. Due to a full-time work schedule (8:00 a.m. to 5:00 p.m.), the Complainant relied on late-night emails to communicate urgent concerns and seek outside agency referrals, so these emails from themselves to the District seemed "panicked, overwhelmed, [and] exhausted."
    d. The Complainant claimed the School Counselor was their "main point of contact," and they "did not seem to respond to any of [the Complainant's] concerns, especially about [the Student's] reading ability or [the Student's] ability to make decisions under pressure."
    e. According to the Complainant, positive verbal discussions produced "zero" administrative follow-through, written modifications, or actionable adjustments to address the Student's needs. The Complainant reported a document (unspecified) stated "no parent input," and said, "It didn't matter what I said. Nothing got translated to anything written from the district."

74. Regarding their March 2026 records requests, the Complainant stated that once they got in touch with the Director of Student Services, they received copies of records, they believed, on April 10, 2026, one week before the IEP meeting scheduled for April 17, 2026.

75. When asked how they addressed the Student's attendance, the Complainant said they drove the Student directly to the School and offered tangible rewards, such as shoes, to encourage attendance. They emphasized the importance of attending school to ensure the Student could graduate. The Student reportedly expressed to them why attending school was difficult, inquired about a half-day schedule accommodation similar to their peers, and asked about the status of the IEP. The Complainant reassured the Student they were actively working with the District to put the IEP in place.

76. In an interview with the Complaint Investigator, the School Counselor stated that as the freshman counselor, they checked students' grades weekly and noticed the Student was

"consistently doing poorly in [their] classes." At that point, around October 2025, the School Counselor attempted multiple supports, including weekly check-ins with the Student, teacher office hours, making referrals to the on-campus Health Clinic, and encouraging the Student to participate in an executive functioning group led by the University Student Intern at the School.

77. The School Counselor shared that at some point during the beginning of the 2025-26 school year, the Student became ineligible to play sports due to their grades. The School Counselor talked to the Complainant via phone "probably a couple of times, just expressing concern about how much [the Student] was struggling academically." The School Counselor then talked to the Assistant Principal, saying, "It seems like we need to do something more because what we're doing now isn't really working." Ultimately, it was decided to begin the Section 504 process for the Student in October 2025, and accommodations began immediately for the Student in October 2025, prior to the Complainant returning the signed Section 504 document on December 19, 2025.

78. The School Counselor stated they were unaware of any prior IEP during the initial October 2025 Section 504 plan creation. They believed the District learned of the Student's out-of-state IEP during a larger team meeting in January 2026. The School Counselor recalled that, during this meeting, the Complainant "commented that essentially [the Student] would go to school, [they] would struggle, and [the Complainant] would move [the Student] to a different place and that would sort of push [the Student] through." The School Counselor said, "And that was concerning because it just didn't feel like [the Student] had robust intervention." Then the Complainant "expressed that [the Student] had an IEP," and revealed the name of the last school the Student had an IEP at, the Previous Middle School, which according to the School Counselor, "wasn't the previous school [the Student] was at." The Assistant Principal then immediately phoned the Previous Middle School to request records and launched the special education evaluation process.

79. The School Counselor described communication with the Complainant and the Other Parent as initially "friendly," "fine," and "collaborative," with interactions occurring primarily with the Complainant rather than the Other Parent. Early discussions focused on academic concerns before the Student's attendance "decreased," specifically around the time the evaluation process was started. Then the tone shifted to "very negative and hostile" and the Complainant began sending "contentious" emails expressing frustration that the District was not helping the Student. According to the School Counselor, the Complainant also requested the School's intervention for complex off-campus issues, such as another student staying at their home and matters involving another of the Complainant's children, who did not attend the School. The School Counselor shared, "It was honestly a very confusing situation. … Sometimes when [the Complainant] would talk, it would become so emotional. It was kind of hard to follow a lot of what [they] [were] saying."

80. According to the School Counselor, the Complainant also displayed contradictory stances regarding health and substance abuse referrals to the on-campus Health Clinic, privately expressing to the District a desire for support while also sending emails copied to the Student

stating the Student "was not on board with that," and the Student "did not want to do that." The Student missed appointments at the Health Clinic and refused further Health Clinic intervention after the School Counselor escorted them to their initial session. When the Complainant began working full-time, the Other Parent became more involved. While the Complainant was "really upset" that the School "couldn't make [the Student] come to school," the Other Parent admitted, "We can't even make [the Student] attend school," which appeared to the School Counselor, that the Complainant and the Other Parent were not "on the same page all the time."

81. Regarding the Complainant's requests for increased supervision, attendance intervention, and safety monitoring, the School Counselor stated that fulfilling these requests was difficult due to the School's open campus, which allowed all students to come and go freely. The School Counselor said, "... how do we keep [the Student] on campus when everybody else can leave? How do we monitor that? … I don't know how to do that." The School Counselor arranged for the Youth Advocate to mentor and build rapport with the Student, but that support ended when the Youth Advocate left the School. The School Counselor characterized the Student as "very polite" and "a really nice kid" but noted the Student could be "defiant," making it hard to get the Student "motivated and on board." The School Counselor added, "In terms of safety monitoring, I don't know what [the Complaint] [is] referring to. I know there was an incident off campus with [the Student] and some students, but I don't know of anything on campus that was a threat to [the Student's] safety." They also acknowledged the Other Parent was communicating "quite a bit" with the SRO "about whatever was going on in their home and outside of school."

