BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of In the Matter of Bend-La Pine School District 1	))))	FINDINGS OF FACT, CONCLUSIONS, AND FINAL ORDER Case No. 26-054-088

I. BACKGROUND

On July 10, 2026, the Oregon Department of Education received a written request for a special education complaint investigation from the parents (Parents) of a student (Student) residing in the Bend-La Pine School District 1 (District). The Parents requested the Department conduct a special education investigation under OAR 581-015-2030. The Department confirmed receipt of this Complaint and forwarded the request to the District.

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

On July 20, 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 August 1, 2026.

The District submitted a *Response* on August 3, 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, 08/03/2026
2. Physical Therapy Evaluation, 04/29/2019
3. Medical Health Assessment, 05/17/2019
4. Family Medical Information, 05/27/2026
5. Vision Eligibility & Functional Vision Evaluation, 06/03/2026
6. Adapted PE Evaluation Report, 06/04/2019
7. Communication Evaluation (SLP/AT/Vision), 06/06/2019
8. Initial Psychoeducational Evaluation, 06/06/2019
9. Occupational Therapy Evaluation, 06/07/2019

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

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

10. Nursing Incident Report, 02/08/2023
11. Nursing Incident Report, 02/22/2023
12. Nursing Incident Report, 03/16/2023
13. Nursing Incident Report, 08/31/2023
14. Diploma Options, 01/07/2025
15. Notice of Meeting (IEP), 03/10/2025
16. Reevaluation Waiver Agreement, 03/11/2025
17. Prior Written Notice (Reevaluation Refusal), 03/11/2025
18. IEP Amendment, 03/13/2026
19. Notice of Meeting (IEP) and 3-year re-evaluation, 03/17/2025
20. Facilitated IEP Request, 04/23/2025
21. Prior Written Notice (IEP Adoption), 04/23/2025
22. IEP Meeting with Assistive Technology and OT summary reports, 04/23/2025
23. Eligibility Summary Statement, 04/23/2025
24. Finalized IEP Documents, 04/30/2025
25. IEP Amendment to change communication goals to speech goals, 05/14/2025
26. Written Agreement to Amendment without Meeting, 05/14/2026
27. Celebrating Success and Moving Forward Planning Meeting Notes, 06/11/2025
28. Seizure Health Management Plan, 08/15/2025
29. Nurse Follow-Up Email, 08/22/2025
30. Notice of Meeting (IEP), 09/03/2025
31. Parent and District email exchanges regarding Concerns for Student's Toileting and Schedule, 09/02/2025-09/05/2025
32. IEP Meeting Notes and Attendance, 09/15/2025
33. Facilitated IEP Agenda, 09/15/2025
34. Prior Written Notice, 09/15/2025
35. Reissued BL Send Documents, 10/03/2025
36. Parent and District email exchange regarding Seizure-Protocol Follow-Up, 01/06/2026
37. Safe Eating & Feeding Protocol (Updated), 01/14/2026
38. IEP Progress Report, 01/30/2026
39. Parent and District email exchange regarding student bruises, 02/19/2026
40. Progress Review Meeting Notes, 02/20/2026
41. Incident Report (iPad Strike), 02/20/2026
42. Incident Follow-Up Email, 02/23/2026
43. Parent sent an email request on 02/24/2026 regarding scheduling an IEP meeting in early April.
44. District email to Parent regarding sub position not being filled, 03/06/2026
45. Parent email on 03/09/2026 requesting IEP meeting and amendments
46. District response with amendment process explanation, 03/10/2026
47. Parent email on 03/10/2026 providing permission for amendment
48. Notice of Meeting (IEP), 03/10/2026
49. Amendment Confirmation Email, 03/11/2026
50. Prior Written Notice (Amendment Without Meeting), 03/13/2026
51. Written Agreement for Amendment Without Meeting, 03/13/2026

52. Parent email requesting draft IEP for 04/08/2026 meeting, 03/31/2026
53. Nursing Incident Report (Bruising), 04/02/2026
54. Draft IEP, 04/08/2026
55. IEP Meeting, 04/08/2026
56. IEP At A Glance, 04/08/2026
57. Placement Determination Document, 04/08/2026
58. IEP Meeting Notes and Attendance, 04/08/2026
59. Prior Written Notice, 04/08/2026
60. District IEP Correction Email, 04/14/2026
61. District and Parent Email exchange on 04/17/2026 regarding PT consent and contact
62. Release to Share Student Information, 04/17/2026
63. Evaluation Consent Functional PT, 04/20/2026
64. Safety-Planning Email, 4/22/2026
65. IEP Correction Notes, 04/23/2026
66. District email verification of Feeding-Protocol Training, 04/30/2026
67. PT Evaluation Report, 05/12/2026
68. District Field Trip Summary, 05/22/2026
69. District email to parent, 05/24/2026 with draft PT report and reminder of 06/02/2026 meeting
70. Notice of Meeting (IEP), 05/26/2026
71. FIEP Request to ODE, 05/27/2026
72. Parent Staff Communication Directives in Email regarding Staff Shortages, 05/26/2026 and 05/27/2026
73. PT/O&M Scheduling Email, 06/01/2026
74. District Internal Communication regarding Parent Communication being routed through administrators due to tone, 06/02/2026
75. District Email Summarizing an Incident at School, 06/02/2026
76. Parent email requesting staff training verification, 06/02/2026
77. Parent email on 06/05/2026 requesting response and timeline to review PT evaluation
78. District email response on 06/08/2026 clarifying the timeline concern regarding the PT evaluation
79. Parent emailed the District on 06/08/2026 indicating the Student's lunch routine was not clear
80. District responded to Parent email on 06/08/2026 with information regarding student support indicting a response for lunch will be provided as an update
81. Feeding-Protocol Training Verification emails, 06/08/2026, 06/09/2026
82. Parent Emails exchange with the District regarding Staff Trained in Feeding Protocol, 06/08/2026
83. FIEP Clarification Email exchange between the District and Parent regarding PT Evaluation Review, 06/08/2026
84. IEP Progress Report, 06/12/2026
85. Amended FIEP Meeting Notice, 06/14/2026
86. Amended FIEP Request to ODE, 07/14/2026
87. District Special Education Contact Log, 07/31/2026

88. Daily Schedule, 2025-2026
89. Green Day Bell Schedule, 2025-2026
90. Plan B Schedule, 2025-2026

The Parents submitted a *Reply,* on August 11, 2026, providing an explanation and rebuttal and documents in support of the Parents' position. The Parents submitted the following relevant items:

1. Parents' *Reply* to the District's *Response* to *RFR*, 08/11/2026
2. Medical Statement/Health Assessment, 05/10/2019
3. Physician Medical Documentation, 05/17/2019
4. Parent Provided Faxed Medical Documentation, 05/28/2019
5. Parent Email: Student Missed First Two Days of School Due to No Schedule, 09/05/2025
6. Parent Revisions to Seizure Protocol, 08/28/2025
7. Parent Email: Request for Staffing Plan, 1:1 Coverage, and Schedule Consistency, 02/13/2026
8. Parent Email: Request for Meeting Due to Bruising Incident, 02/18/2026
9. Parent Email: Urgent Follow-Up Request Regarding Bruising, 02/19/2026
10. Parent Email: Request for Incident Report (iPad Strike), 02/20/2026
11. Parent Safety-Protocol Request (IEP Amendment), 02/24/2026
12. Parent Email: Failure to Notify Parent at Pickup Regarding Incident, 02/24/2026
13. Parent Request for IEP Amendment Without Meeting, 03/09/2026
14. Parent Email: Staffing, Safety, and Consistency Concerns, 03/09/2026
15. Parent Confirmation to Proceed With Amendment Without Meeting, 03/10/2026
16. Parent Request for Hard Copy of Draft IEP, 03/31/2026
17. Parent Email: Concerns About Nurse Communication Regarding Incident, 04/21/2026
18. Parent Signed Consent to Evaluate (PT Evaluation), 04/27/2026
19. Parent Signed Field Trip Permission Form, 05/01/2026
20. Parent Email: Concerns About Field Trip Staffing & Safety, 05/20/2026
21. Parent Email: Request for Student to Stay Back From Field Trip, 05/21/2026
22. Parent Confirmation of PT Evaluation Meeting Time, 05/26/2026
23. Parent Email: Staffing Inconsistency and Safety Concerns, 05/28/2026
24. Parent Email: Follow-Up Regarding Teacher Absence & Substitute Coverage, 05/28/2026
25. Parent Agreement to Sign Amendment Without Meeting, 05/28/2026
26. Parent Request for List of Trained Staff, 06/02/2026
27. Parent Request for Feeding-Protocol Documentation, 06/08/2026
28. Parent Refusal to Sign FIEP Request Due to Missing PT Information, 06/11/2026
29. Parent Documentation Indicating Schedule Not Followed, 2026

The Complaint Investigator interviewed the Parent on August 25, 2026. On August 25, 2026, the Complaint Investigator interviewed District personnel. The Complaint Investigator reviewed and considered all of these documents, interviews, and exhibits in reaching the findings of fact and conclusions of law contained in this order. This order is timely.

II. ALLEGATIONS AND CONCLUSIONS

The Department has jurisdiction to resolve this Complaint under 34 CFR §§ 300.151-153 and OAR 581-015-2030. The Parents' allegations and the Department's conclusions are set out in the chart below. The conclusions are based on the Findings of Fact in Section III and the Discussion in Section IV. This Complaint covers the one-year period from July 11, 2025, to the filing of this Complaint on July 10, 2026.

Allegations	Conclusions
IEP Implementation The complaint alleges that the District failed to implement the Student's IEP in accordance with IDEA requirements. Specifically, the District did not provide the special education services, related services, and supplementary aids and services required by the IEP, including trained 1:1 adult support, safe eating protocol implementation, school to home communication, adherence to the Student's daily schedule, and provision of trained personnel in all settings. These failures resulted in missed services, unsafe conditions, and exclusion from school activities. (34 CFR §300.323; 34 CFR §300.101; OAR 581-015-2220(1)(b); 581-015-2220(3))	**Not Substantiated** The evidence presented does not indicate a material failure to implement the Student's IEP.
IEP Content The complaint alleges that the District failed to include required health and safety protocols in the Student's IEP. Specifically, untrained staff were assigned to feeding and seizure related duties, proximity protocols were not followed, and the Student was placed in unsafe situations resulting in peer aggression incidents. (34 CFR §300.323; 34 CFR §300.101; OAR 581-015-2200)	**Not Substantiated** The evidence shows that the Student's IEPs in effect during the complaint period included the required health and safety-related supplementary aids and services, including adult support for feeding, seizure protocol implementation, and supervision across instructional and non-instructional settings. When the Parent requested additional safety-related supports, including increased adult monitoring,

	school-to-home communication, and clarification of safety procedures, the District amended the IEP on 03/13/2026 to incorporate those requests. The feeding protocol and seizure plan were maintained as nurse-developed medical plans, and the IEP documented the supervision and adult support necessary to implement those plans, consistent with IDEA requirements.
Parent Participation The complaint alleges that the District failed to ensure meaningful parent participation as required under IDEA. Specifically, the District did not provide timely communication regarding staffing changes, failed to notify parents when the teacher or substitute was absent, refused to provide requested incident reports, and canceled required meetings without rescheduling. These actions impeded the parents' ability to participate in educational decision making. (34 CFR §300.322; 34 CFR §300.501; OAR 581-015-2190; OAR 581-015-2195)	**Not Substantiated** The record shows the Parent participated extensively, including attending multiple IEP, FIEP, and progress review meetings and submitting ongoing written input throughout the complaint period. The District responded to Parent requests by amending the IEP, adding safety-related supports and communication requirements when requested, demonstrating meaningful opportunities for participation.
Evaluation & Eligibility Procedures The complaint alleges that the District failed to follow IDEA evaluation and eligibility procedures. Specifically, the District did not complete the requested physical therapy evaluation within required timelines, canceled the eligibility meeting without rescheduling and failed to provide PT services for Extended School Year (ESY).	**Not Substantiated** At the time of the Complaint, the District was still within the required timeline for conducting the physical therapy evaluation and reviewing it at an IEP meeting.

(34 CFR §300.304–300.306; OAR 581-015-2100(5)(b))	At the time that ESY services were considered, there was not available data to establish that the Student required physical therapy services during ESY.
IEP Amendment The complaint alleges that the District failed to follow IDEA requirements for IEP amendment. Specifically, the District did not schedule the requested IEP amendment meeting, did not incorporate safety protocols requested by parents, did not review present levels or the daily schedule and did not include physical therapy and orientation and mobility findings. (34 CFR §300.324; OAR 581-015-2225)	**Not Substantiated** The District responded to Parent requests by amending the IEP on 03/13/2026, adding 270 minutes per day of adult support for safety and monitoring and a school-to-home communication requirement, demonstrating compliance with IDEA procedures for IEP amendment.
Least Restrictive Environment (LRE) The complaint alleges that the District failed to ensure the Student's placement in the least restrictive environment. Specifically, the Student was excluded from a field trip and missed school due to lack of trained personnel, resulting in removal from educational activities available to nondisabled peers. (34 CFR §300.114–300.116; OAR 581-015-2070; OAR 581-015-2255)	**Not Substantiated** The IEP provided access to general education settings with adult support, including specials, field trips, and other non-instructional environments, consistent with LRE requirements. The Parent's request for a proximity protocol was addressed through increased adult monitoring, and the record does not show that the District removed the Student from general education settings or restricted access beyond what the IEP required. The evidence does not support the fact that the District failed to provide services in the LRE, as the Student continued to

