BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of Ashland School District 5	)	FINDINGS OF FACT,
	)	CONCLUSIONS,
	)	AND FINAL ORDER
	)	Case No. 26-054-082

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 guardian (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, 07/27/26
2. Prior Notice about Evaluation/Consent for Evaluation, 01/22/26
3. Student Assessment List, 09/30/25
4. Enrollment History, 2025-26 School Year
5. Student Profile, 2025-26 School Year
6. Psycho-Educational Assessment Report, 02/28/23-03/14/23
7. Speech and Language Evaluation Report, 03/20/23
8. Abbreviated Initial Health Assessment, 02/13/23
9. Invitation to Individual Education Program Team Meeting/Notice of Meeting, 02/08/253,

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

03/20/23, 02/27/24
10. Individualized Education Program (IEP), 03/12/24
11. IEP Amendment, 04/27/23
12. Notice of Procedural Safeguards, revised 10/2016
13. Letters of Guardianship, 01/29/25
14. Emails between parties, 08/28/25-05/07/26

The Complainant submitted documents on July 6 and July 12, 2026. The Complainant submitted the following relevant items:

1. Formal Letter of Concern, 09/25/25
2. Trauma Informed and Culturally Sensitive Therapy with Foster and Adoptive Families Informative Document, no date
3. Permission to Attain and Release Information, 10/23/25
4. Abbreviated Initial Health Assessment, 02/13/23
5. IEP, 03/12/24
6. Student Summary, 01/23/26
7. Medical Documents, 09/22/25
8. Student Learning Snapshot, Trimester 1, 2025-26 School Year
9. Columbia-Suicide Severe Rating Scale, 09/22/25
10. Re-Entry Safety and Support Plan, 09/24/25
11. Incidents Summary, 09/16/25-01/14/26
12. Student Permanent Record, 01/26/26
13. Attendance Report, 2025-26 School Year
14. Emails between parties, 09/25/25-01/30/26

The Complaint Investigator interviewed the Complainant on July 31, 2026. On August 3, 2026, the Complaint Investigator interviewed District personnel. The Case Manager submitted written responses on August 7, 2026. 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 District requested and received the Student's out-of-state records immediately after their enrollment. The District initiated the Oregon eligibility process in September 2025, and the Complainant declined.
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))	**Substantiated** The District failed to provide the Complainant with PWN regarding the special education evaluation.
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** When the District learned that there were previous special education eligibilities, an evaluation was offered. The Parent declined the evaluation. The District was not obligated to conduct the eligibility process.
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 was not required to develop an IEP for the Student as the Student was not eligible for special education services in Oregon.
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 District was not obligated to develop or implement an Oregon IEP for the Student because the Complainant declined for the Student to be

	evaluated for special education services in Oregon.
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** The District did not disclose the Student's protected information.
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 Complainant did not provide written consent for an evaluation to be conducted.
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 Complainant declined opportunities to convene special education meetings.
Free and 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. (OAR 581-015-2040(1)); 34 CFR §§ 300.17, 300.101(a)(c))	**Not Substantiated** The District was not obligated to provide the Student with a FAPE.

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. Compensatory education for the period of the Student's enrollment, measured against the services and interventions identified in their out-of-state IEP and prior evaluations, which should have informed comparable services upon enrollment.
5. District responsibility for ensuring provision of a FAPE going forward, whether through support of the Student's current placement or another arrangement determined appropriate by ODE, given that the Student exited the District without receiving Oregon special education services consistent with their existing eligibility.
6. Removal from District-maintained educational and behavioral records of disciplinary actions imposed without manifestation determinations or without adequate consideration of disability-related factors, including field-trip exclusions, lunch detentions, in-school suspension, and routine searches.
7. A compliant Oregon eligibility evaluation at public expense, completed by an independent provider, to complete the evaluation process that was closed in October 2025 and never reopened.
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.
9. Designation of a consistent point of contact for all future communication relating both to educational programming and implementation of any remedies ordered in this matter, ensuring continuity, accountability, and reduction of unnecessary burden on the family.

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 fourteen years old, and attended a middle school in the District.

2. A February 13, 2023 Initial Health Assessment from a former school district indicated a review of the Student's medical file, which revealed diagnoses of Autism Spectrum Disorder (ASD), Attention-Deficit Hyperactivity Disorder (ADHD), and anxiety.

3. The District listed their primary eligibility for services as Specific Learning Disability (SLD). This eligibility was determined by the Previous Out-of-State District with an expiration date of

March 19, 2026. The Student had a March 12, 2024 Individualized Education Program (IEP) from the Previous Out-of-State This IEP was active through March 12, 2025.

4. The Student is kind and happy, and enjoys art, being creative, and writing stories.

5. An August 27, 2025 email generated by the online enrollment system stated the Student was registered with the School on August 26, 2025.
   a. In an email to the Assistant Principal on August 28, 2025, the Registrar stated, "Attached is a new student interview for [the Student]. [They] [were] in private school last year, but did have an out-of-state IEP before they switched. I don't have any records yet … if it turns out [the Student] has current eligibility, we can go from there."
   b. The undated New Student Interview form indicated the Student previously received supports under the IDEA. Under "Past behavior concerns/problems," the form read, "[The Student] will need help organizing. … [They] can be very impulsive when with impulsive kids."
   c. On August 28, 2025, the Registrar emailed the Previous Out-of-State District with a records request for "... Elig [*sic*], Evals [*sic*] and last IEP paperwork, so we can see if [the Student's] eligibility is still good."
   d. A staff member for the Previous Out-of-State District replied the same day that all the Student's records were sent to the Previous Private School. They stated they were able to find the Student's initial evaluation reports and IEP from 2023, which they emailed to the Registrar.
   e. On August 28, 2025, the Registrar forwarded the documents to the Assistant Principal and the Director of Student Services.
   f. On September 2, 2025, the Assistant Principal replied, "I am seeing a student who was evaluated for speech services, but scored well within the average range."
   g. The Registrar responded the same day, "Great, [the Student] is already enrolled in regular classes. No speech needed."
   h. The Director of Student Services replied on September 3, 2025, "Agreed. I'm not seeing speech as a service being provided."

6. The Student's Enrollment History for the 2025-26 school year indicated an entry date of September 2, 2025 and an exit date of January 28, 2026. An undated student information document titled "Other Info" stated the Student previously received services under the IDEA. The document also indicated permission was granted to use the Student's name and image in various school-related media, including in a student directory, and to allow the Student use the internet at the School.

7. On September 2, 2025, the Other Parent emailed guardianship paperwork and the Student's 2023 IEP to the Registrar.

8. An Incident Summary for the Student included incidents from September 16, 2025 through January 14, 2026:

a. September 16, 2025 - The Student "brought a vape to the middle school football game and shared it with others." Detention, In-School Suspension (ISS), and Out-of-School Suspension (OSS) were listed as actions taken.
b. September 22, 2025 - It was reported the Student had a pocket knife, which the Student denied, and then there was a vape and pocket knife found in the Student's binder. ISS was the listed action taken.
c. October 3, 2025 - The Student engaged in an email exchange "during and after school hours" with "threats to fight and hate speech." Conference and ISS were the listed actions taken.
d. November 10, 2025 - The Student skipped class and detention was listed as the action taken.
e. November 19, 2025 - The Student was directed by staff to put their phone away and then "got on [their] skateboard and rode a short distance in the cafeteria." Detention was the action taken, the Student did not show up, and then was assigned additional detention.
f. January 6, 2026 - The Student was using a skateboard in the hallway and refused to give it to an adult when asked. The action taken was a loss of skate privileges for three days, along with a conference.
g. January 9, 2026 - The Student used a school computer to search vapes and nicotine, along with accessing personal email. Loss of privileges was the action taken.
h. January 14, 2026 - The Student accessed websites during benchmark testing. Loss of privileges was the action taken.

9. An attendance report for the 2025-26 school year indicated the following relevant absences:
   a. September 22, 2025 - "Counseling" during Concert Band;
   b. September 23, 2025 - "ISS" during lunch and Wellness;
   c. September 24, 2025 - "ISS" during lunch, Theatre, and Wellness;
   d. September 25, 2025 - "Unexcused Parent Contact" during lunch and Wellness;
   e. September 26, 2025 - "ISS" during lunch, Theatre, and Wellness; and
   f. January 14, 2026 - "Mental Health Day Excused" during Individual Needs Math, Concert Band, and Homeroom.