82. Regarding the Student's behavior, the School Counselor observed the Student becoming "a little bit more oppositional," but did not witness the high-risk activities reported by the Complainant, such as stealing cars. Behaviors occurring off campus and within the community were routed to the SRO. Believing that the Student needed formal mental health support beyond the School Counselor's scope, the School Counselor made repeated referrals, but the Student was not open to participating. As interactions with the Complainant became contentious, the School Counselor relied on the Assistant Principal to manage communications and refocused their role on supporting the Student academically alongside the Special Education Teacher.

83. In an interview with the Complaint Investigator, the Assistant Principal stated they reviewed records and confirmed that during August 2025 registration, the Complainant checked a box stating the Student had "Previously Received Services," but did not select "Currently Receiving Services," which did not trigger the District's special education record workflow. They added, "... we don't make any assumptions, we rely on them to tell us that information." The initial records request to the Student's previously attended school, the Previous High School, yielded standard cumulative files with no special education or IEP documentation. The Assistant Principal said, "... nothing was flagged because we didn't receive any of that information upon registration in our normal records request to get the cumulative folder."

84. The Assistant Principal shared they learned of an out-of-state IEP during a Section 504 meeting (date unspecified) initiated by the School Counselor. The Assistant Principal said they "started to look into this," and they "had to reach out to the school that [the Student] did have an IEP at, which wasn't, to [their] knowledge, the school that [the Student] directly came from." They thought it was one prior to that. They recollected the Student had attended "some sort of private school that didn't offer those services," and in mid-January 2026, when they reached out to the "last school [the Student] was receiving services at, they sent [them] that information." Once received, they realized the IEP had "lapsed," and they went ahead and started the evaluation process.

85. According to the Assistant Principal, School staff dedicated a "very high" volume of time and resources to the Student and family compared to other students, with the frequency of communication between the District and the family increasing significantly as the school year progressed. Communication with the Complainant grew increasingly "contentious," with expectations for preferred modes of contact constantly shifting between phone, in-person, and written formats. The Assistant Principal said, "... what [the Complainant] wanted for communication was just a moving target. … And for me, it felt like [the Complainant] was dissatisfied with whatever form of communication that I was trying to have with [them]. It just felt like nothing was ever the right way." The Complainant also reportedly expressed distrust of established District communication tools, such as automated attendance robocalls and the online School portal. Following a March 30, 2026 request from the Complainant to cease phone calls and limit communication exclusively to writing, oversight of correspondence with the Complainant was transferred to the Director of Student Services.

86. The Assistant Principal also shared that the Complainant frequently shared "a lot" about their personal and systemic family trauma, which District staff described as "erratic" and "difficult to follow" or connect directly to the Student's educational needs. The Assistant Principal said, "At a certain point, then it went from trying to be more collaborative and supportive to putting the onus on the school or blaming the school for the things that were going on." The Assistant Principal added that there was a "real inconsistency in communication and expectations and changing of those expectations or how [the Complainant and the Other Parent] wanted the school to show up or not, and just inconsistency in how they showed up that made it really difficult to know how to support [the Student] in the ways [the Complainant and the Other Parent] were asking."

87. According to the Assistant Principal, the Student exhibited "chronic" non-attendance, frequently arriving during unstructured times but skipping or leaving academic classes early. They noted that informal staff check-ins with the Student were sometimes characterized by the Complainant as "threatening." The Assistant Principal said, "... it was really difficult to figure out what support [the Complainant] actually wanted because I would do something that I felt like was supportive that they were asking for, and then the response would be like, '[The Student] [is] scared of you. You're threatening.'" The Assistant Principal believed the Complainant was asking for somebody to be one-to-one with the Student to "make [the Student] go to school and stay in school," and explained that one-to-one monitoring required evaluation data and an IEP team determination. The Assistant Principal shared that the

Complainant expressed a desire for the School to hold the Student accountable for attendance because the Complainant and the Other Parent "felt like if they came down on [the Student] like that, that [the Student] would just be further distanced from them," and they wanted to maintain their personal relationship with the Student.

88. The Assistant Principal explained that non-disciplinary, passing interactions between the SRO and students were not routinely recorded in educational logs. Incidents initiated by the Complainant or the Other Parent regarding community or off-campus concerns, such as finding bullets in the Student's pocket or off-campus police reports, were referred directly to the SRO for investigation and omitted from school educational logs due to a lack of educational nexus. The SRO investigated specific safety and harassment allegations raised by the Complainant against another student's family, but was unable to substantiate them. On campus and in class, teachers reported the Student was respectful and well-behaved, with behavioral issues limited to non-attendance rather than classroom disruptions. In response to the Complainant's assertion that the School shared responsibility for preventing the Student from running away, the Assistant Principal stated high school staff use incentives, relationship-building, and engagement strategies rather than physical restraint, noting the District cannot monitor or control student actions off campus or during weekends.

89. In an interview with the Complaint Investigator, the Special Education Teacher explained they first discovered the Student had a previous IEP in January of 2026, when the District's team met, along with the Complainant, and "[the Complainant] said [the Student] had had an IEP in an out-of-state district." The Special Education Teacher noted that the Assistant Principal called the "old school" during the meeting and spoke with them. The Special Education Teacher indicated the "old school" then sent the expired IEP, which prompted the team to evaluate the Student for eligibility in Oregon. The Special Education Teacher stated, "We furnished a consent for evaluation within, not that day, but within a few days subsequently, and [the Complainant] signed it." Specifically, the Special Education Teacher noted the Complainant signed the notice "within a few days."

