

BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of Corvallis School District)
509J)
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)
FINDINGS OF FACT,
CONCLUSIONS,
AND AMENDED FINAL ORDER¹
Case No. 22-054-043

I. BACKGROUND

On December 21, 2022, the Oregon Department of Education (the Department) received a written request for a special education complaint investigation from a parent (Parent) on behalf of students (Student) attending a charter school (Charter School) in the Corvallis School District (District). The Parent requested that the Department conduct a systemic special education complaint 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.² This timeline may be extended if the Parent and the District agree to the extension in order to engage in mediation or local resolution or for exceptional circumstances related to the complaint.³

On December 28, 2022, the Department’s Complaint Investigator sent a *Request for Response (RFR)* to the District. The *RFR* identified the specific allegations in the Complaint to be investigated and established a *Response* due date of January 30, 2023. The District requested an extension to the *Response* date in order to confer with the Department about the nature of the Complaint, and to determine whether the Complaint was filed by an individual or an organization. The Department issued an amended *Request for Response* on February 22, 2023 clarifying that the Complaint had been filed by an individual. The Department established a new *Response* due date of March 8, 2023.

The District submitted a *Response* on March 8, 2023. The District denied the allegations, provided an explanation, and submitted documents in support of the District’s position. The District submitted the following relevant items:

Student 1

- 1. Student’s behavioral data, no date
- 2. Incident record-starting with latest dates and then going backwards in time,

¹ On June 30, 2023, The Department issued a final order in this matter. On August 28, 2023, the Complainant requested reconsideration of the final order and on August 29, 2023, the District, through its attorney, requested reconsideration of the final order. The Department accepted these requests. After reconsideration, the Department issues this amended final order.

² OAR 581-015-2030(12) and 34 CFR § 300.152(a)

³ OAR 581-015-2030(12) and 34 CFR § 300.152(b)

1/25/23-9/21/22

3. Student's schedule, 10/20/22
4. [Student]'s daily schedule (half-day), no date
5. Student check-in, 10/19/22
6. Student check-in, 10/18/22
7. Student's behavioral data, no date
8. Incident record-starting with latest dates and then going backwards in time, 1/23/23-9/21/22
9. Student
10. Progress monitoring data for the child, no date
11. Student's daily schedule (half-day), 10/18/22-10/21/22
12. Star early literacy enterprise assessment (English) test record report, 1/25/23
13. Star math enterprise assessment (English)
14. Student attendance record, 1/27/23
15. Emails, 9/28/22-12/16/22

Student 2

1. Student List, no date
2. Interventions for Student, 9/24/23 [sic]-1/24/23
3. Rating Scale, re: evaluation planning, 9/28/22
4. Study Student Team Referral Form, re: student, 10/17/22
5. Shared notes, no date
6. Behavior point cards, 11/17/22, 11/29/22, 12/2/22, 12/9/22, 12/13/22, 1/11/23, 1/13/23
7. Step up plan, 11/28/22
8. Notes, re: OT, no date
9. Student work sample, no date
10. OT practice and other small group work, 11/23/no year
11. Star Test Record Report, 1/25/23
12. Email/Notes, re: half day implementation at parent's request, 9/25/22

Student 3

1. Student List, no date
2. Student Attendance Report, 1/27/23
3. Elementary Performance Report, 6/22/22
4. Notes, re: student interventions, 2022/2023
5. Unit 3 Post Assessment, no date
6. Student Study Team Referral Form, 2/25/22
7. Schedule, no date
8. Star Test Record Report, 1/25/23
9. Emails, 3/31/22-1/25/23

Student 4

1. Google calendar invite, re: invitation: (no subject) @ Tue Apr 12, 2022 3pm - 4pm (PDT), no date

2. Google calendar invite, re: invitation: ca. @ Tue Apr 12, 2022 3pm - 4pm (PDT), no date
3. Google calendar invite, re: invitation: Student eligibility @ Fri Jun 10, 2022 12:30pm - 1:30 pm (PDT), no date
4. Google calendar invite, re: updated invitation: ca. @ Tue Apr 12, 2022 3pm - 4pm (PDT), no date
5. Google calendar invite, re: updated invitation: Student eligibility @ Fri Jun 10, 2022 12pm - 1 pm (PDT), no date
6. Google calendar invite, re: updated invitation: Student eval planning @ Tue Apr 12, 2022 3pm - 4 pm (PDT), no date
7. Emails, 4/11/22-4/14/22

Student 5

1. Statement of Eligibility for Special Education, Developmental Delay, 5/8/20, unsigned
2. Developmental & Social History, no date
3. Meeting Notes, re: Eval Planning, eligibility and IEP, 5/8/20
4. Part B: Oregon Standard Individualized Education Program, 5/5/22
5. Meeting Participants, 5/5/22, unsigned
6. Special Factors, 5/5/22
7. Present Levels of Academic Achievement and Functional Performance, 5/5/22
8. Statewide Assessment, 5/5/22
9. Districtwide Assessment, 5/5/22
10. Annual Academic and Functional Goals and Objectives, 5/5/22
11. Services, 5/5/22
12. Extended School Year (ESY) Services, 5/5/22
13. Special Education Placement Determination, 5/5/22, unsigned
14. Special Education Notice of Team Meeting, 5/5/22
15. Prior Notice of Special Education Action, 5/5/22
16. Meeting Notes, re: no subject, 5/5/22
17. Annual Academic and Functional Goals and Objectives Progress Report, Social Thinking/Communication, 6/14/22
18. IEP Snapshot, 5/5/22
19. Meeting Participants, 5/5/22, signed
20. Special Education Placement Determination, 5/5/22, signed
21. Docusign Certificate of Completion, Student IEP, 6/14/22
22. Part B: Oregon Standard Individualized Education Program, 5/5/22
23. Prior Notice of Special Education Action, 1/11/23
24. Meeting Participants, 5/5/22, signed
25. Google calendar invite, Student meeting @ Wed Nov 30, 2022 12pm - 12:30pm (PST), no date
26. Annual Academic and Functional Goals and Objectives Progress Report, Social Thinking/Communication, 2/5/21
27. Annual Academic and Functional Goals and Objectives Progress Report, Social Thinking/Communication, 6/14/21
28. Annual Academic and Functional Goals and Objectives Progress Report, Social Thinking/Communication, 6/14/22

29. Student Roster, no date
30. School District Student Elementary Performance Report, 2021-2022
31. Period Attendance Detail, 9/23/21 - 6/13/22
32. Emails, 6/21/22-6/15/23

Student 6

1. All About Student, background information, no date
2. File Review of Existing Information, initial evaluation, 3/10/22
3. Referral Team Meeting Notice, evaluation planning, 3/4/22
4. Authorization to Use and/or Disclose Educational and Protected Health Information, no date
5. Meeting Notes, eval planning meeting, 3/11/22
6. Developmental and Social History, 3/11/22
7. Prior Written Notice, consent for evaluation, 3/10/22
8. Teacher Input Form for Autism Spectrum Disorder, 2/28/22
9. DocuSign Certificate of Completion, evaluation planning for Student, 3/14/22
10. Electronic Record and Signature Disclosure, 4/14/20
11. Prior Written Notice, consent for evaluation (signed copy), 3/10/22
12. DocuSign Certificate of Completion, 2nd evaluation planning for Student, 3/15/22
13. (Outside agency) Release of Information, psychological assessments, 3/17/22
14. (Outside agency) Occupational Therapy Evaluation, report, 5/2/22
15. Parent/Student Rights in Identification, evaluation and placement, no date
16. Section 504 Eligibility Determination and Student Accommodation Plan, 4/22/22
17. (Outside agency) Education Evaluation and Consultation Center, evaluation report, 5/13/22
18. Recommendations, Student support, no date
19. Confidential Statement of Eligibility for Special Education, Emotional Behavior Disability, 5/18/22
20. Prior Written Notice, eligibility, 5/19/22
21. Confidential Statement of Eligibility for Special Education, Emotional Behavior Disability (signed copy), 5/18/22
22. Prior Written Notice, amendment to consent for for evaluation, 5/19/22
23. Prior Written Notice, amendment to consent for for evaluation (signed copy), 5/19/22
24. Statement of Eligibility for Special Education, Autism Spectrum Disorder, 5/19/22
25. Statement of Eligibility for Special Education, Speech-Language Impairment, 5/19/22
26. Meeting Notes, eligibility, 5/19/22
27. Prior Written Notice, eligibility, 5/19/22
28. Statement of Eligibility for Special Education, Other Health Impairment, 5/19/22
29. Statement of Eligibility for Special Education, Autism Spectrum Disorder (amended), 5/19/22
30. Statement of Eligibility for Special Education, Autism Spectrum Disorder (amended and no signatures), 5/19/22
31. Statement of Eligibility for Special Education, Speech-Language Impairment (unsigned copy), 5/19/22
32. Statement of Eligibility for Special Education, Other Health Impairment (unsigned

- copy), 5/19/22
33. Written Agreements between the Parent and the District, revisions to IEP other than at annual IEP meeting, no date
 34. Functional Behavior Assessment, 5/31/22
 35. Prior Written Notice of Special Education Action, ASD eligibility statement amendment, 5/31/22
 36. IEP, 6/3/22
 37. Special Education Notice of Team Meeting, eligibility (6/3/22), 5/6/22
 38. Prior Notice and Consent for Initial Provision of Special Education Services, 5/19/22
 39. Prior Written Notice, IEP, 6/7/22
 40. Meeting Notes, initial IEP, 6/3/22
 41. Annual Academic and Functional Goals and Objectives, progress report, 6/3/22
 42. IEP Snapshot, no date
 43. Meeting Participants, IEP, 6/3/22
 44. Special Education Placement Determination, 6/3/22
 45. Prior Notice and Consent for Initial Provision of Special Education Services (signed copy), 5/19/22
 46. IEP, amendment (9/6/22), 6/3/22
 47. Special Education Notice of Team Meeting, IEP amendment (9/6/22), 5/6/22
 48. Prior Notice and Consent for Initial Provision of Special Education Services, 5/19/22
 49. Prior Written Notice, IEP amendment, 6/7/22
 50. Meeting Notes, IEP amendment (9/6/22), 6/3/22
 51. Annual Academic and Functional Goals and Objectives, progress report, 6/3/22
 52. IEP Snapshot, no date
 53. Parent Input, facilitated IEP meeting, 9/6/22
 54. IEP, amendment (signed copy), 6/3/22
 55. Special Education Notice of Team Meeting, IEP amendment (signed copy), 5/19/22
 56. Prior Notice and Consent for Initial Provision of Special Education Services (signed copy), 5/19/22
 57. Individualized COVID-19 Recovery Services, parent letter, 10/18/22
 58. Google calendar invite, no subject, 3/11/22
 59. Google calendar invite, FBA information meeting, 5/24/22
 60. Google calendar invite, IEP-Student, 6/3/22
 61. Google calendar invite, Student meeting, 1/19/23
 62. Google calendar invite, Student eligibility, 5/19/22
 63. Google calendar invite, Student evaluation meeting, 3/11/22
 64. Google calendar invite, updated invitation: Student meeting, 1/19/23
 65. Google calendar invite, updated invitation: Student eligibility, 5/19/22
 66. Google calendar invite, updated invitation: Student eligibility meeting, 3/11/22
 67. Google calendar invite, invitation: FBA/BSP, 5/31/22
 68. Google calendar invite, invitation: (no subject), 3/11/22
 69. Google calendar invite, invitation: facilitated IEP, 9/6/22
 70. Google calendar invite, invitation: IEP-Student, 6/3/22
 71. Google calendar invite, invitation: Student meeting, 1/19/23
 72. Google calendar invite, invitation: Student eligibility, 5/19/22

73. Google calendar invite, invitation: Student eligibility, 5/19/22
74. Google calendar invite, invitation: report review, 5/17/2
75. Google calendar invite, updated invitation: FBA/BSP-Student, 5/31/22
76. Google calendar invite, updated invitation: IEP-Student, 6/3/22
77. Google calendar invite, updated invitation: IEP-Student, 6/3/22
78. Google calendar invite, updated invitation: Student meeting, 1/19/23
79. Google calendar invite, updated invitation: Student eligibility, 5/19/22
80. Google calendar invite, updated invitation: Student evaluation meeting, 3/11/22
81. Student list, no date
82. Student's Emotion Elevator, 5 point scale, no date
83. Functional Behavior Assessment (FBA), 1/13/22
84. Student Safety and Behavior Support Plan, 2/25/22
85. Oregon Department of Education, 2021-22 Opt-Out Form, 5/9/22
86. Period Attendance Detail for Student, school year 2021, 6/27/22
87. Elementary Performance Report, school year 2021-2022, 6/22/22
88. Student Attendance Report, 1/19/23
89. Star Test Record Report, 1/20/23
90. Emails, 12/3/21-12/15/22

Student 7

1. Statement of Eligibility for Special Education, Autism Spectrum Disorder, 5/12/21, unsigned
2. Meeting Notes, re: meeting eligibility, 5/12/21
3. Prior Notice of Special Education Action, 5/12/21
4. Written Notification to Parent Proposed Use of Public Insurance by School District/ECSE Program, 8/17/21
5. Part B: Oregon Standard Individualized Education Program, 12/14/21
6. Meeting Participants, 12/14/21
7. Special Factors, 12/14/21
8. Present Levels of Academic Achievement and Functional Performance, 12/14/21
9. Transition Planning, 12/14/21
10. Statewide Assessment, 12/14/21
11. Districtwide Assessment, 12/14/21
12. Annual Academic and Functional Goals and Objectives, 12/14/21
13. Services, 12/14/21
14. Extended School Year, 12/14/21
15. Special Education Placement Determination, 12/14/21, unsigned
16. Special Education Notice of Team Meeting, 12/14/21
17. Prior Notice of Special Education Action, 12/14/21
18. Meeting Notes, re: annual IEP, no date
19. Annual Academic and Functional Goals and Objectives Progress Report, no date
20. IEP Snapshot, 12/14/21
21. Meeting Participants, 12/14/22
22. Special Education Placement Determination, 12/14//21, signed
23. Prior Notice of Special Education Action, 6/16/22
24. Annual Academic and Functional Goals and Objectives Progress Report, 6/16/22
25. Written Notification to Parent: Proposed Use of Public Insurance by School

- District/ECSE Program Age 3-21, 8/29/22
26. Part B: Oregon Standard Individualized Education Program, 12/7/22
 27. Meeting Participants, 12/7/22
 28. Special Factors, 12/7/22
 29. Present Levels of Academic Achievement and Functional Performance, 12/7/22
 30. Statewide Assessment, 12/7/22
 31. Districtwide Assessment, 12/7/22
 32. Annual Academic and Functional Goals and Objectives, 12/7/22, blank
 33. Services, 12/7/22
 34. Extended School Year, 12/7/22
 35. Special Education Placement Determination, 12/7/22, unsigned
 36. Special Education Notice of Team Meeting, 12/7/22
 37. Prior Notice of Special Education Action, 12/7/22
 38. Meeting Notes, re: annual IEP, 12/7/22
 39. Annual Academic and Functional Goals and Objectives Progress Report, 12/7/22
 40. IEP Snapshot, 12/7/22
 41. Google calendar invite, Student IEP, `12/7/22
 42. Google calendar invite, Student IEP updated, 12/7/22
 43. Annual Academic and Functional Goals and Objectives Progress Report: Adaptive Skills (1), no date
 44. Annual Academic and Functional Goals and Objectives Progress Report: Adaptive Skills (2), no date
 45. Annual Academic and Functional Goals and Objectives Progress Report: Social or Emotional, no date
 46. Annual Academic and Functional Goals and Objectives Progress Report: Expressive Communication, no date
 47. Annual Academic and Functional Goals and Objectives Progress Report: Receptive Communication, no date
 48. Annual Academic and Functional Goals and Objectives Progress Report: Social Communication/Receptive-Expressive Language, 2/12/19, 6/13/19
 49. Annual Academic and Functional Goals and Objectives Progress Report: Social Communication/Receptive-Expressive Language, 2/5/20, 6/15/20
 50. Annual Academic and Functional Goals and Objectives Progress Report: Social Communication/Receptive-Expressive Language, 2/10/21
 51. Annual Academic and Functional Goals and Objectives Progress Report: Social Communication/Receptive-Expressive Language, 2/10/21, 6/17/21
 52. Annual Academic and Functional Goals and Objectives Progress Report: Social Communication/Receptive-Expressive Language, no date
 53. Annual Academic and Functional Goals and Objectives Progress Report: Social Communication/Receptive-Expressive Language, 6/16/22
 54. Student Roster, no date
 55. Elementary Performance Report, 2021-2022
 56. Period Attendance Detail for Student, 9/29/21-6/9/22
 57. Student Attendance Report, 9/8/22-11/28/22
 58. Star Test Record Report: Early Literacy Enterprise Assessment (English), 6/11/19
 59. Star Test Record Report: Reading Enterprise Assessment (English), 10/13/22, 6/2/22, 2/2/22, 1/24/20, 11/19/19
 60. Star Test Record Report: Math Enterprise Assessment (English), 10/13/22,