	participate in general education activities with supplementary aids and services.
Free Appropriate Public Education (Denial of FAPE) The complaint alleges that the District failed to provide the Student with a Free Appropriate Public Education (FAPE) as required under IDEA. Specifically, failures to implement the IEP, provide trained personnel, ensure safety, deliver required services, and include the Student in school activities resulted in missed instruction, unsafe conditions, and exclusion from educational opportunities. These actions constitute a denial of FAPE. (34 CFR §300.101; 34 CFR §300.117; OAR 581-015-2040; OAR 581-015-2220)	**Not Substantiated** The evidence shows the District provided the special education, related services, and supplementary aids and services required by the IEP, and the record does not establish that the Student was denied access to educational benefit during the complaint period. When the Parent requested additional supports, the District amended the IEP to add safety-monitoring minutes and communication requirements, demonstrating responsiveness to ensure continued access to FAPE. No documentation indicates that the District failed to offer or provide an educational program reasonably calculated to enable the Student to make progress.

REQUESTED CORRECTIVE ACTION
1. Schedule and conduct an IEP meeting to review the evaluation and eligibility of physical therapy (PT) and orientation and mobility (O&M) personnel to review results as agreed upon by teacher, PT and O/M. This needs to be held before the next team FIEP meeting before the start of school 2026.

2. The District will ensure that the student is not placed in proximity to peers with documented aggression. The IEP team will develop and include clear safety and supervision language specifying required physical separation and adult monitoring.

3. The District will establish a written protocol requiring timely provision of incident reports to parents within a reasonable and defined timeline.

4. The District will implement a staff training plan that ensures consistent 1:1 support and prevents gaps in service delivery. This plan will include: (a) training all special education personnel on required student protocols; (b) establishing a coverage system that prevents multiple educational assistants from being absent at the same time without trained substitute coverage; and (c) ensuring administrators designated as backup support remain available and not scheduled into conflicting meetings.

5. The District will ensure the student's daily routine and IEP required supports are followed at all times.

6. The District will provide training to the building staff, including the administrator, to ensure staff has knowledge of the student's IEP and understands the responsibilities in supervising and supporting IEP implementation.

III. FINDINGS OF FACT

IDEA regulations limit complaint investigations to alleged violations occurring no more than one year before the Department's receipt of the special education complaint. This Complaint Investigation did not consider any IDEA violations alleged to have occurred before July 10, 2026. Any facts listed below relating to circumstances or incidents earlier than that date are included solely to provide the context necessary to understand the Student's disability and special education history.

1. The Student will be an 11th grader in the 2026-2027 school year and is eligible for special education under Other Health Impairment (OHI) and Visual Impairment, with a medical diagnosis including moderate hypoxic ischemic encephalopathy, seizure disorder, cortical visual impairment, cognitive impairment, and speech-language delay. The Student receives services in the Independent Life Skills (ILS) classroom with access to general education for club fitness, choir, and percussion. The Student's health needs include a Seizure Health Management Plan and a Safe Eating & Feeding Protocol.
2. The annual IEP in effect during the complaint period is dated 04/23/2025. Parent concerns documented in the IEP include increasing time in the swing, additional number work and counting, and attention to vision needs. The 04/23/2025 IEP documented the following supplementary aids and services/accommodations:
    a. Adult support for toileting
    b. Health protocol for seizures
    c. Access to audio books

d. Vision accommodations
e. Slant board for academic work
f. Adult support for transitions
g. Low tech communication systems
h. Visual and object schedule
i. Adult support for specials
j. Adult support for the general education setting
k. Adult support for field trips
l. Adult support for feeding
m. Modified scissors
n. Sensory tools
o. Trike
p. High contrast background

3. At the 04/23/2025 meeting, the team reviewed prior evaluations, including assistive technology, communication, psychological, vision, occupational therapy, and physical therapy information. A Prior Written Notice adopting the IEP and an eligibility summary statement were issued on 04/23/2025.

4. On 04/30/2025, the District emailed a copy of the IEP to the Parent and mailed a hard copy on 05/13/2025 upon request.

5. On 05/13/2025, the District amended the IEP to revise communication goals and add speech-language services for 20 minutes weekly. A Prior Written Notice was issued on 05/14/2025.

6. On 08/15/2025, the District sent a draft Seizure Health Management Plan to the Parent. On 08/22/2025, the District sent a follow-up email. On 08/28/2025, the Parent provided requested revisions, and on 08/29/2025, the District confirmed revisions would be made.

7. On 09/03/2025, the District sent a meeting notice and parental rights for the 09/15/2025 IEP meeting.

8. On 09/03/2025, the District sent an invite and parental rights for the 09/15/2025 Facilitated IEP meeting.

9. On 09/05/2025, the Parent emailed the District stating the Student missed the first two days of school due to the schedule not being provided. The District responded the same day to acknowledge the delay.

10. A Facilitated IEP meeting occurred on 09/15/2025. The team reviewed safety protocols, staffing patterns, and the Student's daily schedule.

11. On 09/19/2025, the District issued Prior Written Notice and meeting notes from the 09/15/2025 meeting.

12. District teacher notes document that the Student fell off a swing on October 24, 2025 and sustained bruising on the knees and shins.

13. On 01/06/2026, the Parent and District exchanged emails regarding the seizure protocol follow-up and training.

14. On 01/14/2026, the District updated the Safe Eating & Feeding Protocol. The Parent noted that one educational assistant's signature was not included on the protocol.

15. The District issued the Student's progress report on 01/30/2026.

16. On 02/13/2026, the Parent emailed the District requesting a staffing plan, 1:1 coverage, and schedule consistency. The District provided the Plan B schedule identifying staff coverage when the teacher was absent.

17. On 02/20/2026, the nurse informed the Parent that the Student had been inadvertently struck by another student with an iPad. The principal provided additional details.

18. On 02/20/2026, a progress review meeting occurred. The District clarified adult support minutes and explained that the IEP did not require 1:1 support at all times.

19. On 02/24/2026, the Parent emailed concerns regarding incident reporting and requested an IEP amendment to include a 10-foot proximity protocol from peers with prior aggression.

20. On 03/06/2026, the District sent the Parent a follow-up email regarding the incident, staffing, and the Student's safety.