10. A September 22, 2025 email from the Spanish Teacher to the administration indicated the Student had "multiple cuts on [their] wrists." They stated the Student had cut themself the night before, and the Student reported "No one at home knows about it … ."

11. A September 22, 2025 Columbia-Suicide Severity Rating Scale (CSSRS) indicated an answer of "yes" on all six questions. The questions "Have you wished you were dead or wished you could go to sleep and not wake up," and "Have you actually had thoughts of killing yourself," were both rated at "moderate risk." The remaining four questions were rated at "high risk," and included:
    a. "Have you been thinking about how you might do this?";
    b. "Have you had these thoughts and had some intention of acting on them?";
    c. "Have you started to work out or worked out the details of how to kill yourself? Do you intend to carry out this plan?"; and

d. "Have you ever done anything, started to do anything, or prepared to do anything to end your life?"

12. A September 22, 2025 emergency department (ED) document for the Student indicated the Student arrived at the ED after a suicidal ideation (SI) screening at school. The documents indicated the Student was "identified to be low risk and able for safety." The intervention listed was a safety plan and the follow up was, "Patient was instructed to call 911 or to to [*sic*] local Emergency Department if any uncontrollable thoughts of suicidal ideations arise."

13. A September 24, 2025 "Re-Entry Safety and Support Plan" for the Student provided the choice to circle "Y[es]" or "N[o]" for an IEP, and nothing was circled. The plan indicated the Student's warning signs, their personal activities for coping, their social settings and people for coping, and the support that would happen in the school setting. It was noted that the School Counselor would meet with the Student "weekly" and would check-in with a parent "monthly." Professional agencies were listed as resources, and under "making my environment safe," a line was checked next to "sharp utensils," with a note to "keep bedroom safe [and] free from sharp utensils and blades." The plan was signed by the Student and the School Counselor, and dated September 24, 2025.

14. On September 24, 2025, the Registrar sent the Student's enrollment documents to the Assistant Principal and stated, "[The Other Parent] said there was confusion about IEP info."
    a. The Assistant Principal replied the same day, "[The Student's] IEP is expired and we will need to do an Oregon elig[ibility]. [The Student] needs to be assigned a case manager."

15. On September 24, 2025, the Registrar emailed the Case Manager, the School Psychologist, and the Resource Teacher to coordinate an evaluation for the Student. The Case Manager responded the same day, seeking clarification on when the Student began at the School and the status of their IEP. The Registrar replied the same day, "[W]e had all the info, but part of the Eval just didn't get seen. … Upon further review, the math goal was noticed."

16. On September 25, 2025, the Case Manager sent an email to the Other Parent, stating, "I am a special education teacher at [the School]. [The Assistant Principal] just alerted us that [the Student] has an IEP from California. To write an Oregon IEP for [the Student], our team would need to first establish Oregon eligibility for SLD[.]" The Case Manager proposed an evaluation planning meeting. They described, "This would be a brief meeting where we go over what assessments and other actions the team would do to establish Oregon eligibility."

17. In a September 25, 2025 email exchange, the Case Manager and the School Psychologist agreed a file review was sufficient to determine eligibility for the Student. The Case Manager mentioned, "Since [the Student] never qualified for ASD, I say we do not bring it up at all. If [the Other Parent] does, like you said, we would then schedule another meeting and pull in specialists."
    a. In a follow up email on September 26, 2025, the School Psychologist wrote, "Seems like at this point we just need to have a formal meeting with [the Complainant and the Other

Parent] … and make a decision which eligibilities we want to look at with the family and what still might be needed for the particular eligibility."

18. In a September 25, 2025 email to the Case Manager, the School Psychologist, and the Assistant Principal, the Complainant explained why they had been "absent through this process," and requested everyone "pause for a moment" to plan "how to best move forward." They emphasized wanting to set the Student up for success and shared they had "big concerns" about whether the School was able to keep the Student safe. They indicated the Student was "happy with the response of the staff and [the] plan for support since the hospital visit." The Complainant felt confident the Student would "be ok for the time being." The Complainant attached documents to the email (a genetic report, a psychological assessment, an initial offer of services for an autism program, an OT Evaluation, and an Initial Diagnostic Interview, all of which were all dated outside the timeline of the Complaint Investigation) to give a "clear developmental picture of [the Student]." They requested all provided documents be reviewed, indicated the Student was born with "many risk factors," and stated they were "well[-]versed in what works best for [the Student] and how to work as a team with [the Student's] school environment." The Complainant requested "all" of their concerns be addressed "before any further meetings" were held, and clarified they would like to "consider all options before agreeing to anything."
    a. The Assistant Principal replied on September 26, 2025 and apologized for missing documents regarding the Student that were sent to them by the registrar. The Assistant Principal explained "only the first two attachments appeared in full view," and they failed to open all attached documents. When the documents were re-sent to the Assistant Principal, after the Other Parent brought up the missing documents during the September 23, 2025 meeting, the Assistant Principal learned the Student was eligible for special education services in the Previous Out-of-State District under the category of SLD.
    b. The Complainant replied on September 28, 2025, seeking guidance on how to get the Student to school safely, clarity on the suspension timeline for the Student, and then shared their increased distress "at the unclear expectations and communication coming from the [S]chool." The Complainant expressed the Student was "getting behind" in academics because they "struggle" to learn new systems. They shared concerns about the Student's safety and their desire to work as a team with the School to support the Student. The Complainant stated the Student had Autism. They believed the School had not followed the District's Suicide Prevention, Intervention, and Postvention Plan Summary with the Student. The Complainant requested "something written that explains the In School Suspension [*sic*] as a consequence for the events on 9/22/25?"
    c. The Assistant Principal replied on September 28, 2025 and requested a meeting with the Complainant and the Other Parent "an hour before our IEP planning meeting on [October] 9th[,] [2025]" to "go over [their] questions and clarify any information you need." They apologized that their "intentions last week of trying to support [the Student] have made a negative impact."
    d. The Dean replied to the email chain on September 29, 2025 indicating they had a check-in with the Student that morning and offered support for the Student moving forward.
    e. The Complainant replied to the email chain on September 29, 2025 and noted the Student was "still struggling" to log in to their school work from home and the Student would be

asking the counseling department for help. The Assistant Principal replied the same day and offered the School Counselor's help so the Student could learn how to log in.

19. A September 25, 2025 "Formal Letter of Concern Regarding Handling of Suicide Concern, Consent, and IEP/Enrollment Documentation for [the Student]" was attached to the aforementioned email and outlined the Complainant's and the Other Parent's concerns about a September 22, 2025 incident where they were informed the Student was planning to commit suicide at school, and about the September 23, 2025 follow-up meeting regarding this incident.
    a. The Complainant claimed that on September 22, 2025, the Student was "brought into the public lobby," and the Complainant and the Other Parent were told to take the Student to the hospital, which "denied [the Student's] privacy."
    b. The Student was discharged from the hospital that day as "low risk" and with a safety plan, along with confirmation the Student "was not in an active suicidal crisis."
    c. The Complainant explained the Student's ASD and trauma history made them a "concrete thinker." When the CSSRS was administered, the Student was provided the choice of going to the ED or waiting for the emergency responders to come to the School, and they chose to go to the ED because they were "embarrassed" and feared they had lost friends. The Complainant claimed the literal questions on the CSSRS, "without trauma-informed framing," elicited literal answers from the Student, which "escalated directly to an E[D] referral."
    d. The follow-up meeting on September 23, 2025 was attended by the Student, the Other Parent, the Dean, and the School Counselor. The Other Parent claimed School staff "repeatedly said, 'we received nothing, nothing,' despite [the] documented August 26[,] [2025] enrollment submission with time-stamped receipts." The Other Parent attempted to explain the Student's IEP had been submitted to the School, but was "cut off," and notes on the registration packet regarding the Student's exceptionalities and trauma history "were not considered."
    e. The Complainant and the Other Parent requested copies of enrollment paperwork from the School office and "the office confirmed the IEP had been submitted, re-sent, and time-stamped."
    f. The Complainant noted a 2023 signed amendment from the Previous Out-of-State District included middle school services and accommodations, and the registration forms were marked "Previously Received Services" in Special Education and included signed consent for records release.
    g. The Complainant indicated the Case Manager began working with them "quickly" after the special education services in the Previous Out-of-State District were "finally noticed."

20. In a September 26, 2025 email to the Complainant and the Other Parent, the Case Manager acknowledged hearing their concerns and proposed a meeting time. Additionally, the Case Manager inquired if the Complainant would like the OT, the Speech Therapist, and/or the Autism Consultant to attend the meeting. The Complainant replied on September 28, 2025, confirmed the meeting time and date, and indicated any of the three suggested service providers attending would be "helpful." The Complainant offered for each of the providers to "screen [the Student's] case to see if they feel like they would be a good fit."