- 5/31/22, 2/1/22, 2/4/20, 1/27/20, 11/20/19
61. 2021-22 Oregon Statewide Assessment Individual Student Report, English Language Arts, 5/11/2022 and Math, 5/17/22
 62. Emails, 11/21/22-12-7-22

Student 8

1. Statement of Eligibility, 1/20/21
2. Meeting Notes, 1/20/21
3. Prior Notice of Special Education Action, 1/20/21
4. PART B: Oregon Standard Individualized Education Program, 1/20/21
5. Meeting Participants, 1/20/21
6. Special Factors, 1/20/21
7. Present Levels of Academic Achievement and Functional Performance, 1/20/21
8. Statewide Assessment, 1/20/21
9. Districtwide Assessment, 1/20/21
10. Annual Academic and Functional Goals and Objectives, 1/20/21
11. Services, 1/20/21
12. Nonparticipation Justification, 1/20/21
13. Extended School Year (ESY) Services, 1/20/21
14. Special Education Placement Determination, 1/20/21
15. Special Education Notice of Team Meeting, 1/14/21
16. Prior Notice and Consent for Initial Provision of Special Education Services, 1/20/21
17. Prior Notice of Special Education Action, 1/20/21
18. Meeting Notes, 1/20/21
19. IEP Snapshot, 1/20/21
20. Written Consent to Access Public Insurance (Medicaid) and Release Personally Identifiable Information for Medicaid Billing Purposes, 9/16/21
21. Written Notification to Parent Proposed Use of Public Insurance by School District/ECSE Program, 9/16/21
22. Written Consent to Access Public Insurance (Medicaid) and Release Personally Identifiable Information for Medicaid Billing Purposes, 9/16/21
23. Written Notification to Parent Proposed Use of Public Insurance by School District/ECSE Program, 9/16/21
24. School District Written Consent to Access Public Insurance FAQ
25. Certificate of completion, 9/16/21
26. Part B: Oregon Standard Individualized Education Plan, 3/31/22
27. Meeting Participants, 3/31/22
28. Special Factors, 3/31/22
29. Present Levels of Academic Achievement and Functional Performance, 3/31/22
30. Statewide Assessment, 3/31/22
31. Districtwide Assessment, 3/31/22
32. Annual Academic and Functional Goals and Objectives, 3/31/22
33. Services, 3/31/22
34. Nonparticipation Justification, 3/31/22
35. Special Education Placement Determination,
36. Special Education Notice of Team Meeting, 3/15/22

37. Prior Notice of Special Education Action, 3/31/22
38. Meeting Notes, 3/31/22
39. Annual Academic and Functional Goals and Objectives Progress Report, 3/31/22
40. IEP Snapshot, 3/31/22
41. Written Recommendation for Medicaid Billable School-Based Health Services, 9/12/22
42. Written Notification to Parent Proposed Use of Public Insurance by School District/ECSE Program, 8/23/22
43. Written Recommendation for Medicaid Billable School-Based Health Services, 9/12/22
44. Annual Academic and Functional Goals and Objectives, 1/20/21
45. Annual Academic and Functional Goals and Objectives, 3/31/22
46. Student list, no date
47. Elementary Performance Report, 6/22/22
48. Period attendance detail for Student, 6/27/22
49. Student attendance report, 1/19/23
50. Star Reading Early Literacy Enterprise Assessment record report, 1/30/23
51. Star Reading Enterprise Assessment record report, 1/30/19-10/3/22
52. Star Math Enterprise Assessment record report, 1/28/19-10/3/22
53. Individual Student Record, 10/5/22
54. Emails 5/4/22-12/14/22

Student 9

1. Prior Notice about Evaluation/Consent for Evaluation, 10/31/19, signed
2. File Review of Existing Information/Student Referral, 10/31/19
3. Referral Team Meeting Notice, 10/22/19
4. Meeting Notes, Evaluation Planning Meeting, 10/31/19
5. Prior Notice about Evaluation/Consent for Evaluation, 10/31/19, unsigned
6. Student Assessment List, 10/31/19
7. LBL ESD Services Request: EECC-Education and Consultation Center, 10/31/19, unsigned
8. ESD Confidential Education Evaluation & Consultation Center, 2/9/20, unsigned
9. Statement of Eligibility for Special Education, Communication Disorder, 2/11/20, unsigned
10. Meeting notes, eligibility meeting, 2/11/20
11. Prior Notice of Special Education Action, 2/11/20
12. Statement of Eligibility, Specific Learning Disability, 2/11/20, unsigned
13. Special Education Notice of Team Meeting, 1/14/20
14. Authorization to Use and/or Disclose Educational and Protected Health Information, date illegible, signed
15. Prior Notice about Evaluation/Consent for Evaluation, 2/11/20, signed
16. Student Assessment List, 2/11/20, initialed
17. File Review of Existing Information/Student Referral, 2/11/20
18. Medical Statement or Health Assessment, 2/11/20, blank
19. Authorization to Use and/or Disclose Educational and Protected Health Information, unsigned
20. Prior Notice about Evaluation/Consent for Evaluation, 2/11/20, unsigned

21. Student Assessment List, 2/11/20, not initialed
22. Notice of Special Education Action, 5/11/20
23. CLD Supplemental File Review, 11/4/21
24. Prior Notice about Evaluation/Consent for Evaluation, 11/22/21, signed
25. Student Assessment List, 11/22/21, initialed
26. File Review of Existing Information/Student Referral, initial evaluation, 11/22/21
27. Referral Team Meeting Notice, 11/22/21
28. Meeting Notes, initial evaluation planning, 11/22/21
29. Developmental & Social History, no date, blank
30. Prior Notice about Evaluation/Consent for Evaluation, 11/22/21, unsigned
31. Student Assessment List, 11/22/21, not initialed
32. School District Confidential Evaluation Report, 2/17/22
33. Meeting Notes, no title, 2/23/22
34. Statement of Eligibility for Special Education, Intellectual Disability, 2/23/22, unsigned
35. Prior Notice of Special Education Action, 2/23/22
36. Statement of Eligibility, Specific Learning Disability, 2/23/22, unsigned
37. Special Education Notice of Team Meeting, annual IEP, 2/23/22
38. Meeting Participants, 3/10/22, signed
39. Special Education Placement Determination, 3/10/22, signed
40. DocuSign, Meeting Participants & Placement Determination, 3/16/22
41. Part B: Oregon Standard Individualized Education Program, 3/10/22
42. Meeting Participants, 3/10/22, unsigned
43. Special Factors, 3/10/22
44. Present Levels of Academic Achievement and Functional Performance, 3/10/22
45. Statewide Assessment, 3/10/22
46. Districtwide Assessment, 3/10/22
47. Annual Academic and Functional Goals and Objectives, 3/10/22
48. Services, 3/10/22
49. Extended School Year, 3/10/22
50. Special Education Placement Determination, 3/10/22, unsigned
51. Special Education Notice of Team Meeting
52. Prior Notice of Special Education Action, 2/23/22
53. Meeting Notes, no title, no date
54. Annual Academic and Functional Goals and Objectives Progress Report, Written Language, 6/14/22
55. Annual Academic and Functional Goals and Objectives Progress Report, Math, 6/14/22
56. Annual Academic and Functional Goals and Objectives Progress Report, Reading, 6/14/22
57. IEP Snapshot, 3/10/22
58. Prior Notice and Consent for Initial Provision of Special Education Services, 6/28/22, unsigned
59. Google calendar invite, Student meeting @ Thu Mar 10, 2022 10:30 am - 11:30am (PST), no date
60. Google calendar invite, IEP @ Tue Mar 15, 2022 3pm-4pm (PDT), no date
61. Google calendar invite, IEP @ Tue Mar 15, 2022 4pm-5pm (PDT), no date
62. Updated Google calendar invite, IEP @ Tue Mar 15, 2022 3pm-4pm (PDT), no

- date
63. Updated Google calendar invite, IEP @ Tue Mar 15, 2022 4pm-5pm (PDT), no date
 64. Annual Academic and Functional Goals and Objectives Progress Report, Math, 6/14/22
 65. Annual Academic and Functional Goals and Objectives Progress Report, Reading 6/14/22
 66. Emails, 11/21/22-12-7-22

Student 10

1. Document, Prior Notice and Consent for Initial Provision of Special Education Services, 05/13/22
2. Document, Hearing Screening, 11/15/21
3. Document, File Review of Existing Information/Student Referral, 03/16/22
4. Document, Referral Team Meeting Notice, 03/08/22
5. Document, Meeting Notes, 03/16/22
6. Document, Developmental and Social History, 05/04/22
7. Document, Prior Notice about Evaluation/Consent for Evaluation, 02/16/22
8. Document, Speech-Language Evaluation Report, 4/25/22
9. Document, Statement of Eligibility for Special Education (Speech-Language Impairment 50), 05/13/22
10. Document, Meeting Notes, 05/13/22
11. Document, Prior Notice of Special Education Action, 05/13/22
12. Document, Part B: Oregon Standard Individualized Education Program, 05/13/22
13. Document, Special Education Placement Determination, 05/13/22
14. Document, Special Education Notice of Team Meeting, 04/05/22
15. Document, Prior Notice of Special Education Action, 05/13/22
16. Document, Meeting Notes, 05/13/22
17. Document, Annual Academic and Functional Goals and Objectives Progress Report, 05/13/22
18. Document, IEP Snapshot, 05/13/22
19. Document, Annual Academic and Functional Goals and Objectives Progress Report, 05/13/22
20. Student List, no date
21. Document, Elementary Performance Report, 2021-2022
22. Document, Period Attendance Detail, 09/21/21 [sic] -05/27/22
23. Document, Student Attendance Report, 09/14/22 [sic]-12/14/22
24. Document, Star Test Record Report, 02/02/22 [sic]-10/13/22
25. Document, Star Test Record Report, 10/13/22-01/19/23
26. Emails, 3/7/22-4/6/22

Student 11

1. Medical Statement, 10/4/22
2. Permission to Obtain and Release Information, 10/3/22
3. Authorization to Use and/or Disclose Educational and Protected Health Information, 10/6/22

4. Evaluation Report, 10/13/22
5. Classroom Observation, no date
6. Authorization to Use and/or Disclose Educational and Protected Health Information, no date
7. Medical Statement, 10/4/22
8. Permission to Obtain and Release Information, 10/3/22
9. IEP, 5/5/22
10. Special Education Notice of Team Meeting, 4/21/22
11. Prior Written Notice, initial IEP, 5/5/22
12. Meeting Notes, initial IEP, 5/5/22
13. Annual Academic and Functional Goals and Objectives, progress report, 5/5/22
14. IEP Snapshot, no date
15. Prior Written Notice, consent for evaluation, 6/14/22
16. File Review of Existing Information/Student Referral, 5/26/22
17. Referral Team Meeting Notice, eligibility, 5/26/22
18. Meeting Notes, evaluation planning meeting, 5/26/22
19. Special Education Notice of Team Meeting, 5/26/22
20. Developmental and Social History, no date
21. Prior Written Notice, consent for evaluation, 6/14/22
22. Statement of Eligibility for Special Education, Other Health Impairment, 10/20/22
23. Statement of Eligibility for Special Education, Specific Learning Disability, 10/20/22
24. Meeting Notes, eligibility, 10/20/22
25. Prior Written Notice, eligibility, 10/20/22
26. Statement of Eligibility for Special Education, Other Health Impairment, 10/20/22, unsigned
27. Statement of Eligibility for Special Education, Specific Learning Disability, 10/20/22, unsigned
28. Meeting Participants, 11/2/22
29. Special Education Placement Determination, 11/2/22
30. IEP, 11/2/22
31. Special Education Notice of Team Meeting, IEP, 11/2/22
32. Prior Written Notice, IEP, 11/2/22
33. Meeting Notes, IEP, 11/2/22
34. Annual Academic and Functional Goals and Objectives, progress report, 11/2/22
35. IEP Snapshot, no date
36. Google calendar invite, Student, 5/26/22
37. Google calendar invite, Student meeting, 10/20/22
38. Google calendar invite, Student IEP, 11/2/22
39. Google calendar invite, Student evaluation planning, 5/26/22
40. Google calendar invite, Student evaluation planning, 5/26/22
41. Annual Academic and Functional Goals and Objectives, progress report, 3/18/21
42. Annual Academic and Functional Goals and Objectives, progress report, 5/5/22, duplicate from IEP dated 5/5/22
43. Annual Academic and Functional Goals and Objectives, progress report, 11/2/22, duplicate from IEP dated 11/2/22
44. Student list, no date
45. Letter to parents, compensatory services, 2/2/22
46. Elementary Performance Report, school year 2021-2022, 6/22/22

47. Elementary Performance Report, school year 2021-2022, 6/22/22
48. Period Attendance Detail, school year 2021, 6/27/22
49. Student Attendance Report, 1/19/23
50. Star Test Record Report, 1/20/23
51. Star Test Record Report, 1/20/23
52. Star Test Record Report, 1/20/23
53. Individual Student Test Report, state assessment parent letter, 10/5/22
54. Emails, 1/28/22-11/14/22

Student 12

1. Prior Written Notice, eligibility, 2/7/22
2. Statement of Eligibility for Special Education, OHI, 3/29/22
3. Amended step up plan, 9/27/no year
4. Special Education Notice of Team Meeting, develop or review IEP (9/27/21 meeting), 9/24/21
5. Prior Written Notice, consent for evaluation, 10/7/21
6. FBA meeting notes, 10/7/no year
7. Prior Written Notice, consent for evaluation, 10/7/21, unsigned
8. Fax Cover Sheet, (Outside agency), 10/22/19
9. (Outside agency) OT report, 10/3/18
10. Authorization to Use and/or Disclose Educational and Protected Health Information, 10/18/21
11. Prior Written Notice, consent for evaluation, 10/18/21
12. Authorization to Use and/or Disclose Educational and Protected Health Information, 2/11/22
13. File Review, 10/18/21
14. Authorization to Use and/or Disclose Educational and Protected Health Information, no date, unsigned
15. Meeting Notes, eval planning, 10/19/21
16. Special Education Notice of Team Meeting, evaluation planning, 10/7/21
17. Prior Written Notice, consent for evaluation, 10/18/21, unsigned
18. Teacher Input Form for Autism Spectrum Disorder, no date
19. Functional Behavior Assessment, 12/8/21
20. Meeting Participants, 12/9/21
21. Special Education Placement Determination, 12/9/21
22. District Representative Designation, no date
23. IEP, 12/9/21
24. Special Education Notice of Team Meeting, develop or review IEP 11/19/21
25. Prior Written Notice, IEP, 12/9/21
26. Meeting Notes, annual IEP, 12/9/21
27. Annual Academic and Functional Goals and Objectives, progress report, 12/9/21, duplicate from IEP dated 12/9/21
28. IEP Snapshot, no date
29. (Outside agency) Occupational Therapy Evaluation, 2/2/22
30. Statement of Eligibility for Special Education, Autism Spectrum Disorder, 2/7/22
31. Statement of Eligibility for Special Education, OHI, 2/7/22
32. Authorization to Use and/or Disclose Educational and Protected Health