90. When asked about the academic assessments administered and whether they were comprehensive, the Special Education Teacher stated, "[The Student] did not attend school for a sufficient evaluation. So we evaluated [the Student] based on what we were able to do given [their] attendance." and added, "We brought in sub-tests of the [standardized academic achievement test] and curriculum-based measures that had been conducted in school on a tier one level."

91. Regarding reading comprehension and the reason why it was omitted, the Special Education Teacher cited attendance concerns and stated, "We did not want to ask for permission to extend evaluation because we knew that we needed to provide [a] FAPE and do this IEP within the 60 school day timeline."

92. When asked about the Student's placement in their classroom after the consent for evaluation but before the eligibility determination, the Special Education Teacher explained, "It was a decision to provide [a] FAPE based on an out-of-state IEP that [the Student] had in

place for a specific learning disability as a way for the district to provide [them] services due to academic struggles that [the Student] was displaying in the classroom." The Special Education Teacher also indicated that the services the Student received during that time were based on their prior IEP. The Special Education Teacher clarified that rather than resulting from an IEP team discussion, the decision to place the Student in their class was an extra support to ensure the District was providing required services.

93. In the same interview, the Director of Student Services added, once the Student's consent for evaluation was signed, all procedural safeguards were in effect.

94. The Special Education Teacher stated, "[The Student] has not shown behavioral concerns at school," and is "very polite, respectful," and "a super nice kid." Regarding discussions of behavior in the IEP meeting, the Special Education Teacher explained that the team did not observe the behavior problems brought forth by the Complainant while the Student was at school; only attendance was an area of concern in this regard. The Special Education Teacher added, "We also did not do formal evaluations based on behavior. So giving somebody a behavior goal with a lack of data … [when] we're evaluating for a specific learning disability, it's not really applicable."

95. When asked how the team determined that 90 minutes of SDI was appropriate, the Special Education Teacher indicated the basis for this decision was both the Student's present levels and their Oregon eligibility for services with a specific learning disability, noting the Student's independence, skills, "good" cognition, and ability to navigate school "well." They added that the team thought the Student's skills allowed for success in school with a "relatively small amount of SDI." The Special Education Teacher also stated, "[The Student] definitely needs assistance and specially designed instruction, but [the Student] doesn't need high levels."

IV. DISCUSSION

Transfer Students/Comparable Services

The Complainant alleged the District violated the IDEA by not requesting the Student's out-of-state records for months after their enrollment, which delayed the Student receiving comparable services.

If a child with a disability (who had an IEP that was in effect in a previous school district in another state) transfers to a new district in Oregon, and enrolls in a new school within the same school year, the new school district (in consultation with the child's parents) must provide a FAPE to the child (including services comparable to those described in the child's IEP from the previous district) until the new district: conducts an initial evaluation (if determined necessary by the new district); and develops, adopts, and implements a new IEP, if appropriate, that meets applicable requirements.[3]

[3] OAR 581-015-2230(2); 34 CFR § 300.323(f)

To facilitate the transition for a child, the new public agency in which the child enrolls must take reasonable steps to promptly obtain the child's records, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the child, from the previous public agency in which the child was enrolled. The previous public agency in which the child was enrolled must take reasonable steps to promptly respond to the request from the new public agency.[4]

The Student enrolled at the School at the beginning of the school year on August 22, 2025, rather than transferring during the same school year as when their IEP was in effect. Upon registration, the Complainant marked "Previously Received Services" rather than "Currently Receiving Services." The Complainant acknowledged doing so intentionally because the Student did not wish to start high school with an IEP. As a result, the District was placed on notice only of prior historical services, not an active or in-effect IEP. Without actual notice or knowledge of an active qualifying disability or IEP, the District's immediate obligation under state and federal law to provide comparable services was not triggered at enrollment.

Furthermore, the District satisfied its duty under 34 CFR § 300.323(g) to take "reasonable steps" based on the information provided. On August 27, 2025, five days after enrollment, the District requested records from the last school attended. That school provided standard cumulative files and confirmed no special education records were present. Given the Complainant's representation on the registration form and the previous school's response, the District had no factual basis or actual knowledge to conclude special education records were missing.

When academic and executive functioning struggles emerged, the District acted proactively by establishing a Section 504 Plan on October 30, 2025, to provide immediate classroom accommodations. In January 2026, once the District was provided actual notice that a prior IEP existed, staff immediately reached out to multiple former schools, and obtained an expired April 24, 2024 out-of-state IEP on January 15, 2026. Upon actual notice, the District initiated the Oregon eligibility evaluation process on January 22, 2026, and concurrently placed the Student in a Study Skills special education class as interim support.

The Department does not substantiate this allegation.

Prior Written Notice (PWN)

The Complainant alleged the District violated the IDEA by not providing the Complainant with PWN when significant educational decisions were made.