21. In a September 30, 2025 email to the Assistant Principal, the Complainant explained the Intensive Outpatient Program (IOP) was not appropriate for the Student at that time. They added the Student would be starting work with a tutor and they would share more information regarding the Tutor later that day.

22. In a September 30, 2025 email exchange, the Autism Consultant and Speech Therapist conferred with the Case Manager, the Occupational Therapist, and the School Psychologist about assessments for the Student.
    a. The Autism Consultant said, "While it looks like they have a medical dx [*sic*] of ASD, they did not qualify for special education services under Autism, and they have an eligibility under SLD. Are we needing to look at Autism again?"
    b. The Speech Therapist wrote, "I also looked at the file and they did not qualify for [the] SLI program."
    c. The School Psychologist said, "ASD, ADHD, Math disability, a private report recommends OT, … [The Student] is struggling a lot socially and academically. I recommended … some kind of decision-making team in case any of these things came up in an eval[uation] meeting with [the Other Parent]... [t]o help answer … [*sic*] why or why not ... we will be looking at certain disabilities (like ASD, OT, etc.). [The Case Manager] and myself are going to try to meet with [the Assistant Principal] today to try and figure out a direction[,] given a large amount of info[rmation] we received[,] and all the potential eligibilities."

23. In a September 30, 2025 email to the School Counselor, the Dean, and the Complainant, the Assistant Principal indicated they spoke with the Complainant on the phone and "the items check" should continue on a daily basis for the Student. The Complainant replied to the email the next day and attached a resource about "cultural sensitivity when working with adoptive families" that they believed the Dean and the School Counselor "would benefit from." The attached resource was titled "Trauma-Informed and Culturally Sensitive Therapy with Foster and Adoptive Families" and had an Artificial Intelligence (AI) insignia on the first page.
    a. On October 5, 2025, the Assistant Principal replied to the Complainant, thanked them for the resource, and offered again for the Complainant and the Other Parent to come in before the IEP planning meeting October 9, 2025. They provided a time to meet and clarified the purpose was to "clear up any information or answer any questions you all may have." They also indicated they would be at the IEP planning meeting.
    b. On October 6, 2025, the Complainant replied to the Assistant Principal and stated, "I would like to request that we hold off on the IEP meeting" because they were unsure the School could meet the Students needs and "none of our concerns or requests have been addressed." The Complainant shared the Student's perspective regarding "potential" conversations with the Assistant Principal about self-harm. "From what I have gathered, [the Student] was discussing coping skills around self harm when it was reported. [The Student] showed me the website that [they] [were] looking at." They explained the Student was crying because they thought they were in trouble again and they were "terrified" about going back to the hospital. The Complainant requested to "come up with a plan for how you guys can meet [the Student's] needs based off [their] specific diagnosis

and trauma history," and clarified they would "like to cancel the meeting this week and try one more time to regroup [b]efore we proceed."

c. On October 6, 2025, the Assistant Principal replied to the Complainant, included the Case Manager, and clarified that the Student came to the office on their own, requested a check in with the School Counselor, and when they asked the School Counselor how the check in went, they shared the Student "was teary" and missed the Other Parent. The Assistant Principal explained this as the reason they called the Complainant. They added, "I understand you want to hold off on the IEP meeting. [The Case Manager] will send you a stand ready letter as part of the process when a student is on an IEP. When you are ready, we stand ready to implement [the Student's] IEP."

24. A Student Assessment List, dated September 30, 2025, listed "observation," "teacher interviews," and "other - review of diagnostic results and student performance[;] review of previous psycho-educational evaluations" as "evaluation procedures." The document indicated the School Psychologist and the Case Manager would "be involved" with the assessment procedures.

25. In an October 7, 2025 email to the Complainant and the Other Parent, with the Director of Student Services, the Assistant Principal, and the School Psychologist copied, the Case Manager stated, "I'm writing to confirm that, per your request, we will not be moving forward with an eligibility meeting for [the Student] at this time." They offered the Complainant and the Other Parent the pursuit of a special education evaluation in the future. In a written response to the Complaint Investigator, the Case Manager confirmed a PWN was not attached to the October 7, 2025 email, but they "sent one in the [United States] US mail." A PWN was not provided as part of the District's materials.

26. On October 7, 2025, the Case Manager emailed the Assistant Principal. They wrote, "[The Director of Student Services] recommends [that] since we have not gotten any consent signatures, we should actually erase [the Student] from Special Programs for now[,] and then add [the Student] if the guardians come back and ask for an IEP/eval. [The Director of Student Services] suggests that I write them a letter[,] or email is fine, instead of a stand ready."

27. In an October 9, 2025 email to the Complainant and the Other Parent, with the Assistant Principal copied, the Principal requested a meeting with the Complainant and the Other Parent to "discuss your concerns regarding [the Student's] experience" at the School. They noted they read through recent email exchanges, and there had been "a few misunderstandings that would be good for us to process and clarify." They offered dates and times to meet that were within a week of the email.

a. The Complainant replied on October 14, 2025, expressing their hesitancy to meet "without some acknowledgement of the concerns we have brought," including "acknowledgment of the substantial trauma history that we have shared with [the School] staff and for approaches to be changed in light of this." They suggested and agreed to meet one-on-one with the Principal, requested a copy of the Student's grades, and also requested a "larger meeting be recorded or attended by someone from the [D]istrict" if it were to happen.

b. The Principal replied on October 14, 2025, reiterating their intent to meet in person so they could better understand the Complainant's concerns. They stated, "I appreciate that there have been some misunderstandings, and I'd like to take time to clarify those and make sure we're moving forward with accurate information and a shared understanding." They proposed a time for their one-on-one meeting, as well as the option for a "larger follow-up" meeting later if it was deemed appropriate.
c. The Complainant replied the next day and agreed to meet with the Principal on October 16, 2025.

28. In an October 22, 2025 email to the Assistant Principal, the Complainant provided permission for the Tutor to communicate directly with the School regarding the Student's academics. The Complainant requested a Release of Information (ROI), if the School needed something "more official." The Dean emailed the ROI to the Complainant on October 23, 2025.
    a. On October 23, 2025, the Complainant replied to the Dean and the Assistant Principal, included the Principal, the Tutor, the Student, and the Other Parent, and requested assistance coordinating with the Student's teachers to help the Tutor and the Complainant better support the Student. They noted the Student did not know how or when to talk with their teachers about late work, and the Student needed help with classroom routines in math because they "usually [just] put [their] head down and [wait] for the class to finish."
    b. On October 24, 2025, the Principal replied, answered questions, and suggested the Complainant set up a meeting with the Homeroom Teacher to get the rest of their questions answered. They also invited the Complainant to reach out to any of the Student's teachers and they attached another ROI due to access issues with the first one.
    c. On October 24, 2025, the Homeroom Teacher replied indicating when the Student could turn in missing assignments, explaining the Student received a printout of missing assignments every Tuesday, and shared that they regularly check in with the Student to make sure they know what to do. They explained the Student had been "most successful" when the Homeroom Teacher sat with the Student and took them through assignments step-by-step, but that they were not always able to do that.
    d. On October 26, 2025, the Complainant replied with appreciation for the support, and attached the ROI for the Tutor.
    e. The ROI was signed by the Complainant, was dated October 26, 2025, and provided "parent permission" for the Tutor to obtain information regarding the Student's official student academic records, their multidisciplinary team evaluations and related reports, and their appropriate agency reports.

29. In a December 2, 2025 email to the Student Services Program Assistant, the Case Manager confirmed, "[W]e never had an evaluation meeting for this student." They stated the Director of Student Services recommended that the Student be removed from "special programs."
    a. The Student Services Program Assistant replied the same day, "Is there any paperwork from the [Complainant] saying they revoke services or evaluation? I need to put something down as to why we aren't providing services."
    b. The Case Manager forwarded the Complainant's October 6, 2025 email to the Student Services Program Assistant.

30. On December 19, 2025, the Dean emailed the Complainant that the Student brought a vape on a field trip that day. The Dean indicated the Student was held in the office for the remainder of the school day. Additionally, the Student "lost the privilege to go on field trips for the remainder of this school year."