21. On 03/09/2026, the Parent emailed concerns regarding staffing consistency and safety and requested an amendment without a meeting to add functional goals, 1:1 support at all times, and a 10-foot proximity protocol.

22. On 03/10/2026, the District explained the amendment process in an email, proposed adding 270 minutes per day of adult support for safety and monitoring, and agreed to add communication regarding teacher absences and substitute coverage. The Parent agreed to proceed without a meeting.

23. On 03/10/2026, the District sent the Parent an IEP meeting notice for the 04/08/2026 IEP meeting.

24. On 03/13/2026, the District amended the IEP without a meeting, adding 270 minutes per day of adult support and a school-to-home communication requirement. A Prior Written Notice was issued. The 03/13/2026 amendment included a school-to-home

communication supplemental aid of "(email correspondence for sub updates) for teacher absences." The Prior Written Notice (PWN), dated 3/13/2026 states that the school will provide the parent with an email communication as soon as they are notified that Henry is absent. The District also notes that these notifications may come in as late as the start of the school day.

25. On 04/08/2026, the annual IEP meeting occurred. No changes were made to adult support levels. Parent concerns included communication regarding staff absences, increased focus on functional goals, and opportunities to work on posture.

26. On 04/08/2026 the District issued a placement determination and Prior Written Notice.

27. On 04/21/2026, the District documented a call to the Parent regarding a bruise observed on the Student's shins. The Parent responded that the bruising may have occurred over the weekend.

28. On 04/22/2026, Safety planning emails were exchanged between the Parent and the District.

29. On 04/27/2026, the Parent signed consent for a Physical Therapy (PT) evaluation.

30. On 04/30/2026, the District verified feeding-protocol training of staff per the Parent's request.

31. The Parent signed the field trip permission form on 05/01/2026 for the 05/22/2026 field trip.

32. The PT evaluation report was completed on 05/12/2026.

33. During the days of 05/20/2026-05/22/2026, the Parent emailed concerns about the field trip staffing and requested the Student stay back from the field trip.

34. On the day of the 05/22/2026 field trip:
    a. The District reported that a certificated substitute accepted the assignment the evening prior, resulting in five adults trained to support ILS students being available for four students.
    b. The Parent inquired about the possibility of the Assistant Principal accompanying the Student during the field trip.
    c. The Student did not attend the field trip or school that day. The Parent informed the District that the decision was based on concerns regarding staffing and safety.

35. On 05/26/2026, the Parent confirmed the PT evaluation meeting scheduled for 06/02/2026.

36. On 05/27/2026, the District canceled the 06/02/2026 meeting to review the physical therapy evaluation and submitted a Facilitated IEP (FIEP) request.

37. On 05/28/2026 the District reported that:
    a. The Student's teacher called out of work at 6:15 a.m.
    b. A substitute was not secured until approximately noon.
    c. The District did not provide the Parent with notice of the teacher's absence before the start of the school day.
    d. The Parent emailed the District expressing concerns related to staffing consistency and safety.

38. On June 1–2, 2026, the Parent emailed the District requesting a list of staff trained in the feeding protocol and documentation of the training. The District provided email confirmation that staff had received the required training. The documentation shared with the Parent did not include staff signatures reflecting completion of the training.

39. Between 06/05/2026 and 06/08/2026, email correspondence occurred between the Parent and the District. The Parent requested clarification regarding the timeline for reviewing the physical therapy evaluation and expressed concern that the evaluation review appeared delayed. The District responded by outlining the review process and stated that the evaluation had been completed within required timelines.

40. On 06/08/2026, the Parent emailed the District requesting documentation of the feeding-protocol training due to recent substitute coverage and asked for confirmation that all staff supporting the Student were trained.

41. On 06/09/2026, the District followed up with the Parent and confirmed that staff had received the required feeding-protocol training.

42. On 06/11/2026, the Parent declined to sign the Facilitated IEP (FIEP) request, stating that additional physical therapy information was not documented.

43. On 06/14/2026, the District issued an amended FIEP meeting notice.

44. On 07/10/2026, the complaint was filed with the Oregon Department of Education.

45. During the District interview on 08/25/2026, the District reported that the Student's Safe Eating & Feeding Protocol was developed collaboratively and reviewed annually. Staff stated that adjustments made over the past two years were minor. Additional statements included:
    a. Staff reported that the Student requires support during feeding due to visual impairment and that educational assistants who feed the Student receive training. Staff stated that training documentation is typically signed.
    b. The District stated that one educational assistant completed training but had not signed the protocol document before going on medical leave and signed upon returning.
    c. The District described two ADA-accessible bathrooms available for toileting. One is located adjacent to the health room and contains adaptive equipment and

supplies. The District reported that the Parent declined use of this bathroom because other students occasionally used it.

d. The District stated that a second ADA-accessible bathroom in D Hall was offered and that the Parent initially declined due to concerns about nearby student programming.
e. The District described communication with the Parent as historically positive and stated that staff aimed to maintain transparency and support for the Student.
f. The District reported that the Student has a seizure disorder but has not experienced a seizure since 2017. The Parent requested a detailed seizure protocol due to a prior incident at another school. The District stated that staff are trained in basic seizure first aid.
g. The District reported that the Student is medically stable and stated that no feeding-related incidents had occurred while at school.
h. The District described two injury-related incidents requiring parent notification: bruising observed during toileting and an inadvertent strike by a peer with an iPad.

46. During the 08/25/2026 interview, the District reported that staff coverage decisions prioritized assigning personnel familiar with the Student's protocols, schedule, and vision program. The District stated that at least one trained staff member familiar with the Student's needs was assigned each day. Additional statements included:
    a. The District reported that coverage plans were adjusted as needed to maintain continuity of trained personnel, including using administrators and learning specialists when staff absences occurred.
    b. The District stated that multiple contingency plans were used to support the Student's programming during staffing shortages.
    c. The District stated that three learning specialists and three educational assistants were trained to work with the Student.
    d. Regarding feeding-protocol documentation, the District stated that staff signatures are not typically required under district practice and were added in this case to provide additional transparency.
    e. The District stated that feeding-protocol updates are typically made collaboratively with the Parent before the school year and revised as needed.
    f. The District explained that the Student used an office space designed to meet specific vision-program needs, including controlled lighting and specialized materials.
    g. The District reported staffing challenges due to an educational assistant's medical leave and difficulty securing substitutes.