PWN must be given to the parent of a child within a reasonable period of time before a school proposes or refuses to initiate or change, the identification, evaluation, or educational placement of the child, or the provision of a FAPE to the child; or refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a FAPE to the child.[5]

[4] 34 CFR § 300.323(g)
[5] OAR 581-015-2310 (2); 34 CFR §300.503(a)

The content of PWN must include: a description of the action proposed or refused by the school district; an explanation of why the district proposes or refuses to take the action; a description of each evaluation procedure, assessment, test, record, or report the school district used as a basis for the proposed or refused action; a statement that the parents of a child with a disability have protection under the procedural safeguards, and if this notice is not an initial referral for evaluation, the means by which a copy of the Notice of Procedural Safeguards may be obtained; sources for the parents to contact to obtain assistance in understanding their procedural safeguards; a description of other options that the IEP Team considered and the reasons why those options were rejected and; a description of other factors that are relevant to the agency's proposal or refusal.[6]

The prior notice must be written in a language understandable to the general public and provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.[7]

First, the inquiry regarding alternative education options was initiated by the Complainant as a preliminary, exploratory discussion. It was not a District-initiated proposal or refusal to alter the Student's educational placement or a FAPE. Second, the "Youth Advocate" was an informal support position rather than a special education service or accommodation required by an IEP or Section 504 Plan. When the individual in that position departed, the lack of an immediate replacement did not represent a refusal or change in special education placement or services under the IDEA. Third, regarding the Complainant's March 30, 2026 request for attendance tracking, safety monitoring, and a behavior contract (none of which were present on the Student's out-of-state IEP), the District did not refuse these additions. Rather than issuing a unilateral denial, the District appropriately invited the Complainant to convene at the scheduled April 17, 2026 eligibility and IEP meeting to consider the requests collaboratively. Routing the Complainant's requests to an upcoming team meeting allows the full team to evaluate the Student's needs and does not constitute a refusal under 34 CFR § 300.503 or OAR 581-015-2310.

Finally, during the investigation interview, when asked to identify specific District decisions or refusals that lacked required PWN, the Complainant acknowledged being unable to identify specific incidents. Because the actions cited were Complainant-initiated exploratory inquiries, informal non-IDEA supports, or requests appropriately deferred to the collaborative team process rather than unilateral District proposals or refusals, the District complied with OAR 581-015-2310 and 34 CFR § 300.503.

The Department does not substantiate this allegation.

[6] OAR 581–015-2310 (3); 34 CFR §300.503(b)
[7] OAR 581–015-2310 (4); 34 CFR §300.503(c)(1)

Eligibility

The Complainant alleged the District violated the IDEA when eligibility processes were conducted without team discussion and eligibility determinations were made without considering all relevant information.

Upon completing the administration of assessments and other evaluation materials, a team must determine whether the child has a disability and the child's educational needs. The team must include the parent and two or more qualified professionals, at least one of whom is knowledgeable and experienced in evaluating and educating children with the suspected disability. This team may be the child's IEP team.[8]

The team must prepare an evaluation report and a written statement of eligibility. The evaluation report(s) must describe and explain the results of the evaluation conducted. The written statement of eligibility must include: a list of the evaluation data considered in determining the child's eligibility; a determination of whether the child meets the minimum evaluation criteria for one of the disability categories; a determination of whether the primary basis for the suspected disability is a lack of appropriate instruction in reading (including the essential components of reading) or math, or limited English proficiency; a determination of whether the child's disability has an adverse impact on the child's education performance; a determination of whether, as a result of the disability, the child needs special education services; and the signature of each member of the team indicating agreement or disagreement with the eligibility determination. For a child suspected of having a specific learning disability, the team's written report and documentation of determination of eligibility must meet the requirements of a specific learning disability.[9]

The team must determine that a child is eligible under this rule if the child has a disability and needs special education and related services, even if the child is advancing from grade to grade. For a child who may have disabilities in more than one category, the team needs only to qualify the child under one disability category. However, the child must be evaluated in all areas related to suspected disability or disabilities, and the child's IEP must address all of the child's special education needs. The team may not find a child eligible for special education services if: the determining factor for that eligibility decision is a lack of appropriate instruction in reading, including the essential components of reading instruction, or lack of appropriate instruction in math or limited English proficiency; and the child does not otherwise meet the eligibility criteria. The school district must provide a copy of the evaluation report and the documentation of the determination of eligibility to the parent at no cost.[10]

First, regarding data consideration, objective contemporaneous records establish that the evaluation team drew upon comprehensive, multi-sourced data as required. The evaluative materials reviewed included classroom observations, standardized cognitive assessments, standardized academic achievement tests, teacher progress monitoring, grades, and attendance logs. Additionally, the team incorporated historical context by reviewing the Student's 2023 and

[8] OAR 581-015-2120(1)(a); 34 CFR § 300.306(a)(1)
[9] OAR 581-015-2120(2); 34 CFR § 300.306(a)(2)(c)
[10] OAR 581-015-2120 (3-6); 34 CFR § 300.306

2024 out-of-state IEPs and evaluation reports, as well as the detailed "bio-social-educational analysis" submitted by the Complainant on January 14, 2026. Although the School Psychologist was unavailable for an interview, the contemporaneous written record confirms that Complainant-provided materials and historical evaluations were documented and available to the team during the evaluation process. While the team's ultimate determination may not have matched the Complainant's preferred interpretation of the data, the evidence did not show relevant information was ignored.

Second, regarding team discussion, the District convened a formal eligibility team meeting on April 17, 2026. The meeting included a full multidisciplinary team. The team engaged in collaborative review and produced a formal written Statement of Eligibility determining that the Student qualified for special education under the SLD category. The written statement addressed all required statutory factors, including minimum evaluation criteria, exclusion factors (lack of instruction in reading/math or limited English proficiency), adverse impact on educational performance, and the need for special education. All attending team members, including the Other Parent and the Student, signed the eligibility statement. The District convened a properly constituted multidisciplinary team, provided a meaningful opportunity for discussion, carefully considered comprehensive evaluative data, including Complainant-provided input, and fulfilled all documentation requirements.

The Department does not substantiate this allegation.

Content of the IEP

The Complainant alleged the District violated the IDEA by not developing an IEP that met the Student's needs.