31. The Student's report card for Trimester 1 of the 2025-26 school year indicated:
    a. Language Arts - One "Mastery," two "Proficient," nine "Not Yet Proficient," and seven "Not Yet Assessed" grades.
    b. Integrated Math Algebra - Five "Not Yet Proficient" and twelve "Not Yet Assessed" grades.
    c. Social Studies - Three "Proficient," nine "Not Yet Proficient," and ten "Not Yet Assessed" grades.
    d. Science - Eight "Proficient" and nineteen "Not Yet Assessed" grades.
    e. 67% of assignments were "on-time" and 18 assignments were "missing/incomplete."
    f. Out of the 83 skills that were assessed in all classes, 61% were proficient or better.
    g. The Student was present 93% of the school days, was absent for 27 total classes, and was tardy to class 17 times.

32. In a December 29, 2025 email to District staff, the Complainant indicated the Student's mental health was "continuing to struggle due to the lack of appropriate intervention" at the School, "despite [the Complainant's] numerous attempts to coordinate care." They explained the Student had impulse control and mental health challenges related to their developmental history that would exist throughout their life and were part of their ASD and Fetal Alcohol Spectrum Disorders (FASD). The Complainant claimed, "Without proper guidance and support from all adults" the Student's chances of success in being able to manage this "goes down significantly." They included a timeline of events with the following relevant information:
    a. August 28, 2025 - The Student and the Other Parent registered the Student at the School.
    b. September 22, 2025- The School Counselor informed the Other Parent that the Student brought a vape and razors to the School, the Student verbalized feelings of self-harm, the School Counselor administered the CSSRS, and scores mandated a hospital visit. The Complainant, the Other Parent, and the Student were spoken to about this in a non-private space.
    c. September 23, 2025 - The Other Parent provided "comprehensive trauma history" to the School Counselor and the Dean. The Dean indicated the vape was a "pattern of behavior" and did not acknowledge the context the Other Parent provided. The Student was assigned ISS and daily morning backpack checks, with a parent sign-out each day.
    d. September 25, 2025 - The Complainant emailed documents and asked that all of them be reviewed by staff who worked with the Student.
    e. October 6, 2025 - The Complainant "sent an email asking to hold off on the official IEP meeting, but requested a meeting with a team prior," and explained their concerns about a voice message from the Assistant Principal where there were "significant discrepancies" between the School's and the Student's reports.

i. In an interview with the Complaint Investigator, the Complainant indicated they sent this because the School was treating the Student as a "standard middle-schooler" and the School kept pressuring the Complainant to sign evaluation consents and "other things." The Complainant expressed they did not feel comfortable "giving someone the ability to create an official diagnosis or an educational record if they hadn't talked to me." The Complainant explained it was not meant to cancel the IEP, but "it was meant to start with a meeting with people and me, and [have] any conversation in which we could maybe talk about what we had been hoping, what [the School] could offer, and then get on the same page … ." The Complainant added there were an increasing number of concerns that were communicated to the School verbally and in writing that "we were getting no responses for."

f. October 16, 2025 - The Complainant met with the Principal and shared concerns about the Student being "punished for mental health symptoms" and perceiving they had ISS due to their suicidal thoughts. The Principal clarified the ISS was for the vape and the razors, not mental health symptoms. The Complainant "explained that [the Student] had significant developmental delays and had only begun expanding [their] verbal skills." There was discussion about the Student's "social challenges," the Student's development in terms of their FASD, the Student's impulsivity, the Complainant's desire to protect the Student from "devastating effects that the IEP system had on [the Student's] [sibling]," and the increased labels and stigma with an IEP. The Complainant and the Principal agreed to monitor the Student's progress and "wait to make a decision on special education services until the end of the semester." The Principal "emphasized" the use of "'standing ready' as a legal term," which the Complainant claimed the Case Manager did not use that specific language.

g. November 2025 - The Student was assigned lunch detention for standing on a skateboard in the lunchroom. The Complainant relayed to the Dean that the Student needed a more immediate consequence due to the Student's inability to process the correlation between the action and the consequence, "unless it is in the moment." The Complainant spoke with the Dean, the Dean offered the counseling office as a place for the Student to go when they needed help, and the Complainant indicated that was not a comfortable space for the Student because the Dean did not make them feel welcomed or supported. The Complainant had a conversation with the Assistant Principal about discontinuing morning bag checks, which was agreed to by both parties.

h. December 4, 2025 - The Assistant Principal informed the Complainant about an off-campus incident of the Student "watching porn and acting it out." They met, including the Principal and the Student, and the Student expressed they did not have safe adults to talk to at the School. The Principal suggested the Student be moved to a smaller setting within the School. The Complainant suggested they, the School Counselor, and the Student meet weekly regarding the new setting and needed support. The Complainant claimed the School Counselor never reached out to arrange this, despite the Principal indicating they would. The Student reported to the Complainant they were in class crying, were "eventually allowed" to go to the School Counselor's office and calm down, they "constantly feel singled out by teachers," and they did not understand the expectations.

i. December 17, 2025 - The Student reported to the Complainant that the Spanish teacher yelled at them, told them they were not allowed in that area of the School, and then "dragged [the Student] by the wrists down the hallway," telling them to go back to class.
j. December 19, 2025 - The Student brought a vape on a field trip. When the Complainant met with the Dean and the Assistant Principal about this incident, the Complainant reiterated the notes they put in the initial registration packet and the concerns the Student had expressed about staff at the School. The Complainant cited "no offers of support to collaborate" and no "clarification questions" asked, along with the Dean and the Assistant Principal not acknowledging the Student's "needs and disabilities." The Complainant also asked about the check-ins with the School Counselor and received "no offers of coordination."
k. In the conclusion of the email, the Complainant indicated they were "looking for someone to help us figure out what's actually going to help [the Student] succeed" and requested help in finding a "path forward."

33. In a January 5, 2026 email to the Principal, the Assistant Principal, the Dean, the Superintendent, and the School Board, the Complainant outlined their concerns regarding lunch detentions assigned to the Student in response to an incident. They included core principles of the Student's FASD and how lunch detention increased stress, reduced working memory, lowered future performance, and increased likelihood of another infraction, rather than the School's intention of it being a "mild correction," a "behavioral signal," a "deterrent," or a "natural consequence." They explained the Student's response and experience due to their "FASD brain" when assigned lunch detention for tardiness. They added legal framework, including the IDEA, Section 504, and the Americans with Disabilities Act (ADA), and how each of these related to the way the Student was consequenced for their behavior.
    a. On January 6, 2025, the Principal replied thanking the Complainant for their concerns, clarifying their intent to support the Student's "safety, learning, and well-being, while maintaining clear expectations that apply to all students," and expressed a desire to create "clarity and consistency" as they move forward. The Principal established they would serve as the primary point of contact regarding the Student and "Any supports, accommodations, or adjustments will be discussed and documented through the appropriate formal team process rather than through ongoing email exchanges. Discipline decisions will continue to follow [D]istrict guidelines and student safety considerations and will not be revisited through continued correspondence." They offered a regular monthly check-in meeting to review how the Student was doing and to "monitor supports moving ahead," with the meeting focused on "progress and next steps, rather than revisiting prior events."

34. In a January 12, 2026 email to the Complainant and the Other Parent, with the Principal and the Assistant Principal copied, the Dean outlined two incidents that occurred the week prior. One was regarding a computer search, related to vaping, that the Student performed on their school device. The other incident was regarding an interaction with a staff member. The staff member redirected the Student and the Student "pushed back and argued with the adult," who then informed the group of students the Student was with that a referral would be written for the behaviors. "[The Student] made a retort, 'your mom is a referral' to the staff

member," and was assigned lunch detention for "not maintaining safe and respectful interactions."

35. In a January 15, 2026 email to the School Nurse, the Complainant stated the Student's somatic symptoms had "increased intensely in the last couple of months" and the Student was "voicing fears about going to school almost daily." The Complainant indicated the Student was experiencing "headaches and lightheadedness," which they believed to be caused by stress at the School. The Complainant stated the Student did not have the same symptoms at home. They mentioned the Student's medical anxiety, feelings of overwhelm at the School, and the Student's tendency to succumb to peer pressure.

36. A series of emails between the Principal and the Advocate indicated:
    a. January 21, 2026 - The Advocate notified the District they were working with the Complainant and their "primary goal" was to "get an IEP meeting scheduled as soon as possible and stay forward focused."
    b. January 22, 2026 (10:34 a.m.) - The Principal noted they had an eligibility planning meeting scheduled for early October 2025 and the Complainant requested they "hold off on moving forward." The School provided the Complainant with a "stand ready notice" and "subsequent conversations" indicated the Complainant wanted to "see how the transition went before convening the IEP process." The Principal also provided logistics for IEP scheduling and coordination.
    c. January 28, 2026 - The Advocate replied and noted the Complainant would be requesting a transfer for the Student to the Charter School. The Principal ensured they would support the Student's transfer to the Charter School.