- Information, 10/18/21
33. Medical Statement or Health Assessment, 2/16/22
 34. (Outside agency), evaluation report, 12/4/22
 35. Statement of Eligibility for Special Education, Autism Spectrum Disorder, 2/7/22, unsigned
 36. Meeting Notes, eligibility meeting, 2/7/22
 37. Prior Written Notice, eligibility, 2/7/22
 38. Statement of Eligibility for Special Education, OHI, 2/7/22, unsigned
 39. Statement of Eligibility for Special Education, Emotional Disturbance, 2/7/22
 40. Medical Statement or Health Assessment, 2/16/22, duplicate
 41. Statement of Eligibility for Special Education, Emotional Disturbance, 2/7/22, unsigned
 42. Special Education Notice of Team Meeting, evaluation planning, 10/7/21
 43. Special Education Notice of Team Meeting, eligibility, 2/2/22
 44. Medical Statement or Health Assessment, 2/16/22, duplicate
 45. Authorization to Use and/or Disclose Educational and Protected Health Information, no date, unsigned
 46. Medical Statement or Health Assessment, 2/11/22
 47. IEP, amendment, 3/29/22
 48. Special Education Notice of Team Meeting, IEP amendment, 3/18/22
 49. Prior Written Notice, IEP amendment, 3/29/22
 50. Meeting Notes, revision IEP w/eligibility, 3/29/22
 51. Annual Academic and Functional Goals and Objectives, progress reports (6/17/22), 12/9/21
 52. IEP Snapshot, no date
 53. IEP, amendment, 3/29/22, signed
 54. Meeting Notes, eligibility OHI, 3/29/22
 55. Statement of Eligibility for Special Education, OHI, 3/29/22, unsigned
 56. Written Agreements between the Parent and the District, excused member, no date
 57. Written Agreements between the Parent and the District, excused member, 3/29/22, signed
 58. Annual Academic and Functional Goals and Objectives, progress report (6/15/20), 12/17/19
 59. Annual Academic and Functional Goals and Objectives, progress report (6/17/21), 12/16/20
 60. Annual Academic and Functional Goals and Objectives, progress report, 12/9/21, duplicate from IEP dated 12/9/21
 61. Student list, no date
 62. Elementary Performance Report, school year 2021-2022, 6/22/22
 63. School Period Attendance Detail, school year 2021, 6/27/22
 64. Google calendar invite, Student OT, 3/16/22
 65. Emails, 12/13/21-8/31/22

Student 13

1. Statement of Eligibility for Special Education, Developmental Delay, 10/17/19
2. Meeting Participants, IEP, 3/15/22

3. Special Education Placement Determination, 3/15/22
4. IEP, 3/15/22
5. Special Education Notice of Team Meeting, develop or review IEP (5/13/21), 5/5/21
6. Prior Written Notice, IEP amendment, 5/13/21
7. Meeting Notes, IEP meeting, 5/13/21
8. Annual Academic and Functional Goals and Objectives, progress report (6/22), 3/15/22
9. IEP Snapshot, no date
10. Student list, no date
11. Bus Referral, 12/1/21
12. ACT Limit Setting, behavior management strategies, no date
13. Chart of emotions, partial copy, no date
14. Elementary Performance Report, school year 2021-2022, 6/22/22
15. Period Attendance Detail, school year 2021, 6/27/22
16. Emails, 12/2/21-6/27/22

Student 14

1. Prior Written Notice, consent for evaluation, 9/16/21
2. Prior Written Notice, consent for evaluation, 9/16/21
3. Confidential Evaluation Report, school psychologist report, 9/29/21
4. Prior Written Notice, consent for initial provision of special education services, 10/01/21
5. Statement of Eligibility for Special Education, Specific Learning Disability, 10/1/21
6. Prior Written Notice, initial eligibility, 10/1/21
7. Meeting Notes, initial eligibility, 10/1/21
8. Prior Written Notice, consent for initial provision of special education services, 10/01/21
9. Prior Written Notice, initial eligibility, 10/1/21
10. Statement of Eligibility for Special Education, Specific Learning Disability, 10/1/21
11. Permission to Obtain and Release Information, 9/30/21
12. Permission to Obtain and Release Information, unsigned copy, 9/30/21
13. IEP, 10/8/21
14. Special Education Notice of Team Meeting, IEP meeting, 10/4/21
15. Prior Written Notice, IEP, 10/8/21
16. Meeting Notes, initial IEP, 10/8/21
17. Annual Academic and Functional Goals and Objectives, progress report, 10/8/21, duplicate from IEP dated 10/8/21
18. IEP Snapshot, no date
19. Student IEP Meeting, meeting notes, 11/17/21
20. Student IEP part 2, meeting notes, 12/7/21
21. Student IEP part 3, meeting notes, 12/13/21
22. IEP, amendment (11/17/21), 10/8/21
23. Special Education Notice of Team Meeting, IEP amendment, 11/15/21
24. Prior Written Notice, IEP amendment, 12/13/21
25. Meeting Notes, amended IEP, 11/17/21
26. Annual Academic and Functional Goals and Objectives, progress report, 10/8/21

27. IEP Snapshot, no date
28. Special Education Notice of Team Meeting, review IEP, 12/7/21
29. Special Education Notice of Team Meeting, review IEP, 12/9/21
30. Special Education Notice of Team Meeting, eligibility meeting, 9/21/21
31. File Review of Existing Information/Student Referral, reevaluation, 5/6/22
32. Referral Team Meeting Notice, evaluation planning meeting, 5/6/22
33. Meeting Notes, evaluation planning meeting, 5/6/22
34. Prior Written Notice, consent for evaluation, 5/8/22
35. Regional Fine/Gross Motor Referral File Review, 5/12/22
36. Prior Written Notice, consent for evaluation (signed copy), 5/8/22
37. Photocopy, multiple letters and symbols, no date
38. Special Education Notice of Team Meeting, IEP meeting, 4/1/22
39. Google calendar invite, canceled event: (no subject), 4/28/22
40. Google calendar invite, canceled event: Student OT evaluation planning, 4/28/22
41. Google calendar invite, no subject, 5/5/22
42. Google calendar invite, Student middle school transition meeting, 4/28/22
43. Google calendar invite, Student OT planning meeting, 5/6/22
44. Google calendar invite, Student OT evaluation planning, 5/6/22
45. Google calendar invite, Student OT evaluation planning, 5/6/22
46. Google calendar invite, no subject, 5/5/22
47. Google calendar invite, Student OT planning meeting, 5/6/22
48. Google calendar invite, Student OT evaluation planning, 5/6/22
49. Google calendar invite, updated invitation with note: Student OT evaluation planning, 5/6/22
50. Annual Academic and Functional Goals and Objectives, progress report, 10/8/21, duplicate
51. Student list, no date
52. Elementary Performance Report, school year 2021-2022, 6/22/22
53. Period Attendance Detail, 6/27/22
54. Emails, 11/1/21-7/12/22

Student 15

1. Written Notification to Parent, proposed use of public insurance by school district, 8/18/21
2. Prior Written Notice, compensatory services, 12/9/21
3. Statement of Eligibility for Special Education, Speech-Language Impairment, 5/9/22
4. Meeting Notes, eligibility continuation, 5/9/22
5. Prior Written Notice, eligibility, 5/9/22
6. IEP, 5/9/22
7. Written Agreement, excused member, no date
8. Special Education Notice of Team Meeting, re eligibility (5/9/22), 5/2/22
9. Prior Written Notice, IEP, 5/9/22
10. Meeting Notes, annual IEP, 5/9/22
11. Annual Academic and Functional Goals and Objectives, progress report, 5/9/22, duplicate from IEP dated 5/9/22
12. IEP Snapshot, no date

13. Written Notification to Parent, proposed use of public insurance by school district, 8/24/22
14. Annual Academic and Functional Goals and Objectives, progress report (2/18), 5/22/17
15. Annual Academic and Functional Goals and Objectives, progress report (2/19), 3/22/18
16. Annual Academic and Functional Goals and Objectives, progress report (2/20), 3/4/19
17. Annual Academic and Functional Goals and Objectives, progress report (6/20), 3/3/20
18. Annual Academic and Functional Goals and Objectives, progress report (6/21), 2/2/21
19. Student list, no date
20. Elementary Performance Report, school year 2021-2022, 6/22/22
21. Period Attendance Detail, school year 2021, 6/27/22
22. Student Attendance Report, 1/19/23
23. Renaissance, Star test record report, 1/20/23
24. Individual Student Report, letter to parents, 10/5/22
25. Emails, 12/13/21-5/2/22

Student 16

1. Confidential Statement of Eligibility for Special Education, RE: Emotional Disturbance, 1/27/21 [Signed]
2. Confidential Statement of Eligibility for Special Education, RE: Emotional Disturbance, 1/27/21 [Unsigned]
3. Meeting Notes, RE: Eligibility 1/27/2021
4. Prior Notice of Special Education Action, RE: Identification and Placement, 1/27/21
5. Written Notification to Parent Proposed Use of Public Insurance by School District/ECSE Program Ages 3 - 21, 8/20/21
6. Prior Notice about Evaluation/Consent for Evaluation, RE: Re-evaluation, 10/28/21
7. File Review of Existing Information/Student Referral, RE: RE-evaluation, 10/28/21
8. Meeting Notes, RE: Evaluation Planning, 10/28/21
9. Special Education Notice of Team Meeting, RE: Additional Testing, 10/25/21
10. Prior Notice about Evaluation/Consent for Evaluation, RE: Re-evaluation, 11/04/21
11. Student Assessment List, 10/28/21
12. Prior Notice about Evaluation/Consent for Evaluation, RE: Re-evaluation, 11/04/21
13. Student Assessment List, 10/28/21
14. Corvallis School District Confidential Evaluation Report, 11/16/21 & 11/18/21
15. Prior Notice of Special Education Action, RE: FAPE, 12/15/21
16. Meeting Notes, RE: Amended IEP, 12/15/21
17. Annual Academic and Functional Goals and Objectives Progress Report, 6/18/21
18. IEP Snapshot, no date
19. IEP, 6/14/22
20. Special Education Notice of Team Meeting, RE: Development or Review of IEP and Placement, 6/6/22
21. Prior Notice of Special Education Action, RE: FAPE, 6/9/22
22. IEP Snapshot, 6/14/22

23. DocuSign Signature Page, no date
24. Electronic Record and Signature Disclosure, 4/14/20
25. Oregon Standard Individualized Education Program, 6/9/22
26. Special Education Notice of Team Meeting, RE: IEP and Placement 6/6/22
27. Prior Notice of Special Education Action, 6/9/22
28. Meeting Notes, no date
29. Annual Academic and Functional Goals and Objectives Progress Report, 6/9/22
30. IEP Snapshot, no date
31. Individualized COVID-19 Recovery Services Notice, 10/14/22
32. Written Notification to Parent: Proposed Use of Public Insurance by School District/ECSE Program Ages 3 - 21, 8/24/22
33. Student List, no date
34. Letter to Parent from School Site, RE: [Student's] IEP, 12/10/21
35. Student Performance Report, RE: English Language Arts, 6/22/22
36. Student Attendance Report, 6/27/22
37. StarTest Record Report, RE: Literacy, 1/20/23
38. StarTest Record Report, RE: Reading, 1/20/23
39. StarTest Record Report, RE: Math, 1/20/23
40. Individual Student Report: 2021-22 Oregon Statewide Assessment,, 10/5/22
41. Annual Academic and Functional Goals and Objectives Progress Report, 2/27/18
42. Annual Academic and Functional Goals and Objectives Progress Report, 9/19/19
43. Annual Academic and Functional Goals and Objectives Progress Report, 9/22/20
44. Annual Academic and Functional Goals and Objectives Progress Report, 6/18/21
45. Annual Academic and Functional Goals and Objectives Progress Report, 6/9/22
46. No District emails

Student 17

1. Written Consent to Access Medicaid and Release Personally Identifiable Information for Medicaid billing, 8/27/21
2. Written Recommendation for Medicaid Billable School-Based Health Services, 11/22/21
3. Written Notification to Parent, proposed use of public insurance by school district, 8/27/21
4. Written Consent to Access Medicaid and Release Personally Identifiable Information for Medicaid billing, 8/27/21, signed
5. Written Consent to Access Public Insurance, FAQ, no date
6. DocuSign Certificate of Completion, District Medicaid initial notice, 8/27/21
7. Electronic Record and Signature Disclosure, 4/14/20
8. Written Recommendation for Medicaid Billable School-Based Health Services, 9/29/21
9. Written Recommendation for Medicaid Billable School-Based Health Services, 11/22/21, signed
10. DocuSign Certificate of Completion, written recommendation request, 11/22/21
11. Written Recommendation for Medicaid Billable School-Based Health Services, 11/22/21
12. DocuSign Certificate of Completion, written recommendation request, 11/22/21
13. Special Education Notice of Team Meeting, eligibility, 10/25/21

14. Permission to Obtain and Release Information, 10/18/21
15. (Outside agency), evaluation report, 10/8/21
16. Statement of Eligibility for Special Education, Autism Spectrum Disorder, 10/27/21
17. Statement of Eligibility for Special Education, Autism Spectrum Disorder, 10/27/21, unsigned
18. Meeting Notes, eligibility for ASD, 10/27/21
19. Prior Written Notice, eligibility, 10/27/21
20. IEP, 11/16/21
21. Special Education Notice of Team Meeting, IEP (11/16/21), 11/4/21
22. Prior Written Notice, IEP, 11/16/21
23. Meeting Notes, annual IEP, 11/16/21
24. Annual Academic and Functional Goals and Objectives, progress report (6/10/22), 11/16/21
25. Annual Academic and Functional Goals and Objectives, progress report (2/9/22), 11/16/21
26. IEP Snapshot, no date
27. Meeting Participants, IEP, 11/16/21, signed
28. Special Education Placement Determination, 11/16/21, signed
29. Prior Written Notice, compensatory services, 12/15/21
30. Parent letter, intellectually gifted, no date
31. NNAT3, test results, 5/26/22
32. Document Break, blank pg., no date
33. Google calendar invite, IEP check in with parent for Student, 11/4/22
34. Document Break, blank pg., no date
35. Document Break, blank pg., no date
36. Document Break, blank pg., no date
37. Google calendar invite, IEP check in with parent for Student (added note), 11/4/22
38. Annual Academic and Functional Goals and Objectives, progress report (6/17/21), 12/7/20
39. Annual Academic and Functional Goals and Objectives, progress report (11/28/22), 11/2/22
40. Emails, 1/6/22-11/4/22

Student 18

1. Pre-Referral, 9/21/21
2. Pre-Referral Team Meeting Notice, 9/20/21
3. Pre-Referral Meeting Notes, no date
4. Pre-Referral Conclusions, no date
5. Prior Notice about Evaluation/Consent for Evaluation, 9/21/21, signed
6. Authorization to Use and/or Disclose Educational and Protected Health Information, 9/21/21, signed
7. File Review of Existing Information/Student Referral re: initial evaluation, 9/21/21
8. Referral Team Meeting Notice, re: decide if your child should be evaluated, 9/20/21
9. Medical Statement or Health Assessment, 10/1/21
10. Authorization to Use and/or Disclose Educational and Protected Health Information, no date, unsigned
11. Meeting Notes, re: initial evaluation planning, 9/21/21