The IEP must include a statement of the child's present levels of academic achievement and functional performance, including how the child's disability affects the child's involvement and progress in the general education curriculum. It must include a statement of measurable annual goals, including academic and functional goals (and, for children with disabilities who take alternate assessments aligned to alternate achievement standards, a description of short-term objectives) designed to meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum and meet of the child's other needs that result from the child's disability.[11]

The IEP must include a description of how the child's progress towards meeting the annual goals will be measured and when periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided. A statement of the specific special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child: to advance appropriate toward attending the annual goals; to be involved and progress in the

[11] OAR 581-015-2200 (1)(a)(b); 34 CFR § 300.320(a)(1)(2)

general education curriculum and to participate in extracurricular and other nonacademic activities; and to be educated and participate with other children with disabilities and children without disabilities. The IEP must include projected dates for initiation of services and modifications, and the anticipated frequency, amount, location, and duration of the services and modifications. An explanation of the extent, if any, to which the child will not participate with children without disabilities in the regular class and activities will be included in the IEP.[12]

The IEP must include a statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and district-wide assessments of student achievement that are needed for the child to participate in the assessment. A child may not be exempt from participation in State or district-wide assessment, including extended and juried assessments, because of a disability, unless the parent has requested an exemption. If the IEP team determines that the child must take the alternate assessment instead of the regular Statewide or a district-wide assessment, a statement of why the child cannot participate in the regular assessment, and why the alternate assessment is appropriate for the child. The IEP must include the projected date for the beginning of the services and modifications and the anticipated frequency, location, and duration of those services and modifications.[13]

To meet its substantive obligation under the IDEA, a school must offer an IEP reasonably calculated to enable a child to make appropriate progress in light of the child's circumstances.[14] The statute guarantees an appropriate education, not one that provides everything a parent might request.[15] Additionally, crafting an appropriate program of education requires a prospective judgment by school experts, and any review of an IEP must consider whether the IEP is reasonably calculated to ensure progress, not whether it would be considered ideal.[16]

In this case, the IEP developed by the District directly targeted the Student's evaluated qualifying disability of SLD in written expression, incorporating and expanding upon prior records and the District's 2026 comprehensive evaluation. The IEP provided measurable annual goals in reading, writing, and study skills, supported by 270 minutes monthly of SDI and classroom accommodations.

The Complainant contended that the IEP was inadequate because it lacked constant adult supervision, forced physical attendance enforcement, dedicated social-emotional escape strategies, a formal positive behavior support plan, and referrals to athletic or community mentoring programs. However, the regulatory triggers for these specific supports were not present:

1. Behavioral Supports: District staff observations and statements from the Complainant consistently confirmed the Student was polite, respectful, and engaged while in class, exhibiting no disruptive classroom behaviors. Because the Student's behavior in the

[12] OAR 581-015-2200(1)(c-f); 34 CFR § 300.320(a)(3)4)(5)
[13] OAR 581-015-2200(1)(c-g); 34 CFR § 300.320(a)(6)(ii)(7)
[14] *Endrew F. v. Douglas County School District RE-1*, 580 U.S. 386 (2017)
[15] *Id.*
[16] *Id.*

educational setting did not impede their learning or that of others, the District was under no regulatory duty under OAR 581-015-2205(2)(a) to implement a formal behavior plan or social-emotional escape protocol.

2. Off-Campus & Community Incidents: The high-risk behaviors cited by the Complainant occurred off-campus and outside of school hours. Matters involving community safety were appropriately routed to or handled by the SRO as law enforcement matters, as they lacked an educational nexus to the Student's qualifying learning disability.
3. Attendance & Supervision: While the IEP documented attendance as an "area of concern" and noted the Student's input regarding peer conflicts, the Student's absences occurred during voluntary unexcused departures during unstructured campus times. The record contained no evaluative data establishing that the attendance issues were a direct manifestation of the Student's SLD in written expression. The IDEA does not require a district to provide continuous one-to-one adult monitoring or physical truancy enforcement to address voluntary non-attendance, particularly where the family acknowledged difficulty managing attendance at home.

Additionally, District attempts to implement informal supportive interventions (such as administrative check-ins and Health Clinic referrals) were hindered by conflicting communications from the Complainant. Despite these external challenges, the District offered an IEP structured directly around the Student's evaluated academic needs. The District complied with all statutory requirements by developing an IEP that addressed the Student's evaluated special education needs, and incorporated appropriate goals and accommodations.

The Department does not substantiate this allegation.

When IEPs Must Be In Effect

The Complainant alleged the District violated the IDEA by failing to implement the Student's IEP due to "repeated procedural disruptions and placement changes."

At the beginning of each school year, a school district must have in effect an IEP for each child with a disability within the district's jurisdiction. School districts must provide special education and related services to a child with a disability in accordance with an IEP. Each school district must ensure that the IEP is accessible to each regular education teacher, related service provider, and other service provider who is responsible for its implementation. Each school district must inform each teacher and provider of their specific responsibilities for implementing the child's IEP and the specific accommodations, modifications, and supports that must be provided for or on behalf of the child in accordance with the IEP.[17]

To establish a failure-to-implement violation under the IDEA, a complainant must show that the district materially deviated from the mandates of a legally operative IEP.[18] A material failure occurs only when there is a significant discrepancy between the services provided and the

[17] OAR 581-015-2220(1)(3); 34 CFR § 300.323(a)(d)
[18] *Van Duyn v. Baker Sch. Dist. 5J*, 502 F.3d 811, 822 (9th Cir. 2007)

services required by the child's IEP. Minor or administrative adjustments do not constitute a statutory violation.[19]