37. In a January 22, 2026 (12:07 p.m.) email to the Complainant and the Advocate, the Case Manager proposed a time for the Complainant to come in and sign the consent for evaluation. They indicated they would "then swiftly schedule an eligibility/IEP meeting date that works for all."

38. In a January 22, 2026 (5:10 p.m.) email to the Case Manager, with the Advocate, the Student Services Director, the Principal, the Assistant Principal, and the Student copied, the Complainant claimed their "consistent ask" since October 2025 had been a meeting with the School to "make sure everyone is on the same page before evaluations start." They expressed their discomfort with signing paperwork prior to a meeting and they "remain confused" as to why their meeting request "brought the process to a stop." They noted a "huge backslide in [the Student's] academic and social abilities." They requested a meeting with the team, including the Advocate, to "explain what might not be contained in [the Student's] educational and other records" and to "better understand how the evaluation process will work in [the Student's] situation." They asserted they always wanted to move forward to ensure the Student's "educational protections and services." They reiterated their provision of documents describing the Student's background, abilities and strengths, and areas of need, and hoped these documents would "act as a framework for establishing eligibility." The Complainant requested if there were more assessments required after this review, they

wanted to know who would administer them and that the assessments were culturally sensitive.

a. The Case Manager replied on January 23, 2026, providing a time to meet the following week.

39. PWN, dated January 22, 2026, requested consent for an initial evaluation for the Student. The document stated, "[The Student] enrolled in [the School] with an expired IEP from California and a current eligibility of Specific Learning Disability (SLD). Evaluation at [the School] was put on hold due to guardian denying services. A stand ready letter was sent via email to the guardian on 10/7/25. In order to establish Oregon eligibility for special education services, the team needs to conduct an evaluation to determine eligibility in the area of Specific Learning Disability." The consent was unsigned.

    a. An email from the Case Manager to the School Psychologist on January 22, 2026 stated, "It will be an out of state initial with a roll-over file review of previous testing in the area of SLD. At the previous setting, [the Student] did not qualify for Autism and [they] passed [their] speech services."

40. A January 23, 2026 Student Summary depicted a graph of the Student's progress in both math and English Language Arts (ELA) from September 2025 through January 23, 2026. Math diagnostic levels were a straight line between 300 and 400, which was indicative of the Student performing between a third and fourth grade level. ELA diagnostic levels were a declining slope line between 500 and 600 , which was indicative of the Student performing between a fifth and sixth grade level.

41. In a January 26, 2026 email to the Advocate, the Complainant shared they decided to transfer the Student to the Charter School, stating, "[The Student] is pretty adamant that [they] [do] not want to return [to the School] after last week."

42. A January 28, 2026 Interdistrict Transfer Request indicated the Complainant requested a transfer for the Student to a charter school outside the District. On January 30, 2026, a School staff member sent the completed request to the Charter School and the District staff.

43. In a May 2, 2026 email to the Director of Student Services, the Complainant wrote, "The medical diagnosis and full psychoses report … was given to [the School Psychologist] in my 9/25[/25] email asking for coordination of care, after the 9/23[/25] reentry meeting when [the Dean] claimed they had 'nothing, nothing on [the Student]'. … We were working with [the Advocate] to try to establish eligibility in January [2026] when we decided to remove [the Student] from the [S]chool after [the Student] reported to [the School Nurse] that [the Student] cut [their] wrists due to bullying at [the School] and the [School] [N]urse failed to respond to a safety plan request I made and instead directed me back to [the Dean] and [the School Counselor] who repeatedly punished [the Student] for suicidal ideation."

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

45. In an interview with the Complaint Investigator, the Complainant indicated the Student had significant delays "since [they were] little." The Complainant shared they "hand-walked over the IEP on enrollment to ensure that [the School] had it." The Complainant explained, "The first contact we had [with the School] from August [2025] until this email, was September 22, [2025], when this suicide incident came up."

46. The Complainant indicated that on September 22, 2025, the Student was brought to a "public lobby" and the Complainant was told to take the Student to the hospital for suicide ideation. The Complainant stated they were standing at the door of the School and "there was the secretary and some children around." The Complainant stated, "[I]t was a really traumatic incident for us at the hospital." The Complainant explained the reentry meeting did not go well with the Other Parent and the Student because the Student was blamed for everything and the Student felt they had "been punished for suicide ideation." According to the Complainant, the Other Parent was "blamed" for not providing the School with the Student's special education history. The Complainant indicated they had delayed the Student's start day to make sure the School knew the Student had special education services in the past.

47. During the interview with the Complainant, the Student was asked what they remembered about the September 22, 2025 incident in the lobby area of the School and they explained, "I don't have good memories of those things. I don't really pay attention a lot."

48. According to the Complainant, an IOP mentioned in a late September 2025 email was the only option in their one year span in Oregon that was offered to the Student for services or intervention. This option was provided by the hospital and was a three-hour IOP that the Student did not attend when first offered. After the Complainant and the Other Parent enrolled the Student in the Charter School, the Student completed the full 12 week Dialectical Behavior Therapy (DBT) online IOP later in the 2025-26 school year.

49. The Complainant explained that on October 1, 2025 they shared a resource with the Assistant Principal about cultural sensitivity when working with adoptive families because they had multiple conversations with the Assistant Principal about the Dean and the School Counselor's "coldness" to them and the Other Parent.

50. The Complainant explained that on October 16, 2025 they had a meeting with the Principal where they had an "open discussion" about the Student and their experience at the School. The Complainant reported that in this meeting, they discussed the differences between the Student's social and academic abilities, and that the Student was immature socially, but was "very capable" academically. The Complainant expressed to the Principal that they did not want to sign for an evaluation because they were extremely protective over the Student's written record and were not certain they wanted an evaluation if the District was not "seeing [the Student] correctly." The Complainant relayed they shared their concerns with the Principal about the Dean and the School Counselor. They also mutually agreed to wait until the end of the trimester to see if the Student could make the honor roll without accommodations, and if so, they "would keep [the Student] off the IEP." The Complainant stated that if the Student did not make the honor roll, "We would see if we were feeling any

better then, and then we'd have a meeting and be able to reevaluate and go forward either with an IEP or again, us changing school placement." According to the Complainant, they mutually came up with "a bunch of ideas," but they never heard from the Principal again, nor did they have a follow-up meeting. The Complainant added that though the Principal talked with them about meeting with the School Counselor and the Dean, that also did not happen.

51. The Complainant stated they were unsure whether the Student had an active IEP until the October 2025 meeting with the Principal. The Complainant reported that, during this meeting, the Principal informed them the School "found the records" confirming the Student did, in fact, have "an active IEP."

52. The Complainant shared they had tribal funding available to them for tutoring, so they hired a tutor for math specifically, in October of 2025, three times a week. The Complainant explained they would have had the tutor work within the IEP and didn't know if they would not have had the Student with the tutor if there was an IEP.

53. The Complainant explained that in a meeting on or around December 4, 2025, the Complainant, the Student, the Principal, and the Assistant Principal discussed options for the Student. The Complainant indicated that the Alternative Class was an option that consisted of a smaller class size, more aides, and slower academics. According to the Complainant, a student could not attend the Alternative Class if they had an IEP. The two options presented by the School were that they could either move forward with the IEP process, or change the Student's placement to the Alternative Class. The Complainant indicated they chose the Alternative Class because there was "more supervision and more eyes."

54. The Complainant indicated they met with the Dean and the Assistant Principal in December 2025 because the Student had been sharing "some really concerning things," including how a teacher "had grabbed [the Student] by the wrist," and students were harassing the Student in class. The Complainant felt there was a "disconnect" between them and the District. The Complainant felt the School Counselor did not interact with the Student "as if [the Student] had any developmental challenges at all," so the Complainant used AI to outline what it would look like if a school "used an FASD lens" with the Student. The Complainant explained they sent it "because I wanted anything written that wasn't in my words that was explaining that my kid had these challenges, and that the way that they were handling it was not helping and was hurting [the Student]." Only the Principal responded, who told the Complainant they were "not to email anymore" and the Principal would be their "point of contact."