47. During the Parent interview on 08/25/2026, the Parent stated that concerns began early in the 2025–2026 school year due to frequent teacher absences. The Parent stated that the teacher also had coaching responsibilities that affected availability. The Parent additionally reported:

a. The Parent stated that information about teacher absences was not consistently provided and that coaching-related absences were discussed during a February 2026 meeting.
b. The Parent reported that the educational assistant who regularly supported the Student was absent for an extended period and that behavior incidents occurred during this time.
c. The Parent reported ongoing concerns regarding toileting and stated that the Student was taken to a bathroom previously discussed during a FIEP meeting.
d. The Parent stated that a staff member who regularly fed the Student had not signed the feeding-protocol documentation.
e. The Parent reported not receiving regular communication or data regarding feeding or safety.
f. The Parent stated that the PT evaluation review meeting scheduled for 06/02/2026 was canceled and not rescheduled separately from the FIEP request.
g. The Parent stated that the Student was periodically supported in a small room outside the classroom and expressed concern about reduced integration.

IV. DISCUSSION

IEP Implementation

The complaint alleges that the District failed to implement the Student's IEP in accordance with IDEA requirements. Specifically, the District did not provide the special education services, related services, and supplementary aids and services required by the IEP, including trained 1:1 adult support, safe eating protocol implementation, school-to-home communication, adherence to the Student's daily schedule, and provision of trained personnel in all settings. These failures resulted in missed services, unsafe conditions, and exclusion from school activities.

Under the Individuals with Disabilities Education Act (IDEA) and Oregon Administrative Rules (OAR 581-015-2000 through 2815), school districts must implement a student's IEP as written. Federal regulations at 34 CFR § 300.323(c) require districts to ensure that special education, related services, and supplementary aids and services are provided in accordance with the IEP. Oregon law mirrors this requirement. In evaluating implementation, the Department examines whether the district delivered the services, supports, and conditions required by the IEP and whether any discrepancies affected the student's access to a FAPE.

A district violates the IDEA when it materially fails to implement a student's IEP: "A material failure occurs when there is more than a minor discrepancy between the services a school provides to a disabled child and the services required by the child's IEP." The court in *Van Duyn* noted further that, "[t]he materiality standard does not require that the child suffer demonstrable educational harm in order to prevail. However, the child's educational progress, or lack of it, may be probative of whether there has been a significant shortfall in the services

provided. For instance, if the child is not provided the reading instruction called for and there is a shortfall in the child's reading achievement, that would certainly tend to show that the failure to implement the IEP was material. On the other hand, if the child performed at or above the anticipated level, that would tend to show that the shortfall in instruction was not material."[3]

The allegation asserts that the District did not implement the Student's IEP with respect to trained adult support, feeding-protocol implementation, school-to-home communication, adherence to the daily schedule, and provision of trained personnel in all settings.

The District reports that it implemented the IEP throughout the complaint period. It states that the 04/23/2025 IEP did not require 1:1 support at all times and that the classroom staffing model, one teacher and three educational assistants for four students, provided continuous adult support. The District further reports that specially designed instruction in reading, writing, and math was delivered individually in a quiet room adjacent to the classroom.

Regarding health and safety protocols, the District states that staff and administrators were trained in the Student's seizure plan and feeding protocol and that trained personnel were consistently assigned. The District acknowledges the instance, on 05/28/2026, when required school-to-home communication regarding a teacher absence was not provided by the start of the school day. The District attributes this lapse to miscommunication regarding substitute coverage.

Interview statements reflect that during staff absences, the District reassigned personnel familiar with the Student's protocols, schedule, and vision program. The District reported maintaining contingency plans to ensure continuity of programming and stated that trained personnel were assigned.

The Parent asserts that the District did not consistently implement adult-support and safety-monitoring requirements, particularly after the 03/13/2026 amendment adding 270 minutes per day of adult support for safety and monitoring. The Parent reports instances in which substitute staff were assigned and requested verification of training. Parent emails between 06/01/2026 and 06/09/2026 reflect repeated requests for documentation confirming trained coverage. The Student's IEP, however, did not require that the District provide any specific documentation confirming trained coverage, nor was there any evidence of a lapse in the provision of trained staff during the time period of the complaint.

While the record documents two incidents involving peer behavior or accidental injury, including an inadvertent strike with an iPad. These incidents occurred while adult support was present. The record does not establish that the Student was left unsupervised, and the District provided follow-up communication both in response to Parent inquiries and through its own notifications.

[3] *Van Duyn v. Baker Sch. Dist. 5J*, 502 F3d 811 (9th Cir. 2007)

Parent documentation indicates that the Student did not attend certain general-education classes listed on the schedule. The record does not independently confirm missed classes, and the District asserts adherence with the Student's schedule.

The IEP requires adult support for toileting. The record shows consistent implementation of toileting routines, including scheduled bathroom times and documentation that the Student must be changed at least twice daily. The IEP does not specify a particular bathroom.

The record does not establish that untrained personnel implemented feeding tasks. While the Parents alleged inconsistent communication regarding trained coverage, neither the IEP nor the feeding protocol required any specific level of communication to the Parents regarding trained coverage of feeding-related tasks. The record shows that the District maintained adult support in the classroom, implemented toileting routines, and provided trained personnel for feeding and seizure-protocol implementation. The record does not establish that untrained staff performed feeding tasks or that the Student was left unsupervised.

The Parent also reports concerns regarding staffing changes, including the 05/28/2026 teacher absence. The Parent states that notice was not provided as required by the 03/13/2026 amendment. The 03/13/2026 IEP amendment did not require that notice of teacher absence be provided according to any specific timeline, although the following PWN issued by the District did contemplate that notice would be provided as soon as the District became aware of the absence. The District acknowledges that notice was delayed on 05/28/2026. Assuming arguendo that this was a failure to implement the IEP, the question would then turn to whether or not this was a material failure. Based on the evidence, this was a single failure to notify the Parents of the teacher's absence caused, in part, by the late notice that the teacher provided to the District. The Student still attended school on that date and there was no evidence presented that the absence resulted in any failure to implement the instruction, services, or other supports required by the Student's IEP. Accordingly, this does not constitute a material failure to implement the IEP.

The Department does not substantiate this allegation.

IEP Content

The complaint alleges that the District failed to include required health and safety protocols in the Student's IEP. Specifically, untrained staff were assigned to feeding and seizure related duties, proximity protocols were not followed, and the Student was placed in unsafe situations resulting in peer aggression incidents.
Under the Individuals with Disabilities Education Act (IDEA) and Oregon Administrative Rules (OAR 581-015-2000 through 2265), a district must ensure that a student's IEP includes the special education, related services, and supplementary aids and services necessary for the student to receive a Free Appropriate Public Education (FAPE). Federal regulations at 34 CFR § 300.320(a) require that an IEP contain a statement of the services and supports needed to meet the student's unique needs. Oregon law similarly requires that health, safety, and

access-related supports be included in the IEP when they are necessary for the student to benefit from special education.