Furthermore, a change in educational placement under the IDEA occurs only when a modification fundamentally alters a basic element of a student's specialized educational program, such as a significant shift in the environment or a wholesale reduction in the student's access to non-disabled peers.[20] Routine adjustments to general education course schedules, electives, or general education intervention strategies do not trigger the procedural protections or placement change frameworks of the IDEA.[21] Because an IEP is not retroactive, general education schedule modifications, Section 504 accommodations, or informal interventions implemented prior to the formal adoption of an initial IEP cannot legally constitute a "failure to implement" or an improper "change in placement" under special education mandates.[22]

In their interview with the Complaint Investigator, the Complainant cited schedule modifications, such as enrolling the Student in a foundational math class, moving the Student into an executive functioning group, dropping Spanish, and assigning the Student as a teaching assistant, as "procedural disruptions and placement changes." However, all of these adjustments occurred between October 2025 and March 2026, prior to the establishment of the Student's Oregon IEP on April 17, 2026. The course adjustments made prior to April 17, 2026, were routine general education schedule updates or Section 504 interventions to which the Complainant explicitly agreed via email or verbal consultation. Because no active Oregon IEP was in effect during this timeframe, these adjustments were outside the special education process and did not constitute special education placement changes under the IDEA.

Once the Oregon IEP was formally established, the District provided SDI in the Resource Room and general education accommodations as specified. The record revealed no documented placement changes or procedural disruptions after the April 17, 2026 IEP went into effect. The events cited by the Complainant occurred prior to the establishment of the IEP, and within general education settings, and the District fully implemented the agreed-upon placement once the IEP was established.

The Department does not substantiate this allegation.

Confidentiality of Student Records

The Complainant alleged the District violated the IDEA when the Student's protected information was disclosed "beyond what the family reasonably understood to be the scope of those involved in the [S]tudent['s] case."

Personally identifiable information (PII) means information as defined in the Family Educational Rights and Privacy Act (FERPA), which includes, but it not limited to: the name of the child, the child's parent or other family member; the address of the child or the child's family; a personal

[19] *Id.*
[20] *N.D. v. Hawaii Dep't of Educ.*, 600 F.3d 1104, 1116 (9th Cir. 2010)
[21] *Id.*
[22] 34 CFR § 300.323; *Van Duyn*, 502 F.3d at 822

identifier, such as the child's social security number or student number, or biometric record and other indirect identifiers, such as the child's date of birth, place of birth, and mother's maiden name; other information that alone or in combination is linked or linkable to a specific child that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances to identify the child with reasonable certainty, or other information requested by a person who the educational agency or institution reasonably believe knows the identity of the student to whom the education record relates.[23]

Each agency must protect the confidentiality of PII at the collection, storage, disclosure, and destruction stages. One official at each agency must assume responsibility for ensuring the confidentiality of any personally identifiable information. All personnel collecting or using personally identifiable information must receive training or instruction regarding the State's policies and procedures. Each agency must maintain, for public inspection, a current listing of the names and positions of those employees within the agency who may have access to personally identifiable information.[24]

For purposes of ensuring the safeguards required for education records of children with disabilities, including early intervention and early childhood special education records, the Department adopts by reference the provisions of FERPA. This provision includes all educational records with respect to the identification, evaluation, and educational placement of the child and the provision of a FAPE to the child. [25]

Parental consent must be obtained before PII is disclosed to parties other than officials of participating agencies, unless the information is contained in educational records, and the disclosure is authorized without parental consent. Parental consent is not required before PII is released to officials of participating agencies for purposes of meeting a requirement. Parental consent, or the consent of an eligible child who has reached the age of majority, must be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services. If a child is enrolled, or is going to enroll in a private school that is not located in the Local Education Agency (LEA) of the parents' residence, parental consent must be obtained before any PII about the child is released between officials in the LEA where the private school is located and officials in the LEA of the parents' residence.[26]

While an exception exists allowing disclosures without consent to "school officials" or personnel of "participating agencies," such access is strictly conditioned upon that individual holding a legitimate educational interest in the specific records shared. A legitimate educational interest requires that the recipient have a formal professional duty or contractual obligation to perform a specific task or provide a targeted service explicitly tied to the child's specialized educational programming.[27]

[23] OAR 581-015-2000(24)
[24] 34 CFR § 300.623
[25] OAR 581-015-2300(1)(2)
[26] CFR 34 § 300.622(a-b)
[27] 34 CFR § 99.31(a)

On October 17, 2025, the General Education Teacher forwarded an internal email thread regarding the Student to the ESD Project Manager. The transmitted email contained the Student's first and last name, a failing course grade, notes detailing in-class focusing difficulties, and discussion regarding an SST meeting. The ESD Project Manager was not a District employee. Furthermore, there was no evidence provided that the ESD Project Manager was delivering Indian Education programming or services, or held a professional duty or legitimate educational interest in the Student's educational records. The transmission occurred without the Complainant's prior knowledge or written consent. No exception under 34 CFR § 300.622 applied to authorize releasing the Student's personally identifiable information. The District disclosed protected personally identifiable information to an external individual who lacked a legitimate educational interest without obtaining prior parental consent.

The scope of this investigation only includes alleged violations of the IDEA. Therefore, the Department may only consider alleged FERPA violations to the extent that FERPA is incorporated into the IDEA. Given that the Student was not yet eligible for special education in Oregon at the time of the improper disclosure of information, there was no violation of the IDEA.[28]

The Department does not substantiate this allegation.