12. Special Education Notice of Team Meeting, re: eligibility, 10/25/21
13. Prior Notice about Evaluation/Consent for Evaluation, 9/21/21, unsigned
14. Confidential Evaluation Report, 10/12/21
15. Statement of Eligibility for Special Education, re: Other Health Impairment 80, 10/26/21, signed
16. Statement of Eligibility for Special Education, re: Specific Learning Disability 90, 10/26/21, signed
17. Meeting Notes, re: initial eligibility, 10/26/21
18. Prior Notice of Special Education Action, re: identification, 10/26/21
19. Statement of Eligibility for Special Education, re: Other Health Impairment 80, 10/26/21, unsigned
20. Statement of Eligibility for Special Education, re: Specific Learning Disability 90, 10/26/21, unsigned
21. Prior Notice and Consent for Initial Provision of Special Education Services, 10/26/21, signed
22. Parent Impact Statement for [Student] for IEP meeting, 11/9/21
23. Meeting Participants, 11/9/21, signed
24. Special Education Placement Determination, 11/9/21, signed
25. Part B: Oregon Standard IEP, 11/9/21
26. Special Education Notice of Team Meeting, re: develop or review an IEP and placement, 10/28/21
27. Prior Notice and Consent for Initial Provision of Special Education Services, 10/26/21, unsigned
28. Prior Notice of Special Education Action, re: provision of a free, appropriate public education (included IEP), 11/9/21
29. Meeting Notes, re: initial IEP, 11/9/21
30. Annual Academic and Functional Goals and Objectives Progress Report, 11/9/21
31. IEP Snapshot, re: grade 2, no date
32. Student List, no date
33. Elementary Performance Report, re: 2021-2022, no date
34. Period Attendance, 9/24/21
35. Instructional Intervention Minutes List, 11/18/21
36. Google calendar invite, re: IEP check in with parent for [Student], no date
37. Google calendar invite, re: IEP check in with parent for [Student], no date
38. Google calendar invite, re: updated invitation with note: IEP check in with parent for [Student], no date
39. Emails, 1/5/22-1/13/22

Student 19

1. Parent Permission for an Informal Speech Language Screening, 4/5/22
2. Speech Language Report, 5/5/22
3. Prior Notice About Evaluation/Consent for Evaluation, 5/13/22
4. File Review of Existing Information/Student Referral, 5/10/22
5. Referral Team Meeting Notice, 5/3/22
6. Meeting Notes, 5/10/22
7. Developmental & Social History, 5/19/22
8. Prior Notice about Evaluation Consent/Evaluation, 5/13/22

9. Hearing screening, no date
10. Speech-Language Evaluation, 6/9/22
11. Statement of Eligibility for Special Education (Speech-Language Impairment, 6/10/22
12. Statement of Eligibility for Special Education (Speech-Language Impairment, 6/10/22
13. Meeting Notes, 6/10/22
14. Prior Notice of Special Education Action
15. Meeting Participants, 6/10/22
16. Special Education Placement Determination, 6/10/22
17. Part B: Oregon Standard Individualized Education Program, 6/10/22
18. Meeting Participants, 6/10/22
19. Special Factors, 6/10/22
20. Present Levels of Academic Achievement and Functional Performance, 6/10/22
21. Statewide Assessment, 6/10/22
22. Districtwide Assessment, 6/10/22
23. Annual Academic and Functional Goals and Objectives-Expressive Language, 6/10/22
24. Annual Academic and Functional Goals and Objectives-Articulation, 6/10/22
25. Academic and Functional Goals and Objectives-Receptive Language, 6/10/22
26. Services, 6/10/22
27. Extended School Year, 6/10/22
28. Special Education Placement Determination, 6/10/22
29. Special Education Notice of Team Meeting, 6/1/22
30. Prior Notice of Special Education Action
31. Meeting Notes, 6/10/22
32. IEP Snapshot
33. Prior Notice and Consent for Initial Provision of Special Education Services, 6/10/22
34. Prior Notice and Consent for Initial Provision of Special Education Services, 6/10/22
35. Written Consent to Access Public Insurance (Medicaid) and Release Personally Identifiable Information for Medicaid Billing Purposes-unsigned, 9/9/22
36. Written Recommendation for Medicaid Billable School-Based Health Services, 9/21/22
37. Written Notification to Parent Proposed Use of Public Insurance by School District/ECSE Program, 9/9/22
38. Written Consent to Access Public Insurance (Medicaid) and Release Personally Identifiable Information for Medicaid Billing Purposes, 9/9/22 (signed 9/20/22)
39. Corvallis School District Written Consent to Access Public Insurance FAQ
40. Certificate of Completion, 9/9/22
41. Written Recommendation for Medicaid Billable School-Based Health Services, 9/9/22 (signed, 9/9/22)
42. Certificate of Completion, 9/21/22
43. Student list, no date
44. District school district Elementary Performance Report, 2021-2022
45. School year 2021 Period Attendance Detail for Student, 6/27/22
46. Annual Academic and Functional Goals and Objectives Progress Report-

- articulation, 6/10/22
47. Annual Academic and Functional Goals and Objectives Progress Report-expressive, 6/10/22
 48. Annual Academic and Functional Goals and Objectives Progress Report-receptive language, 6/10/22
 49. No District emails

Student 20

1. Statement of Eligibility for Special Education, Communication Disorder, 11/2/20
2. Meeting Notes, 3-yr eligibility communication, 11/2/20
3. Prior Notice and Consent for Initial Provision of Special Education Services, 11/2/20
4. Prior Written Notice, eligibility, 11/2/20
5. Written Notification to Parent, proposed use of public insurance by school district, 8/24/21
6. IEP, 6/6/22
7. Special Education Notice of Team Meeting, IEP (6/6/22), 5/13/22
8. Prior Written Notice, annual IEP, 6/6/22
9. Meeting Notes, annual IEP, 6/6/22
10. Annual Academic and Functional Goals and Objectives, progress report, 6/6/22, duplicate of IEP dated 6/6/22
11. IEP Snapshot, no date
12. Student list, no date
13. Elementary Performance Report, school year 2021-2022, 6/22/22
14. Period Attendance Detail, school year 2021, 6/27/22
15. Annual Academic and Functional Goals and Objectives, progress report (2/21), 6/8/20
16. Annual Academic and Functional Goals and Objectives, progress report, 6/6/22, duplicate of IEP dated 6/6/22
17. No District emails

Student 21

1. IEP, 1/18/22
2. Special Education Notice of Team Meeting, develop or review IEP, 5/20/22
3. Prior Written Notice, IEP, 5/20/22
4. IEP Snapshot, no date
5. DocuSign Certificate of Completion, Student IEP, 6/15/22
6. Electronic Record and Signature Disclosure, 4/14/20
7. Individualized COVID-19 Recover Services Review, 5/11/22
8. IEP, 1/18/22, unsigned
9. Meeting Notes, IEP, no date
10. Annual Academic and Functional Goals and Objectives, progress report (6/22), 1/18/22
11. IEP Snapshot, no date
12. (Outside agency) Speech-Language Evaluation Report, 4/18/22
13. Prior Written Notice, consent for evaluation, 4/13/22

14. File Review of Existing Information/Student Referral, 4/21/22
15. Referral Team Meeting Notice, eligibility, 4/21/22
16. Meeting Notes, eval planning, 4/21/22
17. Special Education Notice of Team Meeting, eligibility, 4/21/22
18. Prior Written Notice, consent for evaluation, 4/13/22, unsigned
19. Statement of Eligibility for Special Education, speech-language impairment, 4/21/22
20. Prior Written Notice, IEP, 6/20/22
21. Student Assessment List, 11/14/22
22. Prior Written Notice, consent for evaluation, 10/4/22
23. Social Communication and Social Interaction, questionnaire, no date
24. File Review of Existing Information/Student Referral, 10/20/22
25. Special Education Notice of Team Meeting, eligibility, 10/31/22
26. Prior Written Notice, consent for evaluation, 10/4/22, unsigned
27. Student Assessment List, 11/14/22
28. Student list, no date
29. Elementary Performance Report, school year 2021-2022, 6/22/22
30. Period Attendance Detail, school year 2021, 6/27/22
31. Student Attendance Report, 1/19/23
32. Renaissance, Star test record report, 1/20/23
33. Individual Student Report, parent letter, 10/5/22
34. Google calendar invite, Student IEP, 5/20/22
35. Google calendar invite, Student meeting, 11/14/22
36. Google calendar invite, Student re-evaluation, 10/31/22
37. Google calendar invite, Student re-evaluation, 10/31/22, updated
38. Annual Academic and Functional Goals and Objectives, progress report, 1/20/21
39. Emails, 3/18/22-11/7/22

Student 22

1. Statement of Eligibility for Special Education, Communication Disorder, 1/13/21
2. Meeting Notes, IEP, 1/13/21
3. Prior Written Notice, eligibility and IEP review, 1/13/21
4. Written Notification to Parent, proposed use of public insurance by school district, 8/23/21
5. IEP, 1/13/21
6. Special Education Notice of Team Meeting, IEP review (10/11/21), 10/6/21
7. Prior Written Notice, IEP amendment, 10/11/21
8. Meeting Notes, amended IEP, 10/11/21
9. Annual Academic and Functional Goals and Objectives, progress report, 1/13/21
10. IEP Snapshot, no date
11. Prior Written Notice, consent for evaluation, 11/1/21
12. File Review of Existing Information, re-evaluation, 11/1/21
13. Meeting Notes, File Review, 11/1/21
14. Special Education Notice of Team Meeting, IEP amendment (11/1/21 meeting), 10/25/21
15. Prior Written Notice, consent for evaluation, 11/1/21
16. IEP, amended IEP, 11/1/21

17. Prior Written Notice, IEP amendment, 11/1/21
18. Meeting Notes, amended IEP, 11/1/21
19. IEP Snapshot, no date
20. Special Education Notice of Team Meeting, IEP (12/16/21 meeting), 11/23/21
21. IEP, 12/16/21
22. Prior Written Notice, IEP, 12/16/21
23. Meeting Notes, IEP, 12/16/21
24. Annual Academic and Functional Goals and Objectives, progress report, 12/16/21, duplicate from IEP dated 12/16/21
25. IEP Snapshot, no date
26. Meeting Participants, IEP, 6/6/22
27. Special Education Placement Determination, 3/3/22
28. IEP, 6/6/22
29. Special Education Placement Determination, 3/3/22
30. Special Education Notice of Team Meeting, IEP, 3/3/22
31. Prior Written Notice, IEP amendment, 4/1/22
32. Meeting Notes, Student, 6/13/22
33. Annual Academic and Functional Goals and Objectives, progress report, 6/6/22
34. IEP Snapshot, no date
35. Individualized COVID-19 Recovery Services, no date
36. DocuSign Certificate of Completion, Individualized COVID-19 Recover Services Parent Letter, 10/13/22
37. Electronic Record and Signature Disclosure, 4/14/20
38. Written Notification to Parent, proposed use of public insurance by school district, 8/29/22
39. File Review of Existing Information, evaluation planning meeting, 10/27/22
40. Special Education Notice of Team Meeting, evaluation planning meeting (10/27/22), 10/25/21
41. Blank page, no date
42. Developmental and Social History, 10/31/19
43. Prior Written Notice, consent for evaluation, 11/1/21
44. Confidential Evaluation Report, Kaufman Test of Educational Achievement (KTEA-3), 11/16/21 & 11/18/21
45. Meeting Notes, eligibility Student SLD, 10/27/22
46. Prior Written Notice, eligibility, 10/26/22
47. Statement of Eligibility for Special Education, Specific Learning Disability, 10/26/22
48. Student list, no date
49. Reevaluation summary meeting notes, 10/27/22
50. Oregon Department of Education, 2021-22 30-day notice for statewide tests, no date
51. Oregon Department of Education, 2021-22 opt-out form, 5/9/22
52. IEP notes, 3/3/22
53. Elementary Performance Report, 6/22/22
54. Period Attendance Detail, 6/27/22
55. Student Attendance Report, 1/19/23
56. Star Test Record Report, Star Early Literacy Enterprise Assessment, 1/20/23
57. Star Test Record Report, Star Reading Enterprise Assessment, 1/20/23
58. Star Test Record Report, Star Math Enterprise Assessment, 1/20/23

59. Google calendar invite, Student 3 year re-evaluation, 10/27/22
60. Google calendar invite, Student IEP, 6/13/22
61. Google calendar invite, Student meeting, 3/3/22
62. Google calendar invite, Student meeting, 3/31/22
63. Google calendar invite, updated invitation: Student 3 year re-evaluation, 10/27/22
64. Google calendar invite, updated invitation: Student meeting, 3/3/22
65. Google calendar invite, Parent/Case Manager/Special Education Assistant Coordinator, 2/15/2
66. Annual Academic and Functional Goals and Objectives, progress report, 1/14/20
67. Annual Academic and Functional Goals and Objectives, progress report, 1/13/21
68. Emails, 12/13/21-1/7/23

Student 23

1. Document, Speech/Language Screening Results, 03/08/18
2. Document, Parent Permission for Individual Student Service, 12/12/17
3. Document, Pre-Referral Meeting Notes, 03/08/18
4. Document, File Review of Existing Information/Student Referral, 10/08/20
5. Document, Referral Team Meeting Notice, 10/05/20
6. Document, Meeting Notes, 10/08/20
7. Document, Prior Notice About Evaluation/Consent for Evaluation, 10/08/20
8. Document, Student Assessment List, 10/08/20
9. Document, Teletherapy Informed Consent Form, 2020-21
10. Document, Speech Fluency Evaluation, 01/04/21
11. Document, Statement of Eligibility for Special Education (Communication Disorder 50), 01/04/21
12. Document, Meeting Notes, 01/08/21
13. Document, Prior Notice of Special Education Action, 01/04/21
14. Document, Prior Notice and Consent for Initial Provision of Special Education Services, 01/04/21
15. Document, Part B Oregon Standard Individualized Education Program, 01/04/21
16. Document, Special Education Notice of Team Meeting, 10/08/20
17. Document, Meeting Notes, 01/08/21
18. Document, Annual Academic and Functional Goals and Objectives Progress Report, 01/04/21
19. Document, IEP Snapshot, 01/04/21
20. Document, Prior Notice of Special Education Action, 05/02/22
21. Student List, no date
22. Document, Elementary Performance Report, 2021-22
23. Document, Attendance Detail, 06/27/22
24. Document, Student Attendance Report, 01/19/23
25. Document, Star Test Record Report, 01/20/23
26. Document, Individual Student Report, 05/20/22
27. Document, Annual Academic and Functional Goals and Objectives Progress Report, 01/04/21
28. Emails, 12/7/21-4/6/22

The District submitted additional documents at the request of the Complaint Investigator on April 7, and May 3, 2023:

1. Letter to District, additionally requested materials, no date
2. TSPC Online Licensing Application, 3/29/22
3. School Kinder January to June Schedule, no date
4. 1st grade curriculum overview, no date
5. 2nd Grade, daily classroom schedule, no date
6. 3rd Grade, daily classroom schedule, no date
7. 4th Grade, daily classroom schedule, no date
8. 5th Grade, daily classroom schedule, no date
9. Daily Teacher schedule, no date
10. School Speech Therapy schedule, no date
11. IEP Minutes, SDI service log, no date
12. SDI Minutes-Teacher 22/23, service log, no date
13. Student list, registration information, no date
14. School Calendar, 2021-2022 school year, no date
15. Letter to District, additionally requested materials, no date
16. Speech-language service log, no date
17. Soap Notes, various students, no date
18. Compensatory service log, no date
19. No Emails

The Parent submitted a *Reply* on March 22, 2023. The Reply provided further explanation and documents in support of the Parent's position. The Parent submitted the following relevant items:

1. Written parent reply, 3/22/23
2. Mental Health Therapist, job posting, no date
3. Article, Valley schools respond to mental health 'crisis levels,' 8/28/22
4. Article, City hires therapists to weave mental health with education, 10/10/19
5. Board Meeting Draft Notes, 6/10/21
6. Board Meeting Public Session, notes, 1/21/20
7. Board Meeting Public Session, notes, 7/8/21
8. Board Meeting Public Session, notes, 8/12/21
9. Public Board Meeting, notes, 2/18/21
10. Board Meeting, minutes, 12/14/21
11. Board Meeting Notes, 10/14/21
12. PACE, presentation slides, no date
13. Meeting minutes, PTO sponsored special needs parent support group, 12/1/21
14. Letter to families, re: OT staffing, no date
15. Student letter code, no date
16. Summary of Peer-Reviewed Literature on LexiaCore, no date
17. No emails

At the request of the Complaint Investigator, the Charter School submitted the following items on April 14, and April 28, 2023:

1. Student study Team Referral Form, 11/28/22
2. Student study Team Referral Form, 10/17/22
3. Student study Team Referral Form, 2/18/22
4. Student study Team Referral Form, 3/7/23
5. Student study Team Referral Form, 11/28/22
6. Student study Team Referral Form, 2/28/22
7. Student study Team Referral Form, 2/14/na
8. Student study Team Referral Form, no date
9. Student study Team Referral Form, 2/7/23
10. Student study Team Referral Form, 2/18/22
11. Student Interventions/Progress, 2022-2023
12. Describe interventions strategies, 10/18/22
13. Student study Team Referral Form, 2/25/22
14. Student study Team Referral Form, 10/25/no year
15. Student study Team Referral Form, 10/25/22
16. Student study Team Referral Form, 2/14/22
17. Student study Team Referral Form, 2/18/22
18. Student study Team Referral Form, 2/18/22
19. Student study Team Referral Form, 10/24/22
20. Student study Team Referral Form, 2/18/22
21. Student study Team Referral Form, 3/20/23
22. Student study Team Referral Form, 2/10/22
23. Student study Team Referral Form, 2/25/22
24. Student study Team Referral Form, 4/3/22
25. Student study Team Referral Form, 2/28/no year
26. Student study Team Referral Form, 1/12/23
27. Student study Team Referral Form, 2/28/no year
28. Student study Team Referral Form, 2/12/22
29. Student study Team Referral Form, 12/12/22
30. Brief Teacher Behavioral Questionnaire, 3/31/23
31. Student study Team Referral Form, 12/12/22
32. Student study Team Referral Form, 2/21/23
33. Student study Team Referral Form (cont.), 2/21/23
34. Student study Team Referral Form, 4/2/22
35. Student study Team Referral Form, 10/24/22
36. Student study Team Referral Form, 2/14/22
37. Student roster
38. Student daily schedule, no date
39. Student Behavioral Data, no date
40. Student's schedule, 10/20/22
41. Student check-in, 10/19/22
42. Student check-in, 10/18/22
43. Student Behavioral Data, no date
44. Student Behavioral Data, no date
45. Incident record-starting with latest dates and then going backwards in time, 9/21/22 through 1/23/23
46. Incident record-starting with latest dates and then going backwards in time (cont.) 9/21/22 through 1/23/23 (cont.)