The Parent alleges that the District did not include required health and safety protocols in the Student's IEP, including feeding-protocol requirements, seizure-related duties, proximity-related safety measures, and staffing-related safety supports. The Parent asserts that these omissions contributed to safety concerns and inconsistent implementation.

The District reports that the Student's IEPs in effect during the complaint period included the required health and safety supports. The District states that the Student's seizure plan and feeding protocol were developed by District staff and implemented by trained personnel, and that these medical plans were maintained separately from the IEP because the IEP documented adult support for feeding, toileting, transitions, specials, and safety monitoring.
The District further reports that when the Parent requested additional safety-related supports, including increased adult monitoring, school-to-home communication, and clarification of safety procedures, the District amended the IEP on 03/13/2026. The amendment added 270 minutes per day of adult support for safety and monitoring and a school-to-home communication requirement regarding staffing changes. The District states that these additions were made in response to Parent requests and were agreed to by the Parent. The District reports that no additional requests for IEP content were made at the 04/08/2026 annual IEP meeting.

The Parent asserts that the IEP should have included more explicit safety protocols, including embedding the feeding protocol and seizure plan directly into the IEP and adding a proximity requirement to maintain physical distance from peers with a history of aggression. The Parent reports incidents involving peer behavior or accidental injury and states that these incidents demonstrate a need for additional safety-related content.

The record reflects that the Parent requested increased adult support and incident-reporting requirements on 02/24/2026. The District responded by adding adult-support minutes and communication requirements on 03/13/2026, and the Parent agreed to the amendment. The Parent continued to express concerns about implementation but did not request additional changes to IEP content after the amendment.

The Student's feeding protocol and seizure plan were developed by the District staff, and the record shows that the 04/23/2025 IEP documented adult support for feeding and included a Safe Eating & Feeding Protocol as part of the Student's health-related needs. Supplementary aids and services listed in the IEP include adult support for feeding, seizure-protocol implementation, and other supervision-related supports.
The District reported that signature-based verification of feeding-protocol training is not standard district practice and that signatures were added in this case to provide additional documentation and transparency. The District stated that signatures were used to support communication with the Parent. These statements indicate that feeding-protocol training was

provided through nurse-led procedures rather than signature-based documentation, and IDEA does not require signature verification as part of IEP content.

The record shows that the Parent requested a proximity-related safety measure on 03/09/2026. The District responded on 03/10/2026, stating that proximity-related concerns would be addressed through increased adult support and existing safety procedures. The District amended the IEP on 03/13/2026 to add 270 minutes of adult support for safety and monitoring. The Parent agreed to the amendment.

The evidence demonstrates that the Student's IEPs during the complaint period included the health- and safety-related supplementary aids and services. The IEP documented adult support for feeding, seizure-protocol implementation, and supervision across instructional and non-instructional settings. When the Parent requested additional safety-related supports, including increased adult monitoring and school-to-home communication, the District amended the IEP on 03/13/2026 to incorporate the requests. The Parent agreed to the amendment, and the record does not show additional requests for safety-related IEP content that were not addressed.

The medical feeding and seizure protocols were maintained as nurse-developed documents, and the IEP included the adult-support components necessary to implement the protocols. IDEA does not require embedding detailed medical protocols directly into the IEP unless necessary for FAPE, and the record does not establish that such inclusion was required.

The Department does not substantiate this allegation.

Parent Participation

The complaint alleges that the District failed to ensure meaningful parent participation as required under IDEA. Specifically, the District did not provide timely communication regarding staffing changes, failed to notify parents when the teacher or substitute was absent, refused to provide requested incident reports, and canceled required meetings without rescheduling. These actions impeded the parents' ability to participate in educational decision making.

Under the Individuals with Disabilities Education Act (IDEA) and Oregon Administrative Rules (OAR 581-015-2190 and 2205), districts must ensure that parents have meaningful opportunities to participate in decisions regarding identification, evaluation, placement, and the provision of FAPE. Districts must maintain communication sufficient to allow parents to engage in IEP development, attend meetings, and understand the services provided. Oregon law also requires districts to issue prior written notice when proposing or refusing changes to a student's program and to include parents as members of any group making placement decisions.

The Parent alleges that meaningful participation was impeded due to delayed or incomplete communication regarding staffing changes, lack of notification when the teacher or substitute was absent, lack of written incident reports, and cancellation of meetings without timely rescheduling.

The record shows that the District held multiple meetings during the complaint period, including a 02/20/2026 progress review meeting and the 04/08/2026 annual IEP meeting. The District amended the IEP on 03/13/2026 in response to Parent requests for increased adult support and school-to-home communication regarding staffing changes.

The Parent reported several instances in which communication was delayed or incomplete, including occasions when incident details were not provided immediately and when written incident reports were requested but not provided. The record shows that the District provided verbal communication regarding incidents, including the 02/20/2026 incident in which the District notified the Parent and provided additional information. IDEA and Oregon law do not require written incident reports unless restraint or seclusion occurs.

The District acknowledges one instance, on 05/28/2026, when required notice of a teacher absence was not provided by the start of the school day, contrary to the 03/13/2026 IEP amendment. The record does not show additional instances in which required notice was not provided. The District communicated staffing changes on other occasions through emails and coverage updates.

Regarding meetings, the 06/02/2026 meeting to review the physical therapy evaluation was canceled when the District submitted a Facilitated IEP (FIEP) request. The record shows that the District communicated the cancellation and continued to coordinate scheduling discussions with the Parent. While the cancellation resulted in a delay in reviewing the evaluation, the record does not show that required meetings were refused or that the Parent was excluded from participating in IEP development.

The Parent attended multiple meetings, submitted written concerns, requested amendments, and engaged in ongoing communication with District staff throughout the complaint period. The District responded to Parent concerns, provided incident information verbally, and amended the IEP when requested. Although communication delays occurred, particularly regarding the 05/28/2026 staffing notice and occasional follow-up details, these instances do not demonstrate that the Parent was prevented from participating in required IDEA processes.

The evidence shows that the Parent participated in the Student's educational planning, including attending meetings, submitting written input, requesting amendments, and engaging in ongoing communication with District staff. The District convened meetings, provided verbal incident information, and amended the IEP in response to Parent requests. Although a documented instance of required communication was not provided on 05/28/2026, and some communication delays occurred, the record does not establish that the Parent was denied meaningful participation in IDEA processes.

The Department does not substantiate this allegation.

Evaluation and Eligibility Procedures

The complaint alleges that the District failed to follow IDEA evaluation and eligibility procedures. Specifically, the District did not complete the requested physical therapy evaluation within required timelines, canceled the eligibility meeting without rescheduling and failed to provide PT services for ESY.