Evaluation

The Complainant alleged the District violated the IDEA when academic assessments were not completed as part of a comprehensive evaluation.

In conducting the evaluation, the public agency must use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent that may assist in determining whether the child is a child with a disability. In addition to the content of the child's IEP, including information related to enabling the child to be involved in and progress in the general education curriculum. The public agency will not use any single measure of assessment as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate education program for the child. Each agency will use technically sound instruments to assess the relative contributions of cognitive and behavioral factors, as well as physical or developmental factors.[29]

Each public agency must ensure that assessments and other evaluation materials used to assess a child under this part are selected and administered so as not to be discriminatory on a racial or cultural basis and are provided and administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally unless it is clearly not feasible to do so. Each agency will ensure the assessments are used for the purposes for which the assessment or measures are valid and reliable, are administered by trained and knowledgeable personnel, and are administered in accordance with any instructions provided by the producer of the

[28] Complaints regarding violations of FERPA can be directed to the U.S. Student Privacy Policy Office (SPPO) at https://studentprivacy.ed.gov/file-a-complaint

[29] OAR 581-015-2110(3); 34 CFR § 300.304(a)(b)

assessments. Assessments and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.[30]

Each agency will ensure assessments are selected and administered so as best to ensure that if an assessment is administered to a child with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure). The child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities. The evaluation is sufficiently comprehensive to identify all the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified. The evaluation includes assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child.[31]

Each agency, as part of an initial evaluation (if appropriate), as part of a reevaluation, the child's IEP team, and other qualified professionals, must review existing evaluation data on the child, including evaluation and information provided by the parents of the child, current classroom-based, local, or state assessments, and classroom-based observations, and observations by teachers and related service providers. Based on that review, and input from the child's parents, identify what additional data, if any, are needed to determine whether the child is, or continues to be, a child with a disability for a school-age child. The public agency must administer tests and other evaluation materials as may be needed to produce the additional data. If the child's IEP team determines that no additional data are needed to determine whether the child is or continues to be a child with a disability, and to determine the child's education and developmental needs, the public agency must notify the child's parents of that determination and the reasons for it and of the right of the parents to request an assessment to determine whether, for purposes of services, the child continues to be a child with a disability, and to determine the child's educational and developmental needs. The public agency is not required to conduct an assessment of the child unless requested to do so by the child's parents.[32]

The determination of what areas must be evaluated is governed by an educational impact standard. A school district is only required to assess suspected disabilities that demonstrate a clear impact on the student's educational performance within the school's jurisdiction.[33] Furthermore, the IDEA does not mandate that a district rely exclusively on a single standardized measure. Instead, the evaluation team must review and synthesize existing evaluation data, local or state assessments, classroom-based observations, and teacher reports to determine eligibility.[34] While school districts must make robust, documented attempts to administer standardized instruments, a student's chronic absenteeism or explicit refusal to participate does

[30] OAR 581-015-2110 (4)(a)(b); 34 CFR § 300.304(c)(1)
[31] OAR 581-015-2110 (4)(c-f); 34 CFR § 300.304(c)(2-7)
[32] OAR 581-015-2115(1)(a)(b)(A)(i)(B)(3-4)
[33] *Timothy O. v. Paso Robles Unified Sch. Dist.*, 822 F.3d 1105, 1119 (9th Cir. 2016)
[34] 34 CFR § 300.305(a); OAR 581-015-2115

not automatically result in a failure to evaluate. In such circumstances, a district appropriately fulfills its statutory duty to provide a timely, comprehensive evaluation within the 60-school-day timeline by triangulating all available quantitative data, multi-sourced qualitative inputs, and historical educational records to accurately determine the child's academic and functional needs.[35]

The Complainant argued that the District failed to evaluate social-emotional and behavioral deficits. However, classroom observations, teacher reports, and contact documentation confirmed the Student was polite, respectful, and demonstrated zero behavioral disruptions on campus. The behavioral issues raised by the Complainant, such as drug involvement, police contact, and community peer disputes, occurred primarily off campus and outside the District's educational jurisdiction.

When questioned during their interview with the Complaint Investigator about alleged uncompleted assessments, the Complainant admitted, "I'm not exactly sure what was or wasn't completed. The reports are kind of confusing." The Complainant noted that when the Student showed up to campus, staff attempted to pull them for testing, but the Student stated they "did not want evaluation" and resisted participating. The Complainant also admitted they did not complete the ADD/ADHD medical referral because the Student "decided against exploring medication," and acknowledged they never submitted medical documentation to the District.

District evaluators attempted standardized testing across multiple sessions. However, testing was disrupted by the Student's chronic non-attendance and explicit reluctance to undergo testing, which led to the Student avoiding school or class when pulled for evaluation. To avoid delaying special education services and adhere to the mandatory 60-school-day timeline, the District synthesized newly completed standardized cognitive assessments and academic subtests with existing evaluative records. This included reviewing the Student's prior out-of-state IEP, which documented grade-level reading fluency and comprehension, alongside tier-one curriculum-based measurements and teacher progress reports.

The Complainant's April 8, 2026 email stating, "I am revoking my consent to evaluation" arrived after testing had already been conducted across preceding weeks. This notice did not negate previously administered assessments.[36] Furthermore, the Other Parent proceeded with attending and participating in the formal April 17, 2026 eligibility meeting where the evaluation results were reviewed. The District evaluated all suspected disabilities demonstrating educational impact, synthesized multi-sourced data amid the Student's absenteeism, and was not provided medical data for ADD/ADHD.