47. Incident record-starting with latest dates and then going backwards in time (cont.) 9/21/22 through 1/23/23
48. Incident record-starting with latest dates and then going backwards in time (cont.) 9/21/22 through 1/23/23
49. Incident record-starting with latest dates and then going backwards in time (cont.) 9/21/22 through 1/23/23
50. Incident record-starting with latest dates and then going backwards in time (cont.) 9/21/22 through 1/23/23
51. Student describe intervention strategies, no date
52. Progress Monitoring data for the child, no date
53. Progress Monitoring data for the child, (cont.) no date
54. Student's daily schedule-half day, 10/18/22
55. Student's daily schedule-half day (cont.),10/18/22
56. Student's daily schedule-half day (cont.),10/18/22
57. Student's daily schedule, 10/19/22
58. Student's daily schedule (cont.), 10/19/22
59. Student's daily schedule (cont.), 10/19/22
60. Student's daily schedule, 10/20/22
61. Student's daily schedule (cont.), 10/20/22
62. Student's daily schedule (cont.), 10/20/22
63. Student's daily schedule, 10/21/22
64. Student's daily schedule (cont.), 10/21/22
65. Student's daily schedule (cont.), 10/21/22
66. Star Test Record Report: Star Early Literacy Enterprise Assessment, 5/22/19
67. Star Test Record Report: Star Math Enterprise Assessment, 10/2/122
68. Student Attendance Report, 9/1/22 through 1/27/23
69. Student Attendance Report (cont.), 9/1/22 through 1/27/23
70. Student Attendance Report (cont.), 9/1/22 through 1/27/23
71. Student Roster
72. Elementary Performance Report, 2021-2022
73. Elementary Performance Report (cont.), 2021-2022
74. Student Period Attendance Detail, school year 2021
75. Google calendar invite, Student chan. eval planning @ Fri Jan 20, 2023, 11am - 11:30 ((PST)(Staff),12/16/22
76. Student Roster, 2021-2022
77. Interventions for Student, 9/22/22 - 1/24/23
78. Student Study Team Referral Form, 10/17/22
79. Student behavior data sheet, 11/17/22
80. Student behavior data sheet, 11/29/22
81. Student behavior data sheet, 12/2/22
82. Student behavior data sheet, 12/9/22
83. Student behavior data sheet, 12/13/22
84. Student behavior data sheet, 1/11/23
85. Student behavior data sheet, 1/12/23
86. Step Up Plan, 11/28/22
87. Fine motor student data, 11/23/22 - 1/19/23
88. Star Test Record Report: Star Early Literacy Enterprise Assessment, 12/20/22
89. Student Attendance Report, 9/1/22 - 1/27/23

90. Student Attendance Report (cont.), 9/1/22 - 1/27/23
91. Student Roster
92. Elementary Performance Report, 2021-2022
93. Elementary Performance Report (cont.), 2021-2022
94. Period Attendance Detail for Student, 9/16/21 - 6/2/22
95. Star Test Record Report: Star Early Literacy Enterprise Assessment, 5/26/17; 5/22/17; 1/25/17; 10/10/16
96. Star Test Record Report: Star Reading Enterprise Assessment, 10/3/22; 6/2/22; 2/1/22; 1/23/20; 10/14/19
97. Star Test Record Report: Star Math Enterprise Assessment, 10/3/22; 6/1/22; 2/2/20; 1/23/20; 10/9/19
98. Individual Student Report: English Language Arts/Math Oregon Statewide Assessment, 2021-2022
99. Student Roster, no date
100. Elementary Performance Report, 2021-2022
101. Period Attendance Detail for Student, 9/24/21 - 6/10/22
102. Reading/Writing service schedule, 11/18/21-1/3/22
103. Reading/Writing service schedule, 1/4/22 - 2/8/22
104. Reading/Writing service schedule, 2/8/22 - 3/3/22
105. Reading/Writing service schedule, 3/17/22 - 4/4/22
106. Reading/Writing service schedule, 4/4/22 - 4/25/22
107. Reading/Writing service schedule, 4/4/22 - 4/25/22
108. Reading/Writing service schedule, 4/25/22 - 5/17/22
109. Reading/Writing service schedule, 5/18/22 - 6/6/22
110. Student Roster, no date
111. Student Elementary Performance Report, 2021-2022
112. Student Elementary Performance Report (cont.), 2021-2022
113. Period Attendance Detail for Student, 10/13/21 - 6/7/2022
114. Student Roster, 2021-2022
115. Student Elementary Performance Report, 2021-2022
116. Student Elementary Performance Report (cont.), 2021-2022
117. Period Attendance Detail for Student, 9/13/21 - 6/13/2022
118. Student Attendance Report, 9/1/22 - 1/18/23
119. Star Test Record Report: Star Early Literacy Enterprise Assessment, 6/10/22; 5/5/22; 2/18/22
120. Star Test Record Report: Star Reading Enterprise Assessment, 10/13/22
121. Star Test Record Report: Star Math Enterprise Assessment, 10/13/22; 5/31/22; 2/18/22; 2/1/22
122. Individual Student Report: Math Oregon Statewide Assessment, 2021-2022
123. Student Roster
124. Student Elementary Performance Report, 2021-2022
125. Student Elementary Performance Report (cont.), 2021-2022
126. Period Attendance Detail, 9/20/21-5/13/22
127. Student Attendance Report, 9/1/22-1/19/22
128. Star Test Record Report: Star Early Literacy Enterprise Assessment, 6/6/19
129. Star Test Record Report: Star Reading Enterprise Assessment, 10/3/22; 6/2/22; 1/23/20; 10/14/19; 1/30/19
130. Star Test Record Report: Star Math Enterprise Assessment, 10/3/22; 6/2/22;

- 1/23/20; 10/9/19; 5/5/19; 5/13/19; 1/29/19
131. Individual Student Report: English Language Arts/Math Oregon Statewide Assessment, 2021-2022
 132. Student Roster, 2021
 133. Student Elementary Performance Report, 2021-2022
 134. Student Elementary Performance Report (cont.), 2021-2022
 135. Period Attendance Detail for Student, 6/10/21 - 6/10/2022
 136. Student Attendance Report, 9/1/22-1/19/23
 137. Star Test Record Report: Star Early Literacy Enterprise Assessment, no dates
 138. Star Test Record Report: Star Reading Enterprise Assessment, 10/3/22; 2/1/22; 6/2/22; 10/14/19; 5/20/19; 5/20/19; 1/30/19
 139. Star Test Record Report: Star Math Enterprise Assessment, 10/3/22; 6/1/22; 2/2/22; 1/23/20; 10/9/19; 5/20/19; 1/28/19
 140. Individual Student Report: English Language Arts/Math Oregon Statewide Assessment, 2021-2022
 141. Student Roster
 142. Document, re-evaluation summary notes, 10/27/22
 143. 2021-22 30-Day Notice for Statewide Tests/Opt Out Form, 5/9/22
 144. Document, re: Student IEP, 3/2/22
 145. Student Elementary Performance Report, 2021-2022
 146. Student Elementary Performance Report (cont.), 2021-2022
 147. Period Attendance Detail, 9/1/22-6/10/22
 148. Student Attendance Report, 9/1/22-1/19/23
 149. Star Test Record Report: Star Early Literacy Enterprise Assessment , 6/6/19
 150. Star Test Record Report: Star Reading Enterprise Assessment, 10/6/22; 6/2/22; 2/1/22; 10/10/19; 1/30/19
 151. Star Test Record Report: Star Math Enterprise Assessment, 10/3/22; 6/1/22; 1/22/22; 10/9/19; 5/13/19; 1/29/19
 152. 2021-2022 Opt Out Form, 5/9/22
 153. Student Roster
 154. Google calendar invite, accepted Student eval planning@ Tue April 12, 2pm-(PDT) (Staff)
 155. Student Attendance Report, 9/1/22-1/27/23
 156. Student Attendance Report (cont.), 9/1/22-1/27/2
 157. Student Attendance Report (cont.), 9/1/22-1/27/2
 158. Student Elementary Performance Report, 2021-2022
 159. Student Elementary Performance Report (cont.), 2021-2022
 160. Behavior tracking data sheet, 12/3/21
 161. Behavior tracking data sheet (cont.), 12/3/21
 162. Student Study Team Referral Form, 2/28//23
 163. Student Study Team Referral Form (cont.) 2/28//23
 164. Student Study Team Referral Form, 1/12/23
 165. Student Study Team Referral Form (cont.), 1/12/23
 166. Behavior tracking data sheet, 11/19/21- 11/29//21
 167. Star Test Record Report: Star Reading Enterprise Assessment, 10/6/22; 5/26/22; 2/10/22
 168. Star Test Record Report: Star Math Enterprise Assessment, 1/25/23; 10/5/22; 5/27/22; 2/9/322

169. Document, Behavior incident for Student, 10/12/22
170. Document, Behavior incident for Student, 10/18/22
171. Document, 10/20/22
172. Student Roster
173. Student Elementary Progress Report, 2021-2022
174. Student Elementary Progress Report (cont.), 2021-2022
175. Student Period Attendance Detail, 9/8/21-6/16/22
176. Student roster
177. Student's emotion elevator, no date
178. Think Kids Functional Behavior Assessment
179. Student Safety and Behavior Plan, 2/25/22
180. MCCS sped parent support group notes, 2/22/22
181. Document, What is Pathological Demand Avoidance?, no date
182. 2021-2022 Opt Out Form, 5/9/22
183. Student Period Attendance Detail, 10/7/21-10/5/22
184. Student Elementary Performance Report, 2021-22
185. Student Elementary Performance Report (cont.), 2021-22
186. Student Attendance Report, 1/9/22-1/19/23
187. Star Test Record Report: Star Early Literacy Enterprise Assessment, no dates
188. Star Test Record Report: Star Reading Enterprise Assessment, 10/13/22;
2/2/22
189. Star Test Record Report: Star Math Enterprise Assessment, 10/13/22; 2/1/22
190. Student Roster
191. Student Elementary Performance Report, 2021-22
192. Student Period Attendance Detail, 9/23/21-6/13/22
193. Student Attendance Report, 1/9/22-1/19/23
194. Student Attendance Report (cont.), 1/9/22-1/19/23
195. Star Test Record Report: Star Early Literacy Enterprise Assessment, 5/25/22;
2/2/22
196. Star Test Record Report: Star Reading Enterprise Assessment, 5/25/22; 2/2/22
197. Star Test Record Report: Star Math Enterprise Assessment, 5/25/22; 2/1/22
198. Student Roster
199. Letter to Parent, re: abbreviated day, 3/31/22
200. Student Attendance Report, 9/1/22-1/27/23
201. Student Attendance Report, 9/1/22-1/27/23
202. Student Elementary Performance Report, 2021-22
203. Document, Student interventions, 2022/2023
204. Student Study Team Referral, 2/25/22
205. Student Study Team Referral (cont.), 2/25/22
206. Schedule, no date
207. Star Test Record Report: Star Early Literacy Enterprise Assessment, 1/25/23;
5/25/22; 2/1/22
208. Star Test Record Report: Star Reading Enterprise Assessment, 10/13/22;
5/25/22; 2/1/22
209. Star Test Record Report: Star Math Enterprise Assessment, 10/13/22; 10/13/22;
10/13/22; 5/24/22; 1/31/22
210. Student Roster
211. Student Elementary Performance Report, 2021-22

212. Student Elementary Performance Report (cont.), 2021-22
213. Student Period Attendance Detail, 9/29/21-6/9/22
214. Student Attendance Report, 9/1/22-1/27/23
215. Star Test Record Report: Star Early Literacy Enterprise Assessment, 6/11/19
216. Star Test Record Report: Star Reading Enterprise Assessment, 10/13/22; 2/2/22; 6/2/22; 1/24/20; 11/19/19
217. Star Test Record Report: Star Math Enterprise Assessment, 10/13/22; 5/31/22; 2/1/22; 2/4/20; 1/27/20; 11/20/19
218. Individual Student Report: English Language Arts/Math Oregon Statewide Assessment, 2021-2022
219. Student Roster
220. Prior Notice of Special Education Action, 12/9/21
221. Student Elementary Performance Report, 2021-22
222. Student Elementary Performance Report (cont.), 2021-22
223. Student Period Attendance Detail, 10/11/21-5/10/22
224. Student Attendance Report, 9/1/22-1/19/23
225. Student Attendance Report (cont.), 9/1/22-1/19/23
226. Star Test Record Report: Star Reading Enterprise Assessment, 10/3/22; 6/2/22; 2/1/22; 1/17/20; 10/10/19
227. Star Test Record Report: Star Math Enterprise Assessment, 10/3/22; 6/1/22; 2/2/22; 1/22/20; 10/9/19; 5/13/19; 1/28/19
228. Individual Student Report: English Language Arts/Math Oregon Statewide Assessment, 2021-2022
229. Student Roster
230. Letter to Parent: re: notice of compensatory minutes owed to Student, 2/2/22
231. Student Elementary Performance Report, 2021-22
232. Student Elementary Performance Report (cont.), 2021-22
233. Student Period Attendance Detail, 10/14/21-6/17/22
234. Student Attendance Report, 9/1/22-1/19/23
235. Star Test Record Report: Star Early Literacy Enterprise Assessment, 6/6/19
236. Star Test Record Report: Star Reading Enterprise Assessment, 10/6/22; 2/1/22; 1/17/22; 10/10/19; 5/15/19; 1/30/19
237. Star Test Record Report: Star Math Enterprise Assessment, 10/3/22; 6/1/22; 2/2/22; 1/22/20; 10/9/19; 5/13/19; 5/13/19; 1/28/19
238. Individual Student Report: English Language Arts/Math Oregon Statewide Assessment, 2021-2022
239. Student Roster
240. School District FBA/BSP, 12/8/21
241. Student Elementary Performance Report, 2021-22
242. Student Elementary Performance Report (cont.), 2021-22
243. Student Period Attendance Detail, 9/8/21-3/16/22
244. Google calendar invite, Student evaluation planning meeting @ Wed Mar 16, 2022 12pm - 12:30 (PDT) (Staff)
245. Google calendar invite, Student eligibility meeting/possible IEP @ Fri May 13, 2022 9:30am - 10:30am (PDT) (Staff)
246. Student Roster
247. Student Elementary Performance Report, 2021-22
248. Student Elementary Performance Report (cont.), 2021-22