Under the Individuals with Disabilities Education Act (IDEA) and Oregon Administrative Rules (OAR 581-015-2105 through 2180), districts must conduct evaluations and eligibility determinations in accordance with required procedures and timelines. Upon receiving a request for evaluation, a district must provide Prior Written Notice, obtain consent, and complete the evaluation within 60 school days. After completing the evaluation, the district must convene a meeting to review the results and determine eligibility.

The Parent alleges that the District did not follow required procedures by failing to complete the physical therapy (PT) evaluation within timelines, canceling the eligibility meeting without rescheduling, and failing to provide PT services for Extended School Year (ESY).

The record shows that the Parent requested a PT evaluation in spring 2026 and that the District conducted the evaluation. The District reports that the evaluation was completed and provided to the Parent prior to the scheduled 06/02/2026 meeting. The records reflect the Parent signed evaluation consent on 04/27/2026 and the evaluation was completed on 05/12/2026. The record does not indicate that the evaluation exceeded the 60-school-day timeline required under OAR 581-015-2110(5)(b).

The 06/02/2026 meeting was scheduled to review the PT evaluation and discuss eligibility. On 05/24/2026, the District canceled the meeting and submitted a Facilitated IEP (FIEP) request. The District communicated the cancellation to the Parent. The record shows that the District intended to review the evaluation through facilitation; however, facilitation did not occur because the Parent declined to sign the FIEP request. No alternative meeting was convened prior to the filing of the complaint. This delay did not violate IDEA timelines but contributed to the Parent's concerns regarding timely review of the evaluation.

Parent communications between 05/28/2026 and 06/08/2026 reflect the Parent's requests to review the PT evaluation results. These communications do not indicate that the evaluation itself was delayed, but they reflect concerns about the timing of the eligibility discussion following the canceled meeting.

The evidence shows that the District completed the PT evaluation within required timelines, provided the report to the Parent, and attempted to convene a meeting to review the results.

The cancellation of the 06/02/2026 meeting resulted in a delay in reviewing the evaluation, but the record does not show that the District refused to reschedule or declined to review the results. The evidence does not show that the District failed to provide required ESY services.

The record demonstrates that the District completed the physical therapy evaluation within required timelines, provided the report to the Parent, and attempted to convene a meeting to review the results. Although the cancellation of the 06/02/2026 meeting resulted in a delay in reviewing the evaluation, the District is still within the required timeline for reviewing the evaluation in a meeting.

Regarding ESY services, IDEA requires districts to provide ESY when necessary to prevent significant regression (34 CFR § 300.106). The record shows that the Student's ESY plan did not include PT services and that PT was not identified as necessary to prevent regression. The Parent requested PT for ESY; however, the District determined that PT was not required based on regression/recoupment data. The record does not show that the Student was denied ESY services for which the Student qualified. Given that the PT evaluation had not yet been reviewed by the IEP team at the time that ESY services were considered for the Student, there was no available data to indicate that the Student required PT services.

The Department does not substantiate this allegation.

IEP Amendment

The complaint alleges that the District failed to follow IDEA requirements for IEP amendment. Specifically, the District did not schedule the requested IEP amendment meeting, did not incorporate safety protocols requested by parents, did not review present levels or the daily schedule and did not include physical therapy and orientation and mobility findings.

Under the Individuals with Disabilities Education Act (IDEA) and Oregon Administrative Rules (OAR 581-015-2065), school districts must follow required procedures when amending an IEP. Federal regulations at 34 CFR §300.324(a)(4) allow an IEP to be amended either through an IEP team meeting or, if the parent and district agree, through a written amendment without convening a meeting. When a parent requests changes to the IEP, the district must respond within a reasonable time, schedule a meeting if needed, and ensure that any agreed-upon changes are incorporated into the IEP. Oregon law further requires districts to review present levels, services, and the student's daily schedule when making amendments that affect the student's program.

The Parent alleges that the District did not follow required amendment procedures by failing to schedule an amendment meeting, not incorporating requested safety protocols, not reviewing present levels or the daily schedule, and not including physical therapy (PT) and orientation and mobility (O&M) findings in the amended IEP.

The record shows that the Parent requested changes to the IEP in February and March 2026. On 03/10/2026, the District proposed completing the amendment without a meeting, consistent with 34 CFR § 300.324(a)(4). The Parent agreed, and the District amended the IEP on 03/13/2026. Because both parties consented to a written amendment, the District was not required to convene an IEP meeting at that time.

The 03/13/2026 amendment added 270 minutes per day of adult support for safety and monitoring and a school-to-home communication requirement regarding staffing changes. These additions addressed the Parent's requests for increased supervision and improved communication. The record does not show that the Parent requested additional safety-related content changes after the amendment.

Present levels and the daily schedule were reviewed at the 04/08/2026 annual IEP meeting. The Parent participated in the meeting and raised concerns related to communication, functional goals, and posture-related activities. The record does not show that the Parent requested changes to present levels or the daily schedule at that meeting.

Regarding PT and O&M findings, the PT evaluation was completed and provided to the Parent prior to the scheduled 06/02/2026 meeting. The District canceled the meeting in order to request a Facilitated IEP (FIEP) meeting. The Parent declined to sign the FIEP request, and the meeting did not occur. Because the meeting was not held, PT and O&M findings were not yet incorporated into the IEP. The record does not show that the District refused to incorporate these findings or declined to review the evaluation results.

The IEPs in effect during the complaint period included health- and safety-related supplementary aids and services, including adult support for feeding, seizure-protocol implementation, and supervision across instructional and non-instructional settings. The detailed medical protocols were maintained separately by nursing staff, and the IEP documented the adult-support components necessary to implement those protocols.

The evidence shows that the District amended the IEP on 03/13/2026 with Parent agreement, consistent with IDEA requirements for amendments without a meeting. The District incorporated the safety-related supports requested by the Parent and reviewed present levels and the daily schedule at the 04/08/2026 annual IEP meeting. The PT evaluation was completed within timelines, and although the 06/02/2026 meeting was canceled, the record does not show that the District refused to incorporate PT or O&M findings.

The Department does not substantiate this allegation.

Least Restrictive Environment (LRE)

The complaint alleges that the District failed to ensure the Student's placement in the least restrictive environment. Specifically, the Student was excluded from a field trip and missed

school due to lack of trained personnel, resulting in removal from educational activities available to nondisabled peers.

Under the Individuals with Disabilities Education Act (IDEA), school districts must ensure that students with disabilities are educated in the least restrictive environment (LRE) appropriate to their needs. Federal regulations at 34 CFR §§300.114–300.116 require that students be educated with nondisabled peers to the maximum extent appropriate, and removal from the general education environment may occur only when the nature or severity of the disability is such that education in regular classes cannot be achieved satisfactorily with supplementary aids and services. Oregon Administrative Rule OAR 581-015-2070 mirrors these requirements and mandates that districts provide access to nonacademic and extracurricular activities, including field trips, in a manner that affords students with disabilities equal opportunity to participate.