The Department does not substantiate this allegation.

[35] 34 CFR § 300.304(b)
[36] 34 CFR § 300.9(c)(2)

Parent Participation

The Complainant alleged the District violated the IDEA when communication issues negatively impacted Complainant's participation.

School districts must provide one or both parents with an opportunity to participate in meetings regarding the identification, evaluation, IEP, and educational placement of the child, and the provision of a FAPE to the child. Each agency must notify parents of the meeting early enough to ensure that they will have an opportunity to attend and schedule the meeting at a mutually agreed-upon time and place.[37]

The threshold for "meaningful participation" requires that parents are actively involved in the framework of the team, can provide input, and have their concerns seriously considered by the district.[38] A procedural violation concerning parental participation only occurs if the district's actions significantly impede the parent's opportunity to participate in the decision-making process regarding the provision of a FAPE.[39] Where a district provides timely notice, accommodates scheduling conflicts by offering alternative modes of participation (such as virtual or telephonic options), demonstrates a continuous history of incorporating parental input, and respects written correspondence requests, the district satisfies its statutory obligation to ensure a meaningful opportunity for participation under the IDEA.[40]

In this case, the District provided advance notice of the April 17, 2026 eligibility and IEP meeting on March 6, 2026, over a month prior, and issued a formal Notice of Team Meeting on March 31, 2026. When the Complainant noted in-person attendance during business hours was difficult due to work, District staff offered virtual participation. The Complainant participated in prior key meetings, including the October 30, 2025 SST/Section 504 meeting and the January 14, 2026 team meeting. Across these engagements, the Complainant submitted extensive input, including academic history, strengths, and goals. On April 16, 2026, the Complainant emailed staff expressing frustration and stating they might not attend the April 17, 2026 meeting.

District staff engaged in continuous communication via phone, email, and in-person check-ins. In their interview with the Complaint Investigator, the Complainant acknowledged that verbal communications with staff were "collaborative" and "positive." When the Complainant requested on March 30, 2026, that all communication be restricted to writing, the District honored this request and assigned the Director of Student Services to handle correspondence. The District provided timely advance notice, offered virtual participation options, repeatedly responded to the Complainant's input, and honored the Complainant's communication preferences.

The Department does not substantiate this allegation.

[37] OAR 581-015-2190(1); 34 CFR § 300.322(a)
[38] *Doug C. v. Hawaii Dep't of Educ.*, 720 F.3d 1038, 1043-44 (9th Cir. 2013)
[39] *Id.*
[40] *Id.*

Free Appropriate Public Education (FAPE)

The Complainant alleged the District violated the IDEA when it denied the Student a FAPE as a result of the aforementioned allegations.

School districts must provide a FAPE to all school-aged children with disabilities for whom the district is responsible. "School-age children" are children who have reached five years of age but have not yet reached 21 years of age on or before September 1 of the current school year.[41]

Each State must ensure that a FAPE is available to any individual child with a disability who needs special education and related services, even though the child has not failed or been retained in a course or grade, and is advancing from grade to grade. The determination that a child is eligible under this part must be made on an individual basis by the group responsible within the child's LEA for making eligibility determinations.[42]

A district satisfies its FAPE obligation by providing an IEP that is reasonably calculated to enable a child to make appropriate progress in light of the child's circumstances.[43] A procedural violation of the IDEA only rises to the level of a denial of a FAPE if the procedural inadequacy impeded the child's right to a FAPE, significantly impeded the parent's opportunity to participate in the decision-making process regarding the provision of a FAPE, or caused a deprivation of educational benefits.[44] Isolated procedural or privacy breaches that do not disrupt the actual delivery of specialized instruction or parental involvement do not result in a substantive denial of a FAPE.[45]

Furthermore, the IDEA requires school districts to make a compliant offer of a FAPE. It does not guarantee specific academic outcomes or protect against student-driven performance deficits. If the record demonstrates that the district consistently designed and implemented a progressive sequence of general education interventions, Section 504 accommodations, and an IEP tailored to the student's unique needs, the district fulfills its statutory mandate to make a FAPE available.[46]

In this case, there were no substantiated procedural violations. The Student's failing grades and low grade point average were caused by chronic unexcused absenteeism and voluntary class departure rather than an inappropriate educational program. The Student accumulated 36 unexcused absences and 31 unexcused tardies. Teachers reported that when the Student was present in class, the Student was polite, capable, and provided with flexible options such as voice-memo submissions and extended timelines.

Throughout the school year, the District offered progressive general education interventions, established a Section 504 plan, modified the Student's schedule for foundational math and study

[41] OAR 581-015-2040(1)
[42] 34 CFR §§ 300.17, 300.101(a)(c)
[43] *Endrew F. v. Douglas Cty. Sch. Dist. RE-1*, 580 U.S. 386, 399 (2017)
[44] *L.M. v. Capistrano Unified Sch. Dist.*, 556 F.3d 900, 909 (9th Cir. 2009)
[45] *Id.*
[46] 34 CFR § 300.17; *Endrew F.*, 580 U.S. at 399

skills, and implemented an IEP providing 270 minutes monthly of SDI and 14 classroom accommodations. The District fulfilled its obligation to offer an appropriate educational program.

The Department does not substantiate this allegation.

V. CORRECTIVE ACTION[47]

In the Matter of Ashland
School District 5
Case No. 026-054-081

Based on the facts provided, no corrective action is ordered.

Dated: this 21st Day of August 2026



Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing Date: August 21, 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).)

[47] 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)).