249. Student Period Attendance Detail, 9/21/21-5/27/22
250. Student Attendance Report, 9/1/22-1/19/23
251. Student Attendance Report (cont.) 9/1/22-1/19/23
252. Star Test Record Report: Star Early Literacy Enterprise Assessment, 10/13/22; 6/1/22; 2/2/22
253. Star Test Record Report: Star Reading Enterprise Assessment, no dates
254. Star Test Record Report: Star Math Enterprise Assessment, 1/19/23; 10/13/22
255. Student Roster
256. Bus Referral, 12/1/21
257. Document, Feelings identifier, no date
258. Student Elementary Performance Report, 2021-22
259. Student Elementary Performance Report (cont.), 2021-22
260. Student Period Attendance Detail, 9/20/21-3/6/22
261. Document, no SPED conversations through email, no date
262. Google calendar invite, Student annual IEP meeting, 3/23/23
263. Attendance Sign-In/Sign-Out Log, 9/7/22
264. Document, Trainings specific to SPED at School, 2022-2023
265. School Staff Handbook, 2022-2023
266. Student Roster, no date
267. Elementary Performance Report, 2021-2022
268. Elementary Performance Report, 2021-2022 (cont.)
269. Student Attendance Record, 9/8/21-6/17/22
270. Special Education Placement Determination, 3/10/22, signed
271. Meeting Participants, 3/10/22, signed
272. DocuSign Certificate of Completion, Meeting Participants and Placement, 3/16/22
273. Student daily schedule (half-day), no date
274. Section 504 Eligibility Determination and Student Accommodation Plan, 4/22/22, unsigned
275. Requested Information for MCCS Sped Parent Complaint, no date
276. Timeline of Events, no date
277. Emails, 5/19/21-3/13/23

On May 8, 2023, the Complaint Investigator interviewed the Parent and the parents of other students who were included in the systemic investigation. From May 2 to May 10, 2023, the Complaint Investigator interviewed six classroom teachers, one educational assistant, the Charter School Director, and a private dyslexia specialist affiliated with the Charter School. On May 11 and 12, 2023, the Complaint Investigator interviewed a Special Education Teacher and two special education administrators from the District. The Complaint Investigator reviewed and considered all documents, interviews, and exhibits to reach the findings of fact and conclusions of law in this order. Due to the systemic nature of the complaint, the large volume of materials reviewed, and the District's request for a legal opinion regarding who filed the Complaint, the investigation completion date was extended to June 30, 2023.

II. ALLEGATIONS AND CONCLUSIONS

The Department has jurisdiction to resolve this Complaint under 34 CFR §§ 300.151-153 and OAR 581-015-2030. The Parent’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 December 22, 2021, to the filing of this Complaint on December 21, 2022.

Allegations	Conclusions
<p>Child Find</p> <p>The Complaint alleges that the District violated the IDEA by not meeting its Child Find obligations to identify, locate, and evaluate all children with disabilities for whom they are responsible for at the Charter School. The Complaint also alleges the District did not have a pre-referral process in place at the Charter School.</p> <p>(OAR 581-015-2080; 34 CFR § 300.111)</p>	<p>Substantiated in Part</p> <p>For one student, the District unreasonably delayed the initiation of Child Find. This finding does not represent systemic noncompliance.</p>
<p>IEP Team</p> <p>The Complaint alleges that the District violated the IDEA by not convening IEP team meetings for the Students that included all of the required District personnel, specifically occupational therapists, reading interventionists, and qualified district representatives.</p> <p>(OAR 581-015-2210; 34 CFR § 300.321)</p>	<p>Substantiated in Part</p> <p>For one student, the District failed to include a qualified representative at two IEP meetings. This finding does not represent systemic noncompliance.</p>
<p>Evaluation and Reevaluation Requirements</p> <p>The Complaint alleges that the District violated the IDEA by failing to conduct evaluations that had been agreed to when determining if occupational therapy services were required.</p> <p>(OAR 581-015-2210; 34 CFR § 300.303)</p>	<p>Substantiated in Part</p> <p>For one student, the District failed to conduct a reevaluation of the Student within the required 3-year timeframe. This finding does not represent systemic noncompliance.</p>
<p>Content of IEPs</p> <p>The Complaint alleges that the District violated the IDEA by not including mental and behavior support plans, occupational therapy, assistive technology,</p>	<p>Substantiated in Part</p> <p>For three students, the District failed to develop IEPs that included all of the</p>

Allegations	Conclusions
<p>accessible materials, and consultation and training for the use of assistive technology in IEPs for Students who required these special education and related services. The Complaint also alleges the District did not provide adequate data about the performance of the Students and the present level statements and IEP goals are incorrectly developed.</p> <p>(OAR 581-015-2200; OAR 581-015-2055; OAR 581-015-2060 and 34 CFR §§ 300.324; 300.105; 300.172)</p>	<p>required elements needed to address the unique needs of the students. This finding does not represent systemic noncompliance.</p>
<p>Functional Behavior Assessments (FBA)</p> <p>The Complaint alleges that the District violated the IDEA by not conducting FBAs for the Students at the Charter School with IEPs who required this type of assessment.</p> <p>(OAR 581-015-2181)</p>	<p>Not Substantiated</p> <p>There was no evidence presented that demonstrated the District failed to meet its obligations for these requirements.</p>
<p>Disciplinary Removals for Children with Disabilities</p> <p>The Complaint alleges that the District violated the IDEA by:</p> <ul style="list-style-type: none"> a. Inappropriately sending Students home without following the suspension procedures; b. Suspending Students that the District knew may have had disabilities; c. The excessive use of in-school suspension; d. Denying Students access to transportation; e. Telling Parents to keep Students home from the Charter School; f. Encouraging Parents to seek outside placements; g. Failing to record the removals as suspensions; and h. Failing to provide the Parent with notification of the suspensions. <p>(OAR 581-015-2405; OAR 581-015-2410; OAR 581-015-2415 and 34 CFR § 300.530)</p>	<p>Substantiated</p> <p>Students were sent home without appropriate suspension procedures being followed;</p> <p>A student that the District knew may have had disabilities was suspended beyond 10 school days; and</p> <p>Parents were told to keep students at home due to behaviors of concern. Almost all of exclusions from school were not recorded as suspensions and the Parents were not provided required notifications.</p> <p>Not Substantiated</p>

Allegations	Conclusions
	<p>There was no evidence of an excessive use of in-school suspension;</p> <p>There were no students eligible for specialized transportation; and</p> <p>Alternative placement options may have been discussed, but this is not a violation of the IDEA.</p>
<p>Manifestation Determination Review (MDR)</p> <p>The Complaint alleges that the District violated the IDEA by not conducting MDR meetings for the Students with IEPs at the Charter School that required this procedural safeguard.</p> <p>(OAR 581-015-2420; 34 CFR § 300.530)</p>	<p>Substantiated in Part</p> <p>For one student, the District failed to conduct an MDR when the Student was suspended beyond 10 school days and the District had knowledge that the Student may have a disability. This finding does not represent systemic noncompliance.</p>
<p>When IEPs Must Be in Effect</p> <p>The Complaint alleges that the District violated the IDEA by:</p> <ul style="list-style-type: none"> a. Failing to provide speech-language services to Students with IEPs at the Charter School for at least the month of January 2022; b. Taking months to provide access to assistive technology tools included in IEPs; c. Failing to conduct progress monitoring and reporting requirements for measurable annual goals; d. Failing to implement accommodations, included in IEPs for district and statewide assessments which resulted in the invalidation of statewide assessments for the some of the Students; e. Failing to provide specially designed instruction (SDI) that included systematic and explicit 	<p>Substantiated</p> <p>The District failed to provide speech and language services at the Charter School for five weeks.</p> <p>The District failed to provide assistive technology to Students when the classroom teachers and students were not trained to use the supports.</p> <p>The District failed to issue IEP progress reports for one student.</p> <p>The District failed to provide accommodations for</p>

Allegations	Conclusions
<p>research-based reading interventions, as described in IEPs; and</p> <p>f. Failing to provide some of the Students with full instructional days as these Students were placed on abbreviated school days.</p> <p>(OAR 581-015-2220; 34 CFR § 300.323)</p>	<p>statewide assessments for two students.</p> <p>The District failed to provide all of the SDI in reading for at least six students.</p>
<p>Providing Special Education Services at Charter Schools</p> <p>The Complaint alleges that the District violated the IDEA by inequitably funding and providing special education services at the Charter School and did not provide the Charter School and the Students with IEPs equitable access to mental health therapists, occupational therapists or reading interventionists to the same extent as other District schools.</p> <p>(OAR 581-015-2075; 34 CFR § 300.209)</p>	<p>Not Substantiated</p> <p>The District provided comparable special education and related services at the Charter School.</p>
<p>Data Reporting</p> <p>The Complaint alleges that the District violated the IDEA by not reporting the number of the Students at the Charter School with IEPs who were expelled or suspended for more than 10 school days in a school year to the Oregon Department of Education.</p> <p>(OAR 581-015-2010(5); 34 CFR § 300.646)</p>	<p>Not Substantiated</p> <p>The Student who was suspended for more than 10 school days was not eligible for special education services at the time the suspension took place, and would not be subject to the reporting requirements.</p>
<p>FAPE</p> <p>The Complaint alleges that the District has violated the IDEA by repeatedly failing to provide special education and related services to all the Students with IEPs, and potential Students with disabilities. The Complaint alleges this failure to provide FAPE has involved multiple Charter School grade levels, classrooms, teachers, and District staff and administrators.</p> <p>(OAR 581-015-2040; 34 CFR § 300.101)</p>	<p>Not Substantiated</p> <p>The documentation presented indicated that Student's with IEPs at the Charter School were making progress in the general education curriculum and toward their IEP goals.</p>

Allegations	Conclusions

REQUESTED CORRECTIVE ACTION
<p>The Parents request that the Department order the District to take the following corrective action:</p> <ol style="list-style-type: none"> 1. Technical assistance for the Charter School; 2. The District provide students at the Charter School equitable services that other students and schools in the District receive to include resources, specialist provisions and necessary training to administrators and teachers at the Charter School; 3. The District and the Charter School resolve whatever dispute/non-working relationship, charter language, or other unknown factor that prevents both parties from following state and federal laws; 4. Compensatory education to individual Students for the verified violations. <p>None of the parents that wish to provide evidence in support of this systemic complaint waive their rights to dispute resolution for individual cases.</p>

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 December 22, 2021. Any facts listed below relating to circumstances or incidents earlier than that date are included solely to provide context necessary to understand the Student’s disability and special education history.

Child Find

The following facts are related to four Students for whom the District had knowledge that these Students may have a disability. Only facts relevant to the allegations have been included.

Student 1

1. The Student’s early literacy skills were recorded at a grade equivalency of 2.6 as shown by the Star Test Record Report from May 22, 2019. As of October 21, 2022, the Student’s math skills were at a 4.3 grade equivalency, as measured by the Star Test Record Report.

2. The Student enrolled in the Charter School in September of 2022 and remains enrolled.
3. During the 2022-23 school year, the Student was absent 21% of the time and tardy 14% of the time from the beginning of the school year until the start of winter break.
4. On September 28, 2022, the Charter School Director contacted the Parent to inform them the Charter School was “struggling right now with supporting [Student]. [They] have been spending more time outside the classroom than in, and also refusing to come in from recess when it ends. [Their] constant defiance is really making it hard on everyone. [They] will not open up and talk with anyone that tries to help. I am hoping that you might be able to work with us to come up with a plan to help them succeed.”
5. On October 12, 2022, the Charter School Director and the Special Education Teacher met with the Parent, who expressed concerns about the Student’s behavior.
6. On October 14, 2022, the Charter School Director emailed the Parent: “I met with the Classroom Teacher today and [they] are going to work on a schedule for [Student] this weekend. We will need to finalize it on Monday with the staff members that will be involved in working with [Student]. With that said, Tuesday would be the soonest that we can have something in place. The thought would be to have [Student] come in the morning on the bus, and then be picked up at noon. Lunch recess has been very challenging for [Student], so I would want to see how things go before doing that...”
7. On October 17, 2022 the Charter School Director provided the Parent with a school day schedule for the Student, starting at 8:30 a.m. and ending at noon.
8. On October 17, 2022, the Student began attending school for half days. This schedule ended on November 1, 2022 as the Parent did not have transportation.
9. In November 2022, the Charter School initiated behavior, reading, and math interventions for the Student; it was later determined that the math supports were unnecessary.
10. On November 7, 2022 the Special Education Teacher emailed the Parent: “Who is [Student’s] doctor and where is the doctor located? When was [their] last medical checkup? I may need to get some information from [their] doctor before we proceed with our special education process.” The Special Education Teacher clarified during interviews that this was their understanding of the process at the time.
11. District notes reveal a conducted review of the Student’s concerning behavior, which included a description of the behavior and antecedents.

12. On December 8, 2022, the Teacher sent the Student home early from a field trip due to exhibiting unsafe behavior
13. On December 12, 2022 the Special Education Teacher contacted the Parent to arrange an evaluation planning meeting for the student in January. "I can hold the meeting without the medical statement, but I'll need doctor's information so it can be filled out for our suspected disability of Emotional Behavior [sic]."
14. On December 13, 2022 the Charter School Director contacted the Parent and notified them that the Student was engaging in inappropriate behavior.
15. Between the dates of September 21, 2022 through December 16, 2022, the Charter School recorded 13 behavioral incidents involving the Student.
16. In interviews, the Charter School Director confirmed that the Charter School had contacted the Parent four or five times to pick up the Student when they were dysregulated and running through the school. The Charter School Director could not recall whether these absences were recorded as out-of-school suspensions in the Student's attendance record.

Student 2

1. The Student enrolled in the Charter School in September 2022, and is currently enrolled.
2. Teacher notes indicated the Student was performing: "well above grade level and is reading at a 3rd grade level with comprehension. [Student's] math skills match their reading level and exceed grade level expectations."
3. The District began initial interventions with the Student on September 22, 2022 and continued through January 24, 2023. District notes indicated: "At the end of September it was clear we needed to start collecting data on [Student's] behavior. [sic] Teacher started a target behavior collection sheet to try to target antecedents to explosive outbursts." The behavior tracking sheets documented the location, frequency and intervals in which the Student was dysregulated or on-task. Fine motor skill interventions were also implemented and growth was observed.
4. On September 25, 2022, the Classroom Teacher emailed the Parents: "Would you guys like to try a half day tomorrow like [Parent] and I discussed...I will speak with the Charter School Director and our support team about creating a plan for short term and long term. If you would like to do a half day, I think a pick up at 12:15 for now could work."
5. On September 28, 2022, the Classroom Teacher and the Special Education Teacher communicated via email about the behaviors that were being seen in the classroom.

6. On October 17, 2022, the School's Student Study Team (SST) met to review the concerns for the Student and the team determined that the next steps were to continue to collect data, use a daily point sheet, provide breathing tools and offer choices.
7. The District attempted to schedule a meeting with the Parent. Due to scheduling conflicts, the meeting did not occur until conferences during the week of October 26, 2022.
8. On November 14, 2022, the Student's case was brought before the SST. "During the SST meeting, we problem-solved as a team and came up with creating a point system chart to help keep [the Student] on track and help [them] regulate." The recommendations from this meeting were to continue to keep data, use a daily point sheet, and offer choices and breathing tools.
9. On November 28, 2022, the Charter School implemented: "a half day [schedule] at the request of the parents and due to the Student's exhaustion with emotional explosions and [their] success diminishing at the end of the day." The Student was more successful in the morning portion of the school day; the day was shortened to end at 12:15 p.m. The Step Up Plan indicated another meeting was scheduled for December 16, 2022 to consider increasing the time the Student spent at school.
10. On December 9, 2022, the Special Education Teacher contacted the Parents to inform them that the District was initiating the special education eligibility process.
11. The Star Early Literacy Enterprise Assessment showed that the Student's skills had a grade equivalency of greater than 3.9.
12. The Student's attendance record for the first semester of the 2022-23 school year indicated the Student was absent 13 school days due to illness and one vacation day.
13. At the January 13, 2023 meeting, it was determined that due to the Student's regression, the Student would remain on a shortened day to end at 12:15 p.m.