55. When asked about their decision to move the Student to the Charter School, the Complainant explained the Student was getting progressively worse, and other students were getting more aggressive and physical. The Student was coming home "daily crying and there were a lot of incidents of self-harm." The Student had several cuts on their wrist and went to the School Nurse about it, who sent the Complainant and the Student to the School Counselor and the Dean. The Complainant reported that these events prompted the Student to say they were ready to go to homeschool.

56. When asked about protected student information being disclosed, the Complainant explained, “In this particular instance, we were extremely forthcoming and we feel that information was not used to benefit [the Student], but was really used to create more bias and more restrictions and a very negative view of [the Student].”

57. Regarding the alleged incident with the Spanish Teacher, the Student indicated their locker was still in a hallway in a different part of the School, even though they were moved to the Alternative Class. The Student went to their locker not knowing they were not allowed to go into that hallway and the Spanish Teacher “yelled” at them to ‘Stop making trouble,’ and told the Student they could not be in that hallway. The Student stated, “So [the Spanish Teacher] just grabs me by the wrist and drags me to [the Alternative Class].” The Student indicated the Spanish Teacher “was maybe two feet away” and recalled they thought they had talked to the School Counselor about the incident. The Student explained all of their belongings in that locker were still at the School. The Complainant noted on December 19, 2025 they talked to the School about this incident and they “didn’t acknowledge it at all.”

58. In an interview with the Complaint Investigator the Principal indicated they encouraged the October 16, 2025 meeting because the Student had been involved in a discipline issue the first week of school, had been given a consequence for it, and when the Student learned of the consequence, they expressed SI. The Principal explained the team gave the Student a CSSRS and communicated to the family that there was some risk of SI. According to the Principal, “[The Complainant] subsequently seemed to conflate the discipline for the knife and vape for being disciplined for [the Student] expressing some suicidal ideation.” The Principal added that the Complainant communicated through phone calls and emails that the Student was not feeling safe at school. The Principal indicated they wanted the Complainant to know the discipline was not related to the SI.
    a. The Principal explained that the Complainant stated they were not sure whether the placement at the School was right for the Student. According to the Principal, though the focus of the meeting was to try to help the Complainant understand the Student was not consequenced for expressing SI, they also talked about services for the Student. The Complainant indicated they did not want to have an eligibility meeting for the Student, and they wanted to see if the Student could be successful without special education services.

59. Regarding weekly meetings with the Student and the Complainant, the Principal explained they did not remember anything about weekly meetings, but they recalled the Student was to have regular check-ins with the School Counselor. The Principal indicated the Student had been going to the office “pretty regularly.”

60. The Principal asserted they investigated the incident between the Student and the Spanish Teacher. The video footage they reviewed showed there was an interaction between the Spanish Teacher and the Student where the Spanish Teacher called to the Student and they walked towards each other in the commons area. The Principal observed that they stopped and talked, but the Spanish Teacher “never touched the Student in any way, at any time.” After the investigation, the School received notice from an “advocate or attorney” regarding

setting up services for the Student. The team tried to move forward with the process, but the Student withdrew from the School.

61. The Principal explained the streamlined communication process they set up with the Complainant was direct communication with the Principal because other staff were experiencing difficulty communicating with the Complainant, and the Complainant was "misstating" and "misrepresenting" their conversations. The Principal's goal was to be the point of contact and then follow up in writing after each meeting. The Principal stated there were not many meetings after that.

62. In an interview with the Complaint Investigator, the Assistant Principal indicated the process for any SI would be to have the Student go through a CSSRS with the School Counselor or the School Nurse. If either of them were not available then the Principal, the Assistant Principal, or the Dean would carry out the process. The School Counselor worked with the Student using the CSSRS. The CSSRS was not adapted or accommodated for the Student's needs based on the ASD diagnosis, because the School was not aware of the Student's eligibility.

63. The Assistant Principal explained the Student rated "high" on the CSSRS, so the School Counselor called the Complainant and the Other Parent and notified them of the choice to take the Student to a county mental health center or to the hospital.

64. According to the Assistant Principal, ISS was assigned to the Student when School staff found a vape and a pocket knife in the Student's binder. The Student's consequence for this was a tiered consequence, which was adjusted based on how well the staff knew the Student, and how many times they had interacted with the Student. Since that was the first time the Student had an interaction with staff and the Student was new to the School, the Student received "much less of a consequence." Typically, the Student would have a five to ten day suspension, but instead, they were assigned to ISS.

65. The Assistant Principal explained the process for a student enrolling with a transferring IEP was to have a parent fill out an intake form. The Registrar typically notifies the Assistant Principal they are enrolling a student with an IEP. The Assistant Principal explained they saw the speech evaluation indicated the Student did not qualify, and "So in my haste of quickly looking over those two things, it's like, oh, looks like [the Student] had an evaluation for speech and language, and previously maybe [the Student] qualified for that … . No action needed." The Assistant Principal indicated they missed attached documents in the email from the Registrar.

66. When asked if the District mitigated any missed services for the Student, the Assistant Principal indicated they reached out to the Complainant several times to have a meeting and go over eligibility or a possible reevaluation. The Complainant did not want to meet for various reasons.

67. The Assistant Principal explained to the Complainant that after the September 24, 2025 meeting there would be a daily "items check" with the Student's backpack because of the

vape and pocket knife they brought to the School. They confirmed this was the "safety part of the Safety Plan," and that the Complainant agreed to the items check.

68. PWN was not sent when it was determined the Student did not qualify for speech services because the District did not conduct the evaluation. The Assistant Principal looked at a previous evaluation that had been done in California.

69. According to the Assistant Principal, general education accommodations and interventions for the Student included: check-ins with the Student and the School Counselor; flexibility for the Student to ask questions when they needed something; and additional time for the Student to work on missing assignments, especially math, during the day.

70. In an interview with the Complaint Investigator, the Dean shared that the September 23, 2025 meeting took place in the conference room with the Assistant Principal, the School Counselor, the Student, and the Other Parent. They discussed reentry and safety plan items, making sure the Student was feeling safe and knew what resources were available on campus. The Dean indicated they also talked about the consequences around having the pocket knife and the vape at the School. The Other Parent brought up some of the Student's previous records that the Dean did not think the Assistant Principal had seen or was aware of until that meeting. The Dean shared that these were follow-up action items for them to go look further into the records that had been sent over with the transfer. The Dean shared that the Student received three days of ISS and during that time, the School staff were going to provide education about nicotine's effect on the teen brain, vaping, and then also work on the Student's schoolwork.

71. When asked if the IEP and/or accommodations were mentioned or discussed during the re-entry meeting on September 23, 2025, the Dean shared that "those were some of the items that [the Other Parent] brought up after we had talked about the reentry and then the consequence piece. … [The Other Parent] shared about how [the Student] had been almost kicked out of [their] last school for similar things and how we need to watch out for behaviors from [the Student]." The Dean recalled the Other Parent then "saying, 'Have you reviewed this or that paperwork?'" The Dean stated they were "not fully versed" on every document in the special education world. When the Other Parent referred to these documents, the Dean recalled the Assistant Principal indicating they had not seen those documents, but would look for them and get back to the Other Parent.

72. The Dean shared that they had a weekly counseling team meeting with themself, the School Nurse, the School Counselor, and the Assistant Principal to coordinate regarding the Student's behavioral needs. The content of these meetings included attendance, health concerns, and anything the team may need to know to support students. The Dean shared that sometimes the meeting would be cancelled.

73. The Dean had a list of students who were on IEPs and either had resource support, were in a specialized classroom setting, or in the behavior classroom. When there were behavior incidents with any of these students, the Dean communicated this with special education staff. The Dean stated that they would make a team decision and go with the teacher's

guidance. If students who had resource support were referred to the Dean for behaviors, they would loop in the special education staff, especially if that student had a goal around behavior. Case managers of students in resource rooms with behavior goals, were notified of these students' behavior incidents and were sometimes involved in the decision-making for consequences. For students on their caseloads without behavior goals, they would be apprised if it seemed relevant.

74. When asked how the Student's behavioral needs were addressed with each one of the teams that the Dean coordinated, the Dean shared that the special education department "were kept appraised [*sic*] of things as they came up once [the Student] was established on their caseload, but they weren't involved in any joint decision-making on behaviors. That was primarily done with the administrative team." The Dean added, "Since we had been in so much contact with [the Complainant] and [the Other Parent] at that point, everything was coordinated through [the Principal] and [the Assistant Principal]."