The Parent alleges that the District did not ensure the Student's placement in the LRE by (1) excluding the Student from a field trip due to staffing concerns and (2) causing the Student to miss school because trained personnel were not available.

The record shows that the Student is scheduled to participate in general education activities, including choir, percussion, Club Fitness, recess, lunch, and schoolwide events. The Student was able to participate in field trips and class activities with nondisabled peers. These records support that the District provided access to general education settings consistent with LRE requirements.

Regarding the 05/22/2026 field trip, the District reports that multiple trained staff, including the Student's teacher, additional special education teachers, and a certificated substitute, were scheduled to attend. The teacher communicated to the Parent that the teacher would be the primary adult supporting the Student. The Parent expressed concerns about staffing and requested that the Assistant Principal accompany the Student. The District stated that the Assistant Principal was unavailable to attend the field trip but could provide coverage at school if the Parent preferred the Student not to attend the event.

The record shows that the class departed as scheduled and that the Parent chose not to send the Student to school that day. The evidence does not show that the District excluded the Student from the field trip.

The Parent reports that staffing concerns on other dates contributed to decisions to keep the Student home. The record shows that the District reassigned trained administrative staff when substitutes were unavailable. The evidence does not show that the District directed the Parent to keep the Student home or removed the Student from school activities.

Parent documentation reflects concerns that the Student did not attend certain general education classes listed on the schedule. The record does not contain independent documentation confirming missed classes, and the District reports that the Student had access

to general education activities. This discrepancy reflects Parent concerns about schedule implementation but does not establish exclusion.

The Parent also reported that the Student was supported in a small room outside the classroom due to peer behavior concerns. The District reports that this space was used for the Student's vision-therapy program and required specialized lighting and materials. The record does not show that this constituted a change in placement or removal from general education settings beyond what the IEP required.

Under IDEA, removal from general education settings must be based on the Student's needs, not staffing limitations. The record shows that the District arranged trained personnel for the 05/22/2026 field trip and offered alternatives when the Parent expressed concerns. The evidence does not show that the District denied access to extracurricular activities or removed the Student from educational activities available to nondisabled peers.

The evidence shows that the Student had access to participate in general education activities and field trips with adult support, and the District arranged trained personnel for these settings. The record does not show that the District excluded the Student from the 05/22/2026 field trip or removed the Student from school due to staffing limitations.

The Department does not substantiate this allegation.

Free Appropriate Public Education (Denial of FAPE)

The complaint alleges that the District failed to provide the Student with a Free Appropriate Public Education (FAPE) as required under IDEA. Specifically, failures to implement the IEP, provide trained personnel, ensure safety, deliver required services, and include the Student in school activities resulted in missed instruction, unsafe conditions, and exclusion from educational opportunities. These actions constitute a denial of FAPE.

Under the Individuals with Disabilities Education Act (IDEA), school districts must ensure that every eligible student receives a Free Appropriate Public Education (FAPE). Federal regulations at 34 CFR §300.101 require districts to provide special education and related services in conformity with the student's IEP. IDEA defines FAPE at 34 CFR §300.17 as special education and related services that are provided at public expense, meet state standards, include an appropriate preschool, elementary school, or secondary school education, and are delivered in accordance with an IEP. Oregon Administrative Rule OAR 581-015-2220(1)(b) incorporates these requirements and mandates that districts implement IEPs as written, provide required services, ensure student safety, and maintain access to educational opportunities.

The Parent alleges that the District denied the Student a FAPE by failing to implement the IEP, failing to provide trained personnel, failing to ensure safety, failing to deliver required services, and excluding the Student from activities available to nondisabled peers.

The record shows that the District implemented many components of the IEP, including adult support, specially designed instruction, and related services. The Student received 1:1 instruction in a quiet setting and has access to participate in general education activities such as choir, percussion, Club Fitness, recess, lunch, and schoolwide events.

The District acknowledges the lapse in required school-to-home communication on 05/28/2026, when notice of a teacher absence was not provided by the start of the school day as required by the 03/13/2026 IEP amendment. The District reports that trained administrative staff provided coverage that day. This constitutes a discrepancy in implementing an IEP required supplementary aid.

The record shows that multiple staff were trained in the Student's feeding protocol and seizure plan. Parent communications reflect uncertainty about whether substitutes were trained, particularly during staff absences. The evidence does not show that untrained personnel provided feeding or seizure-related support, but it does show inconsistent communication regarding trained coverage.

The record documents incidents involving peer behavior or accidental injury. Adult support was present during each incident, and the District provided follow-up communication both in response to Parent inquiries and through its own notifications. The evidence does not show that the Student was left unsupervised or that incidents resulted from lack of required adult support. These incidents contributed to Parent concerns but do not establish that required services were not provided.

The Parent reports keeping the Student home on some occasions due to concerns about staffing and trained coverage, including on 05/22/2026, when the Student missed a field trip and the school day. The record shows that the District arranged trained personnel for the field trip and offered school-based coverage when the Parent expressed concerns. The evidence does not show that the District excluded the Student from school or activities.

The PT evaluation was completed within required timelines and provided to the Parent. The June 2 meeting was cancelled and the District requested facilitation; no meeting was held to review the PT evaluation before the complaint was filed. The record does not show that the District refused to review the evaluation or provide required services.

A denial of FAPE occurs when a district fails to implement the IEP, fails to provide required services, or removes a student from educational opportunities in a manner that significantly impedes access to instruction. The evidence did not establish a failure to implement the Student's IEP.

The evidence shows that the District provided the special education, related services, and supplementary aids and services required by the Student's IEP. The Student has access to participate in general education activities, received 1:1 instruction, and accessed the

Independent Life Skills classroom with trained personnel. A lapse in required communication occurred on 05/28/2026, and communication regarding trained coverage was sometimes unclear; however, the record does not show that the District failed to provide required services or excluded the Student from educational opportunities.

The Department does not substantiate this allegation.

V. CORRECTIVE ACTION[4]

In the Matter of Bend-La Pine School District 1
Case No. 26-054-088

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

Dated: this 9th Day of September 2026



Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing Date: September 9, 2026

Appeal Rights: Parties may seek judicial review of this Order. Judicial review may be obtained by filing a petition for review within sixty days from the service of this Order with the Marion County Circuit Court or with the Circuit Court for the County in which the party seeking judicial review resides. Judicial review is pursuant to the provisions of ORS § 183.484. (OAR 581-015-2030(14)(a))

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