Student 3

1. The Student was first enrolled in the Charter School in September, 2020 and is currently enrolled in the Charter School.
2. Attendance records from September 1, 2022 through December 21, 2022, indicated the Student was absent from school 21% of the school days and tardy on 25% of the days they attended.
3. The Student's report card from the second semester of the 2021-22 school year indicated the Student's academic skills were either proficient or approaching

proficient, with the exception of foundational reading skills, writing conventions, and grammar. During this semester the Student's behavior ratings were in the developing range with the exception of following rules, accepting responsibility, and quality of work; these areas were considered proficient.

4. The Student's Star Test Record Report from February 2022 to May 2022 indicated that the Student's skills in early literacy showed one year's growth. The report also indicated the Student's reading skills improved by seven months, and the Student's math skills increased by three month's growth.
5. During the 2021-22 school year, the Charter School "struggled throughout the year with interventions to help [Student] and used a variety of strategies... This year (the 2022-2023 school year), we have seen significant improvement." The progress noted was due to a variety of factors including: "consistent schedule being at school... over a year to practice what is expected... classroom this year is smaller... classroom seems to be a much calmer environment this year." During the 2022-23 school year, the Student's Classroom Teacher implemented eight academic interventions, of which six were noted as having positive outcomes for the Student. Seven behavior interventions were implemented for the Student of which three were determined to have positive outcomes for the Student.
6. A SST Referral Form dated February 25, 2022 indicated the Charter School had concerns for the Student's academic and behavior skills. Interventions used were reviewed and additional supports were discussed for implementation.
7. On March 31, 2022, the Charter School Director provided the Parent a letter to their employer about the Student's behavior, which necessitated the Parent picking the Student up early from school due to behavior issues.
8. On August 16, 2022, the Parent notified the Charter School Director that the Student's Private Therapist believed the Student had anxiety and that a treatment plan was being developed.
9. On August 17, 2022, the Charter School Director replied: "I think it would be great to sit down prior to the year starting and talk about some strategies that will help [Student's] early success."
10. Intervention data collected in October of 2022 for the small group instruction provided to the Student indicated the Student mastered upper and lower case letter names and was approaching mastery for letter sounds, and was developing word reading and letter blending skills.
11. On October 18, 2022, a SST meeting was held to discuss the Student's academic performance, progress, and behavior concerns.
12. On November 7, 2022, the Special Education Teacher emailed the Parent: "Who is [Student's] doctor and where is the doctor located? When was their last medical checkup? I may need to get some information from the Student's doctor

before we proceed with our special education evaluation process.”

13. On December 9, 2022, December 14, 2022, and December 19, 2022, the Special Education teacher emailed the Parent requesting the following information for the special education eligibility process:
 - a. health/current or past medical difficulties or diagnoses affecting education performance;
 - b. hearing/hearing problems that would interfere with educational performance;
 - c. vision/visual problems that would interfere with educational performance; and
 - d. developmental history/developmental history issues.
14. On December 12, 2022, the Special Education Teacher emailed the Parent: “I would like to schedule an evaluation planning meeting for [Student] in January. What dates and times work for you?”
15. On December 20, 2022, the Parent replied to the Special Education Teacher’s request for information: “As for their hearing and vision everything checked out good...As for other diagnoses [Student] has been working with a therapist to help with anxiety and possibly ADHD. With developmental history [Student] had some issues in preschool where [they] were the other[boy/girl] in the day care who wasn’t getting ready to move up to kindergarten which seems [sic] to hit [Student] hard and [Student] started having setbacks then.”

Student 4

1. On February 28, 2022, the School held a SST meeting to discuss the Student’s behavior concerns. The team determined that the next steps were to begin collecting data for behaviors and provide small group instruction on anger management.
2. Attendance records from September 19, 2022, through December 20, 2022, indicated the Student was absent from school for 17% of the school days, and was tardy on 20% of the days they attended.
3. The Student’s report card from the second semester of the 2021-22 school year indicated the Student’s academic skills in the area of English language arts were exceeding in all areas, with the exception of being proficient in comparing and contrasting two texts on the same topic. In the area of writing, the Student was proficient in all areas. In the area of speaking and listening, the Student was exceeding in all areas. In the area of mathematics, the Student was exceeding in all areas. In the area of characteristics of a successful learner, the Student was proficient or approaching proficiency in all areas.

4. The Student's Star Reading Enterprise Assessment (English) conducted from February 10, 2022, through October 6, 2022, indicated the Student's reading skills improved from a 2.8 grade equivalency level to a 4.5 grade equivalency level, showing 18 months' growth.
5. The Student's Star Math Enterprise Assessment (English) conducted from February 9, 2022, through October 5, 2022, indicated the Student's math skills were at a 3.6 grade equivalency for both assessments.
6. On April 11, 2022, the Special Education Teacher contacted the Parent with a request for them to complete a developmental history for the Student's evaluation planning meeting.
7. On April 12, 2022, an evaluation planning meeting was held.
8. On April 14, 2022, the Special Education Teacher contacted the Parent and inquired whether they received the Student's medical statement.
9. On June 10, 2022, an eligibility meeting was held and the Student was found not eligible for special education services.

Remaining Allegations

The remaining facts are presented by student number. Only facts relevant to the allegations have been included.

Student 5

1. The Student was 8.8 years old and in the 3rd grade at the time the Complaint was filed.
2. The Student's report card from the second semester of the 2021-22 school year indicated that the Student's academic skills in the area of language arts were developing to proficient, speaking and listening were proficient, and math was developing to proficient. The Student's behavior was rated as proficient.
3. Attendance records from January 19, 2022 through June 13, 2022 indicated the Student was absent from school 44% of the time. Attendance records from September 16, 2022, through December 8, 2022, indicated the Student was absent from school 33% of the time and was tardy 0.02% of the time.
4. The Student's Star Test Record Report conducted from February 2, 2022, through May 25, 2022, indicated the Student's Early Literacy Enterprise Assessment (English) increased from a grade equivalency of 1.3 to a grade equivalency of 1.9. The Student's Reading Enterprise Assessment (English) indicated the Student scores increased from a grade equivalency of 1.2 to a grade equivalency of 2.0. The Student's Star Math Enterprise Assessment

(English) indicated that the Student's math scores with a date range of January 31, 2022, through May 24, 2022, increased from K, a Kindergarten grade equivalent to 2.4 grade equivalency.

5. On May 8, 2020 the Student was found eligible for special education under the disability category Developmental Delay.
6. On January 12, 2022, the Parent emailed the Student's Teacher and the Charter School Director: "I just wanted to let you know that [Student] is still having trouble with [Other Student] at recess and now there is a kid named [Other Student] that is giving [Student] a hard time on the bus. Calling [Student] small and weak. [Other Student] also told [Student] [they] could kick [Student's] head right off [their] body. What do you think we should do?"
7. On March 1, 2022, the Student's Teacher emailed the Parent about the Student being upset and frustrated at school and taking a break; the Teacher asked the Parent if they knew of other strategies to help the Student.
8. On May 3, 2022, the District Speech Language Pathologist emailed the Parent: "It was brought to my attention that Student's IEP is due this Thursday, May 5th. Would 11:30-12 work for you? This will be a virtual meeting."
9. On May 5, 2022, a Special Education Notice of Team Meeting was issued with no district representative listed.
10. On May 5, 2022, an IEP meeting was held with all legally required participants present. Of relevant note in the May 5, 2022 IEP:
 - a. The special factors that the IEP team needed to consider included that the Student had limited English proficiency and communication needs. The IEP team indicated that the Student did not exhibit behavior that impeded their learning or the learning of others. The Student did not need assistive technology or accessible materials;
 - b. The Student: "loves trains and the ocean and loves to teach the class about them. [Student] is a very helpful student and likes to make others feel good. [Student] loves to play games and make crafts out of paper. [Student] loves to play with other kids." "[Student] is having trouble making friends at school. [Parent] is concerned with [Student's] writing proficiency and confidence. [Student] is currently going to occupational therapy. [Parent] feels that [Student] has difficulty with emotional outbursts at home. At times, [Student] does not want to practice skills that are harder for [them];"
 - c. The statement of present levels of academic achievement and functional performance indicated: "[Student] can read grade level texts and is a very enthusiastic reader. [Student] loves to change [Their] voice to reflect different characters. [Student] struggles with writing and has a hard time

getting started. [Student] feels that [they] can't write or spell on [their] own so needs a lot of guidance. [Student] does well in math and can add and subtract fluently. [Student] has been receiving speech therapy services to address social communication. When provided social scenarios (conversations, problem solving), [Student] does well answering questions with prompts. In a recent session, [Student] was able to identify if two characters were "on topic" with 95% accuracy, however, was able to respond to the comment appropriately in 60% of trials. [Student] has demonstrated skills with social problem solving. Gets frustrated easily and can yell or shut down." It was also noted that "when [Student] shuts down, it can be difficult to get back on task. Sometimes [sic] will yell at teacher and students...It can be hard for [Student] to communicate how [Student] is feeling. It is tough for [Student] to work with others and finds it hard to accept others ideas. Once something goes wrong, [Student] feels the whole day is ruined".

- d. The measurable annual goal for social thinking/communication indicated: "[Student] will increase social communication skills by meeting the following objectives with 80% accuracy across all school settings, as measured by SLP data across 3 data points." The IEP goal progress was to be reported with a written report, twice yearly; and
 - e. Special education services included 220 minutes per quarter of specially designed instruction (SDI) for communication. No program accommodations/modifications or supports for school personnel were noted.
 - f. The Statewide Assessment page indicated the Student will participate in the Statewide Assessment. It was noted that the Student is an English Language Learner and the ELPA test box was not checked for participation. The IEP stated that the English Language Arts/Literacy and math portion of Statewide Assessments were to be given without accessibility supports. Despite the IEP not having participation in the ELPA noted, it reflected that the ELPA was to be given with accessibility supports.
11. On May 5, 2022, the Annual Academic and Functional Goals and Objectives Progress Report for social thinking/communication stated; "[Student] will increase social [sic] social communication skills by meeting the following objectives with 80% accuracy across all school settings, as measured by SLP data across 3 data points...twice yearly written report at semester and year-end grading periods. With a baseline of 2 achieving an average rating of 4+ on a 5-point scale, over three sessions, to reflect the level of prompting for 80+% success." The Student's progress toward the goal for communication was rated: 1 - skill is absent. The Student "gets frustrated easily and can yell or shut down." The Student's social skills progress report indicates that they "[feel] like [they] have no friends." The Student's behavior progress report indicates that "when [the Student] shut[s] down, it can be difficult to get back on task. Sometimes will yell

at teacher and students.” The Student’s organization skills progress report indicated that they “can be disorganized at times.” The progress report for the Student’s gross/fine motor skills indicated these skills were “at grade level.” The Student’s self-direction progress report indicated that the Student “sometimes has a hard time getting started on [their] own.”

12. On May 5, 2022, an IEP meeting was held with all legally required participants present. The primary disability category was Developmental Delay.
13. On November 14, 2022, the Parent sent an email to the Special Education Teacher that stated: “My [spouse] and I just had our parent teacher conference with [Teacher]. We would like to have [Student] evaluated for ASD. Please let me know what the process looks like do [sic] I can support in whatever way is necessary.”
14. During interviews, the Classroom Teacher reported that the Student had academic needs that were not addressed by the IEP, including that the Student needed IEP goals for reading and writing. The Classroom Teacher also indicated that the social-communication goal had not been implemented.

Student 6

1. The Student was 9.5 years old and in the fourth grade at the time this Complaint was filed.
2. Attendance records from January 7, 2022 through May 10, 2022, indicated the Student was absent from school 43% of the time. The Student was suspended out of school on February 9, 2022. On February 16, 2022, the Student was suspended out of school. The attendance records show the Student continued to be absent for 12 days and did not return to school until March 9, 2022. These additional absences were not coded as suspensions, and the Charter School Director was not able to confirm the meaning of the attendance codes for these absences.
3. The Student’s report card from the second semester of the 2021-22 school year indicated the Student’s academic skills in English Language Arts were proficient or approaching proficient. In the area of Written Language the Student was exceeding in ideas and organization, proficient in informative writing, and emerging in conventions. In the area of Mathematics, the Student’s academic skills were emerging in the areas of problem solving, and understanding fractions. The Student was developing in division, comparing fractions, multiplication and measurement/data. In the area of Characteristics of a Successful Learner, the Student was emerging in school and classroom rules, responsible, attentive and on task, and organization. The Student was developing in respect and was proficient in participation.
4. The Student’s Star Reading Enterprise Assessment conducted from February 2, 2022 through October 13, 2022, indicated the Student’s skills in reading

increased from a grade equivalency of 3.0 to a grade equivalency of 4.2.

5. The Student's Star Math Enterprise Assessment conducted from February 1, 2022 through October 12, 2022 indicated the Student increased from a grade equivalency of 3.3 to a grade equivalency of 4.7.
6. On January 13, 2022, due to concerns that their child may be a child with a specific learning disability, the Parent requested that the District conduct a special education evaluation for the Student.
7. On February 16, 2022, the Student engaged in a "severe threat and action resulting in [the Student] being asked not to return until a safety plan could be implemented. Education materials would continue to be provided by teacher."
8. On February 17, 2022, the Parent emailed the District requesting, for the second time, an assessment for a specific learning disability for their Student.
9. On February 24, 2022, the District emailed the Parent. The email indicated: "[Charter School] is responsible for the referral process...[Charter School] is responsible for the staffing of their own behavior support staff...[Charter School] also identifies what model of intervention is used."
10. On February 25, 2022, the [Charter School] developed a Student Safety and Behavior Support Plan for the Student. The plan required the Charter School to remove the Student from participation in activities for the remainder of the day when the Student was at a 'level 3', and the Parent would pick up the Student if the Student verbally or physically threatened to harm another student or staff member.
11. On February 26, 2022, the Charter School Executive Director sent an email to the Parent indicating: "I also know that you indicated that you would like to find a way that [Student] can remain at [Charter School] for upcoming years and that [Student] has been successful with making progress at home. I am proposing that we look at a hybrid schedule for [Student] where [they] could be enrolled both at [Charter School], and through homeschooling. This would allow the District to complete testing, allow [Student] to complete more challenging work at home, and provide [them] the chance to join [their] peers for subjects that [Student] prefers. This would also keep [their] place at [School] for next year as well. I just wanted to throw that out there now before we meet so that you have a chance to think about it. We are looking at doing this same format for another student that is also struggling with the traditional full day format right now."
12. On March 1, 2022, the Charter School, the District, and the Parent met. The Parent expressed concerns for the Student's "safety without a trained behavior specialist on site."
13. On March 2, 2022, the Parent emailed the District stating: "Further, as [Student] has now been excluded from school for 10 days, whether or not the behavior was

a manifestation of a disability, [Student] is entitled to receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications, which are designed to address the behavior violation so that it does not happen again.”

14. On March 3, 2022, the Parent emailed the Charter School Board with concerns that the District had not responded to their request for an evaluation stating: “we approach nearly two months past our request for a meeting to even allow us to consent to an [sic] special education assessment meeting during which time the situation has deteriorated to the point our child has been out of school for more than 10 days...”