75. The Dean shared that on September 23, 2025, the Student served one day of OSS for vaping at a football game on September 16, 2025. The Student also served three days of ISS on September 24, 25, and 26, 2025, for an incident that occurred on September 22, 2025. On October 3, 2025, the Student had a half day ISS with individualized instruction.

76. In an interview with the Complaint Investigator, the School Counselor shared that the typical protocol for reports of students who were experiencing SI that were coming from another student or a teacher, was to meet with the student experiencing the SI as soon as possible and in a private location, such as the School Counselor's office.
    a. The School Counselor typically would introduce themself, explain their role at the School, and then walk through the CSSRS with the student who was reportedly experiencing SI.
    b. The School Counselor typically also might request to look at a student's arm, depending on the answers being shared. If the School Counselor discovered marks on a student's arms, and the student said that they have suicidal thoughts, then the School Counselor would immediately let the student know that the protocol was to administer a CSSRS and gain their permission to proceed.
    c. The School Counselor shared that after administration, if the student's rating was in the medium to high range, the protocol would be to contact their family and let them know the next step would be for the student to be further evaluated at a county mental health clinic or at a hospital.

77. When asked how the CSSRS was adapted or accommodated to fit the Student's needs based on their ASD, the School Counselor shared that because the Student was new, they did not know much about the Student's background and the School did not have much information provided by the family, so the School Counselor did not have a way to accommodate the CSSRS for the Student.

78. The School Counselor, the Student, the Other Parent, the Dean, and the Assistant Principal were present at the re-entry meeting on September 23, 2025. The School Counselor shared that it was a different re-entry meeting than usual because they discussed the razor blades,

switchblade, and vapes the Student had brought to the School. The School Counselor shared that they talked about the consequences for bringing the blades and the vapes, and about the safety plan. The School Counselor also shared that they went through the discharge paperwork from the hospital and discussed safe people and places at the School.

79. The School Counselor shared that during the re-entry meeting the primary focus of the conversation was on the Student feeling and being safe. They clarified there were no consequences given to the Student during the meeting. Additionally, during the re-entry meeting, the Assistant Principal asked the Other Parent if the Student had an IEP and, if so, were there accommodations. The Assistant Principal stated that it looked like there were some accommodations in a previous school. The School Counselor indicated the Other Parent stated they did not really know or remember.

80. The School Counselor shared that the Assistant Principal requested all communications with the Complainant go through the Assistant Principal due to some of the interactions with the Complainant and an attempt to "protect" the staff. The School Counselor indicated they had made "a phone call or two," but hadn't really heard from the Complainant. The School Counselor reported they told the Assistant Principal about the Student being "tearful" and then the Assistant Principal reached out to the Complainant. The School Counselor stated that the Complainant's reaction was "defensive" and they "seemed kind of upset." This triggered the School Counselor to start documenting when the Student came in and what they checked-in about. "I just felt like it was the safest thing to do."

81. In a written response to the Complaint Investigator, the Case Manager explained the typical process after a "stand-ready" letter is provided to a parent would be for staff to implement general education interventions to support a student in that setting. "If the team that works with the student feels that more intervention is necessary[,] they can set up a meeting with the parents and staff."

82. The Case Manager shared they removed the Student from "special programs" because "no consent was received" for the Student. They explained removing the Student from this software was removing them from the "online program that special education teachers utilize to create paperwork," but the documentation and information remains in the system.

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]

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 District took prompt steps upon enrollment to request the Student's prior records. Two days after the Student's registration was logged, the Registrar contacted the Previous Out-of-State District to request eligibility, evaluations, and IEP paperwork. The Previous Out-of-State District responded the same day with evaluation and IEP documents from 2023, which the Registrar immediately forwarded to District administration. Although the Assistant Principal and Director of Student Services initially misassessed these documents, concluding that no services were required after reviewing only a speech assessment, this oversight was rectified shortly thereafter. On September 24, 2025, after the Other Parent noted confusion regarding the status of the IEP, the Assistant Principal re-reviewed the complete file, recognized that the Student had an expired out-of-state IEP with an active eligibility for SLD, and instructed staff to assign a Case Manager to establish Oregon eligibility. The subsequent delay in finalizing evaluations was driven by the Complainant's instructions to "pause" the process and "hold off" on formal meetings.

When the Case Manager reached out to schedule an evaluation planning meeting, the Complainant repeatedly requested to pause all IEP meetings until broader concerns regarding safety, communication, and trauma history were addressed. In response to the Complainant's October 6, 2025 written request to hold off on the IEP process, the District sent a stand-ready email. During an October 16, 2025 meeting with the Principal, the Complainant mutually agreed to wait until the end of the semester before making a decision on special education evaluations. When the Complainant re-engaged in January 2026, the District promptly attempted to schedule an evaluation planning meeting and obtain consent. The Complainant ultimately opted to transfer the Student before an evaluation was completed or consent was signed.

Because the District initiated a records request within two days of enrollment and attempted to initiate the eligibility process once the out-of-state records were fully reviewed, the District did not neglect its obligation. Any delay in establishing eligibility or delivering comparable services after September 2025 was attributable to the Complainant's requests to pause the evaluation process, which the District accommodated while standing ready to proceed. Further, at the

[3] OAR 581-015-2230(2)
[4] 34 CFR § 300.323(f)(g)

time of enrollment the Student did not have a special education eligibility or IEP in effect, as both had expired months prior.

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, and to the adult student after rights have been transferred, within a reasonable period of time before a school: proposes to initiate of 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 FAPE to the child.[5]

The content of the PWN must include: a description of the action proposed or refused by the school district; an explanation of why the district proposed or refused 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. The prior notice must be written in a language understandable to the general public.[6]

The Ninth Circuit ruled that a formal, written position from the district is strictly required so parents have a clear record of what the agency proposes or refuses, along with the specific reasons and evaluative data supporting that choice. The Court cautioned against allowing districts to rely on off-the-record understandings or administrative shortcuts, noting that standardizing formal written notice prevents ambiguity and protects parents' procedural rights.[7]

In this case, following the Student's enrollment in late August 2025, School staff reviewed records from the Previous Out-of-State District and determined that no special education speech services were needed because the Student had previously tested within the average range. The Assistant Principal acknowledged during interviews that PWN was not issued for this refusal because the District did not conduct the original evaluation. On September 24, 2025, the District identified the Student had an expired out-of-state IEP. Special education staff subsequently developed a "Student Assessment List," detailing planned evaluation procedures, including observations, teacher interviews, and file reviews. Despite formulating this proposal

[5] OAR 581-015-2310 (2); 34 CFR §300.503(a)
[6] OAR 581–015-2310 (3-4); 34 CFR §300.503(b-c)
[7] *Union School District v. Smith*, 15 F.3d 1519 (9th Cir. 1994)

to conduct an evaluation to establish Oregon eligibility, the District did not issue PWN proposing the evaluation at that time. On October 7, 2025, following the Complainant's request to pause the immediate IEP planning meeting to resolve communication and safety concerns, District staff internally decided to "erase" the Student from their special programs information system and cease special education evaluation efforts. Although staff intended to send a "stand ready" letter, internal communications reflect that the Student Services Director recommended writing an informal letter or email instead. Though the Case Manager indicated they sent PWN "in the US mail," the District did not provide the Complaint Investigator with that evidence, nor did the Complainant receive PWN documenting the District's refusal to proceed with or decision to hold the evaluation in abeyance at that time. It was not until January 22, 2026 that the District issued PWN requesting consent for an initial evaluation.

The Department substantiates this allegation.

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 (SLD), the team's written report and documentation of determination of eligibility must meet the requirements of a SLD.[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

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

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]

The Ninth Circuit ruled that ignoring clear indications or existing records of a disability (such as an existing diagnosis or past evaluation data) and failing to conduct a full, comprehensive assessment with the team violates the IDEA's procedural mandates. The Court noted that a district cannot unilaterally decide to bypass or limit an evaluation when existing records signal an underlying eligibility area.[11]

In this case, initial record-handling oversights occurred upon the Student's end of August 2025 enrollment, where administrative staff misidentified historical records as applying only to speech services that were never granted. However, the District corrected the course in late September 2025, when the District special education staff collaborated and reviewed the Student's comprehensive file. This review included the 2024 out-of-state IEP for SLD, alongside historical diagnostic records for ASD, ADHD, and anxiety, and staff sought to schedule a formal multidisciplinary evaluation planning meeting with the family. However, the formal evaluation and eligibility process was delayed, paused, and ultimately refused by the Complainant. On October 6, 2025, the Complainant requested to cancel planned proceedings and "hold off" on the IEP process, leading the District to issue a stand-ready email affirming its willingness to proceed whenever the Complainant and the Other Parent were ready. During an October 16, 2025 meeting with the Principal, the Complainant expressed hesitancy to sign evaluation consent due to privacy concerns surrounding official records, resulting in a mutual agreement to defer special education evaluations and monitor performance through the trimester. When the District again attempted to obtain signed consent to initiate an official evaluation in January 2026, the Complainant chose not to sign the consent forms and instead transferred the Student to the Out of District Charter School. Because the District stood ready to convene the team and evaluate all relevant information, but was repeatedly requested by the Complainant to defer or refrain from formal evaluation and eligibility procedures, no violation of the IDEA occurred.

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

[10] OAR 581-015-2120 (3-6); 34 CFR § 300.306
[11] *Timothy O. v. Paso Robles Unified School District*, 822 F.3d 1105 (9th Cir. 2016)

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.[12]

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 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 also 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.[13]

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.[14]

Upon the Student's enrollment in late August 2025, the District received documentation indicating the Student had previously received special education services for SLD, and carried diagnoses of ASD, ADHD, and anxiety, as well as a 2024 IEP from the Previous Out-of-State District. Although District personnel eventually recognized the Student's SLD eligibility, the District did not determine Oregon eligibility as the Complainant requested the evaluation and eligibility process be put on hold. Because the Complainant requested that the District not initiate the special education evaluation process, the District was not required to develop an IEP for the Student.

The Department does not substantiate this allegation.

[12] OAR 581-015-2200 (1)(a)(b); 34 CFR § 300.320(a)(1)(2)
[13] OAR 581-015-2200(1)(c-f); 34 CFR § 300.320(a)(3)4)(5)
[14] OAR 581-015-2200(1)(g); 34 CFR § 300.320(a)(6)(ii)

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.[15]

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.[16] A material failure occurs only when there is a significant discrepancy between the services provided and the services required by the child's IEP. Minor or administrative adjustments do not constitute a statutory violation.[17]

The Student did not have Oregon special education eligibility. The Complainant declined the District's requests to conduct evaluations to determine the Student's eligibility for special education services. Therefore, the District was not obligated to develop or implement an Oregon IEP.

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" 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 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

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

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.[18]

Each agency must protect the confidentiality of personally identifiable information 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.[19]

For purposes of ensuring the safeguards required for education records of children with disabilities, 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. The program, district, agency, or contractor must comply with a parent's request to inspect and review records without unnecessary delay and within the following timeline: For children over the age of three, before any meeting regarding an IEP/IFSP, or any due process hearing, or resolution session related to a due process hearing, and in no case more than 45 days after the request has been made.[20]

Parental consent must be obtained before personally identifiable information 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 personally identifiable information 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 personally identifiable information 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.[21]

The evidence demonstrates that all internal sharing of the Student's records occurred strictly among District staff directly involved in the Student's education, safety, administration, and special education planning. The Complainant shared concern regarding how the sensitive information they provided, such as the Student's FASD, trauma background, and psychological reports, were used by School Staff, asserting the information created negative bias rather than informing supportive interventions. Additionally, the Complainant expressed concern over an incident on September 22, 2025, where staff discussed the Student's mental health referral and SI assessment in a school lobby area, which the Complainant felt infringed on the Student's privacy. While the Complainant's feelings of frustration regarding administrative approach and location sensitivity are noted, the records reveal no unlawful disclosure of personally

[18] OAR 581-015-2000(24)
[19] 34 CFR § 300.623
[20] OAR 581-015-2300
[21] 34 CFR § 300.622(a-b)

identifiable information to unauthorized external entities or third parties without parental consent. When third parties were involved, such as the Tutor, the District explicitly required and secured a signed ROI from the Complainant before sharing official student academic records.

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, and in determining 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.[22]

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 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.[23]

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

[22] OAR 581-015-2110(3); 34 CFR § 300.304 (a)(b)
[23] OAR 581-015-2110 (4)(a)(b); 34 CFR § 300.304(c)(1)

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.[24]

Each agency must ensure that, as part of an initial evaluation (if appropriate) and as part of a reevaluation, the child's IEP team, and other qualified professionals, must review existing evaluation data on the child, including: evaluations 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, the child's IEP team must identify what additional data, if any, are needed to determine whether the child is, or continues to be, a school-age child with a disability. 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.[25]

The evidence demonstrates no formal initial evaluation was initiated or conducted by the District during the Student's enrollment. When the District attempted to coordinate an evaluation planning meeting in late September 2025 to establish Oregon eligibility under SLD, the Complainant requested to hold off on the meeting and pause the special education process. When the Complainant re-engaged through an advocate in January 2026, the District promptly issued PWN and an initial evaluation consent form to begin formal academic and psychological testing. Before the Complainant signed the consent or the District could administer the proposed assessments, the Complainant opted to withdraw the Student and transfer them to the Charter School.

The Department does not substantiate this allegation.

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

[24] OAR 581-015-2110 (4)(c-f); 34 CFR § 300.304 (c)(2-7)
[25] OAR 581-015-2115 (1)(a)(b)(A)(i)(B)(3-4); 34 CFR § 300.305 (a)

ensure that they will have an opportunity to attend and schedule the meeting at a mutually agreed-upon time and place.[26]

The evidence indicates that while communication friction occurred, these communication challenges did not deprive the Complainant of the opportunity to participate in the special education process. Throughout the Student's enrollment, District administrators and staff repeatedly offered and scheduled meetings with the Complainant and the Other Parent, provided written updates, and sought parent input regarding evaluations and programming. When the District scheduled an evaluation planning meeting, the Complainant requested to cancel the meeting and pause the process. The Principal accommodated the Complainant's request for direct communication, held a one-on-one meeting on October 16, 2025, and mutually agreed with the Complainant to monitor progress before deciding on special education evaluations. Furthermore, when the Complainant re-engaged through an advocate in January 2026, the District promptly proposed evaluation planning dates and provided consent paperwork. The Complainant actively communicated their concerns, requested specific parameters for testing, and ultimately decided to transfer the Student before formal team meetings were finalized.

The Department does not substantiate this allegation.

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.[27]

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.[28]

As previously mentioned, OAR 581-015-2230(2) 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.

[26] OAR 581-015-2190(1); 34 CFR § 300.322(a)
[27] OAR 581-015-2040(1); 34 CFR § 300.101(a)
[28] 34 CFR §§ 300.17, 300.101(a)(c)

The evidence demonstrates that while administrative staff initially failed to open all attached records upon enrollment, resulting in a brief delay in identifying the Student's out-of-state paperwork, the Student's March 2024 out-of-state IEP was already expired and non-active by the time the Student enrolled in late August 2025. Under state and federal regulations, because the prior IEP was no longer in effect, the District was required to conduct an evaluation to establish Oregon eligibility, rather than adopt or implement an expired document. Once the out-of-state IEP was discovered, the District promptly sought to initiate formal eligibility and evaluation procedures. In the interim, special education staff coordinated to review the Student's full history and they provided general education supports, behavioral check-ins, modified safety plans, and academic accommodations while standing ready to establish formal services. Furthermore, any ongoing pause in formal evaluation and eligibility determination was directly driven by the Complainant's request and mutual agreement, rather than District inaction. In response to the Complainant requesting to "hold off," the District issued a stand-ready email, met directly with the Complainant, and mutually agreed to monitor the Student's progress while providing informal support. When the District re-offered evaluation consent and planning meetings in January 2026 to establish Oregon eligibility, the Complainant again declined to consent and chose to transfer the Student to an Out of District Charter School. Because the out-of-state IEP was non-active upon enrollment, and because the District actively stood ready to evaluate and serve the Student while honoring the Complainant's requests to withhold formal processes, a FAPE was not denied.

The Department does not substantiate this allegation.

V. CORRECTIVE ACTION[29]

In the Matter of Ashland School District 5
Case No. 26-054-082

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

Action Required	**Submissions**	**As Soon As Possible But No Later Than Due Date**
1. The District must provide PWN to the Complainant regarding each time the District proposed to evaluate the Student and the Complainant refused their consent.	Dated PWN, with proof of delivery to the Complainant.	**September 30, 2026**

[29] 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)).

2. The District must ensure that all District staff responsible for reviewing, revising, developing, and implementing IEPs for this student receive training in providing Prior Written Notice.	Training agenda/materials to ODE for review/approval. Sign-in sheet for training.	**September 30, 2026** **October 31, 2026**

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).)