15. On March 3, 2022, the Special Education Assistant Coordinator provided the Charter School Director with a letter of expectation regarding the Student, and the Charter School’s “violation of IDEA, the Office of Civil Rights, and Section 4.8.1 of the Charter School Contract.” The letter included:

- a. “[Charter School] holds two clear elements of obligation at this time. This first is to identify, develop and function under the special education referral process for students with disabilities. The second is to support a student in accessing their education.”
- b. “[Charter School] has moved through the child find process for a student with a suspected disability. The District’s special education staff member has engaged with [Charter School] for the eligibility process. While the team is identifying potential eligibility, [Charter School] is responsible for the student engaging in their education.”
- c. “...it is expected for [Charter School] to immediately hold a safety planning meeting. This meeting is to specifically outline what the school is going to do to bring the student back immediately.”; and
- d. “[Charter School] and [District] will need to engage in conversation pertaining to compensatory services as the disciplinary action may have denied the student’s Free and [sic] Appropriate Public Education (FAPE).”

16. On March 3, 2022, the Charter School Director responded: “I would like to formally request that the District provide behavioral support for this special education student so that [they] can return immediately.”

17. On March 4, 2022, the Parent was invited to an evaluation planning meeting scheduled for March 11, 2022. The Parent “formally requested that the District provide a behavior specialist so that [Student] could safely return to school.”

18. On March 4, 2022, the Charter School Executive Director emailed the Parent: “I wanted to let you know that [Charter School] received a demand letter from the District...to hold an immediate safety plan meeting in order to bring [Student] back to school. Again, all of the responsibility and staffing required to accomplish

this was placed on [Charter School]. In response to this, I have formally requested that the District provide a behavior support specialist for [Student] so that [their] safety plan can be successful for everyone. I just wanted to confirm that you both would be comfortable with [Student] returning if a trained behavior specialist was available for [them]?”

19. On March 11, 2022, the Parent and District met to consider the Student’s needs and determined an initial special education evaluation was needed.
20. On March 15, 2022, the Parent provided the District with written consent for the District to conduct a special education evaluation. The Student returned to the Charter School and the District provided behavior support.
21. On March 28, 2022, the Parent sent an email to the Executive Director requesting a meeting to discuss the Student not attending a full school day.
22. On April 15, 2022, the District determined the Student was eligible for services under Section 504 due to Autism with Pathological Demand Avoidance (PDA) and developed an accommodation plan. Other relevant information included in the 504 eligibility statement included: “[Student] is currently in the evaluation process to determine if [they] are eligible for an IEP.”
23. On April 18, 2022, the District conducted an occupational therapy (OT) evaluation of the Student at the request of the Parent and as part of a comprehensive evaluation to determine special education eligibility. OT consultation services for the Student’s handwriting skills were recommended.
24. On April 22, 2022, a 504 plan was developed for the Student.
25. On May 19, 2022, the District conducted an eligibility meeting and determined the Student was eligible for special education services. The District issued a Prior Written Notice (PWN) that informed the Parent of the following action: “The IEP Team determined that [Student] qualifies for Special Education Service under the eligibility categories Emotional Behavior Disorder [*sic*] (EBD), Autism Spectrum Disorder (ASD) Speech/Language Impairment (SLI), and Other Health Impairment (OHI).”
26. The School Psychologist disagreed with the team decision that the Student was eligible for special education services due to Autism Spectrum Disorder.
27. On May 27, 2022, the Parent sent an email to the Executive Director stating: “The key question is around implementation. We’ve tried something close to this twice before, and it’s clear we’ll need staff training and a flexible, supportive 1:1 who can assist [Student] until staff get that training and come up to speed. Even as late as last week, despite numerous resources and recommendations provided by numerous sources, the current staff are still using problematic practices and not implementing recommended practices. This suggests they

need more training and practice to gain the skill necessary to implement a good plan for [Student].”

28. On May 31, 2022, the Student’s IEP team met to review a functional behavior assessment (FBA) that had been conducted and develop a behavior support plan (BSP). The May 31, 2022 IEP indicated:

- a. The FBA described the Student as: “... a very creative thinker. [Student] feels proud of [their] knowledge and is eager to share with others. [Student] is extremely invested in meeting expectations, such as attending school, earning good grades, and meeting expectations. [Student] is eager to participate in problem-solving and produces good solutions with flexible, empathetic adults, when regulated;”
- b. The FBA described the concerns for the Student as: “Has threatened to kill staff-however will say this when [Student] feels backed into a corner in which [Student] perceives there is no way out. At times when dysregulated, [Student] will damage and throw things in the classroom. [They] sometimes exhibit[] a high-pitched screaming voice when frustrated. [Student] can become physically aggressive. [They] will sometimes argue with other students, refusing [*sic*] to exit when [Student] is being asked to. [Student] will at times use non-verbal gestures to others when [Student] is angry such as a throat cutting gesture or holding up [their] fist. Engaging with others during learning time which causes others to be off task. Verbally engaging inappropriately with adults. Can appear as defiance. [Student] frequently does not comply to direct commands when [Student] is regulated;” and
- c. The BSP included environmental accommodations, priority problems to be solved, and other direct skills training.

29. On June 3, 2022, an IEP meeting was held with all legally required participants present. The June 3, 2022, IEP included:

- a. The special factors that the IEP team needed to consider included that the Student exhibited behavior that impeded their learning or the learning of others, the Student had communication needs, and the Student required assistive technology devices or services;
- b. The Student “has a strong ability to understand complex text and participate in thoughtful discussions regarding the text... [Student] is very good at observing complex problems and can come up with creative solutions. [Student] enjoys socializing with [their] friends and generally has positive interactions with the male peers in the class. [Student] prefers to use electronics when there is that option. When in a regulated state, [Student] can be very introspective about [their] feelings and behaviors;”

- c. The statement of present levels of academic achievement indicated that the Student was reading at the fourth-grade level with a high level of reading comprehension. Writing was a challenge for the Student as it is “hampered by [Student’s] handwriting and ability to use speech-to-text effectively.” The Student also struggled with spelling. The Student’s math skills were “advanced in some areas and below grade level in others;”
- d. The statement of present levels of functional performance indicated the Student had difficulty with fine motor skills that affects handwriting. The Student also had “a lack of feeling internal signals of emotion, anger, pain, etc. and extremely intense and strong physiological reactions to threat...” The Student also had difficulty regulating attention, and with social and emotional communication;
- e. The Student was to participate in the Statewide Assessments with standard administration and accessibility supports to include: “unlimited breaks, extended time, breaks, pausing test, masking text, manipulatives, scribe, separate setting, simplified test directions, scribe for testing, BSP at all times, speech to text if there is appropriate software;”
- f. The measurable annual goal for self-management/emotional regulation indicated: “By June 2023, given SDI and behavior support plan, [Student] will identify and use safe regulation techniques to remain regulated and re-regulate in order to participate safely in the general education classroom 80% of (4 out of 5) opportunities measured by attaining a 4 as measured by teacher observation. Progress will be reported with a written report at end of each semester during reporting period and oral report at annual review of IEP;”
- g. The measurable annual goal for emotion and self-regulation skills indicated: “By June 2023, given instruction, feedback and support, [Student] will be able to manage anxiety as demonstrated by using verbal/physical restraint and choosing from a range of options (plan B) to manage anxiety 80% of (4 out of 5) opportunities measured by attaining a 4 as measured by teacher observation. Progress will be reported with a written report at end of each semester during reporting period and oral report at annual review of IEP;”
- h. The measurable annual goal for cognitive flexibility skills indicated: “By June 2023, given instruction, feedback, and support, [Student] will be able to demonstrate flexible thinking handle transitions, and shift from one task to another within the expected amount of time in 80% of (4 out of 5) opportunities measured by attaining a 3+ as measured by teacher observation. Progress will be reported with a written report at end of each semester during reporting period and oral report at annual review of IEP;”
- i. The measurable annual goal for articulation indicated: “By June 2023, [Student] will produce age-appropriate speech sounds, including voiceless

/th/, prevocalic /r/, vocalic /r/, medial and final // in the word, phrase, and sentence level with 80% accuracy as measured by SLP data across 3 data points. Progress will be reported with a written report at end of each semester during reporting period and oral report at annual review of IEP;"

- j. The measurable annual goal for social communication indicated: "By June of 2023, [Student] will increase [their] social communication skills by meeting the following objectives at 3+ with 80% accuracy, as measured by SLP data, across 3 data points. Progress will be reported with a written report at end of each semester during reporting period and oral report at annual review of IEP.
 - i. [Student] will demonstrate increased conversation skills by remaining on topic (preferred and non-preferred) for 3 communication turns in 80% of opportunities, as measured by SLP data, across 3 data points.
 - ii. [Student] will demonstrate increased conversation skills by asking follow-up questions to gain information in 80% of opportunities, as measured by SLP data, across 3 data points.
 - iii. [Student] will increase [their] social communication skills by providing the meaning of figurative language (similes, metaphors, and idioms) with 80% accuracy, as measured by SLP data, across 3 data points.
 - iv. [Student] will communicate [their] needs to an adult by demonstrating that [they] know when and how to ask for help at 80%."

30. The measurable annual goal for social emotional communication indicated: "By June 2023, given instruction, feedback and support, [Student] will be able to problem solve, reduce conflict with peers, and repair relationships 3+ on 4 out 5 opportunities 80% with teacher support as measured by teacher observation, behavior chart. Progress will be reported with a written report at end of each semester during reporting period and oral report at annual review of IEP."

31. The measurable annual goal for writing indicated: "By June 2023, given instruction, feedback and support, in the general education classroom, [Student] will increase [their] writing by achieving 4's Ideas Organization Voice Word Choice Sentence Fluency Conventions and improve [their] word spacing and spelling in 4 out of 5 (80%) opportunities. Progress will be reported with a written report at end of each semester during reporting period and oral report at annual review of IEP."

32. The SDI included 90 minutes per month for articulation skills, 90 minutes per month for social communication, 90 minutes per month for social skills, 90 minutes per week for behavior skills, and 90 minutes per week for writing. No related services were listed.

33. The accommodations for the Student included:

- a. Keyboard for written assignments and assessments;

- b. Check for understanding of direction, especially multiple step directions;
 - c. Chunk large assignments into manageable sections with teacher check-in to monitor progress;
 - d. Provide spelling words a week in advance;
 - e. Schedule breaks that support and meet sensory needs in the form of activities or movement;
 - f. Provide extra time for tasks to be completed at a later time (home, with tutor, or in a “to be completed later folder”);
 - g. Give advance notice for transitions and schedule changes throughout the day;
 - h. Follow the Student’s written Behavior Support Plan (BSP);
 - i. Text to speech/speech to text as needed for reading assignments;
 - j. When being assessed, allow the Student to show mastery in a variety of ways (Ex. discussions, essays, journals, illustrations, posters, diagrams, timelines, collages, maps, etc.); and
 - k. Access to an adult during unstructured time.
34. The supports for school personnel included:
- a. Consultation from occupational therapy for 180 minutes per year;
 - b. Staff training, as needed, on BSP, neurodiversity and flexible cognitive thinking, executive functioning, and interoception; and
 - c. Consultation related to Autism for 240 minutes (4 hours of consult time during the IEP period).
35. The Nonparticipation Justification Statement described the extent to which the Student did not participate with nondisabled children in the regular classroom and in extracurricular and other non-academic activities as: “[Student] may be removed from peers to provide learning opportunities in developmental areas as identified in the IEP. Up to 30 minutes per day... Time out of the general education class setting is needed to work on [Student] goals.”
36. The special education placement selected to implement the Student’s IEP was: “the general education classroom with some push-in and/or pull-out services for specialized instruction.”
37. On June 7, 2022, the District issued a PWN that notified the Parent that the Student qualified for special education under four eligibility categories, and: “The IEP team met and developed an Individual [*sic*] Education Plan [*sic*] (IEP). After reviewing [Student’s] Functional Behavior Assessments (FBA), Behavior Support Plan (BSP), and the assessment/observational data utilized to determine eligibility. [*sic*] The IEP team discussed all parts of the IEP, building an IEP complete with Annual Goals, and Services (including SDI) that would support [Student]’s social/emotional and educational needs.”
38. Other factors considered by the team included: “Providing training for staff, providing a 1:1 instead of adult support, utilizing student choice for delivering knowledge, and investigating the use of speech to text (might be a challenge).”

39. On June 13, 2022, the District issued progress reports for the Student's measurable annual goals from the IEP developed on June 3, 2022. The progress toward all the IEP goals stated: "IEP is new, present levels noted in IEP."
40. On June 22, 2022, the Parent provided written consent for the Initial Provision of Special Education Services.
41. On September 6, 2022, the IEP team met to review the Student's IEP and make amendments. The IEP was facilitated by a neutral third-party provided by the Oregon Department of Education. The following amendments were made to the June 3, 2022 IEP:
- a. Parent concerns for enhancing the education of the child;
 - b. Academic performance from the summer was included;
 - c. IEP goals were aligned to the Student's present levels; and
 - d. Sensory breaks and communication plan with Parents added as accommodations.
42. On November 8, 2022, the Parent emailed the Special Education Teacher: "It's 7 pm and we're still working through [Student's] distress. It seems some group decision was made to change the 4 square rules, without post [sic] visually or teaching, all of which are mentioned in [Student's] BSP. And, as I mentioned at the last IEP meeting, [Student's] number 1 concern is lack of access to 4-square because [Student] lacks the physical skills & social understanding of the rules...We understand the OT has yet to consult and no support has been provided for [Student] to learn the old or new 4 square rules? Even if 2 square noncompetitive versions with another autistic kid is unworkable? [They] can't fully articulate but [Student] lacks the physical skill to "not push too park", use underhand strike, or avoid multiple touches & it's unfair to tell [Student] [they're] breaking the rules when [Student's] had no PT/OT support or accommodations."
43. On November 9, 2022, the Parent emailed the Special Education Teacher and the Charter School Director: "Thank you for meeting today. [Student] continues to be upset. To streamline things, I wanted to put in one email the concerns I have about how the BSP is being implemented so we can find solutions. For the time being, because [Student] is still upset and [Student's] not finding adults with whom to solve [their] problems, and triggers are still present in the environment, could we please be sure [Student's] 1:1 is nearby and able to provide emotional support, and, if trained, [to hold Collaborative Problem Solving] Plan B conversations? And, can we look to see if we have the option to have...consult on the remainder of this email so we can move forward? If not, let's call an IEP meeting and discuss whether we have enough training and consultation in place. I feel strongly that people with more experience with CPS and behavior can get things to a much better place quickly. When we met with [Teacher] on Nov. 4 for parent-teacher conference, all of the work we were shown was pencil-and-paper tasks. We were told that [Student] regularly reaches 'level 3' when asked to do multi step and 3-digit pencil-and-paper tasks, without a scribe. We were shown writing that was clearly below [their] ability when [Student] was asked to write directions for making a sandwich. None of this work was scribed, or produced

with speech-to-text or typing with word prediction. This is not consistent with the IEP.”

“We reminded [Teacher] that [Student] needs support with multi-step directions, handwriting, lining up numbers, spelling/phonics. We showed [Teacher] a much higher level of writing [Student] produced at home with word prediction and special paper...for lining up numbers in math...We are concerned that when the IEP is not followed, and the work is not appropriate for [Student], [they] become[] distressed, may be blamed, and do[] not have access to the curriculum. This was a disastrous pattern last year, and we do not want to repeat it in any form... It remains my request for there to be several staff trained to the Tier 1 Think Kids level to do this work with [Student]. If that’s not possible, it might be useful to have a Think Kids trainer provide consultation with staff. One way or another, we need to find a reliable trained adult partner for these Plan B conversations. We’re about 12 school weeks after the BSP and original IEP went into effect, and [Student] is still showing “level 3+” behavior in response to the same triggers, which are escalating and carrying over to home more intensely - without exactly strong implementation of either the IEP or BSP. That’s concerning, but fixable. It sounds like you both think it can be fixed without an IEP meeting, so I want to try that first. I appreciate your help.”

44. On November 30, 2022, the Parent emailed the District with concerns that the BSP was not being implemented as written.
45. On December 1, 2022, the Parent sent an email to the District requesting an IEP meeting with the entire IEP team.
46. On December 1, 2022, the Parent requested an IEP meeting in January, 2023.
47. On December 6, 2022, the District sent an email to the Charter School Executive Director which stated: “I want to check in that there is a 1:1 is [*sic*] in fact with [Student] during these times, as we have agreed upon. If there is more training that needs to occur, please turn to [Specialist] to make sure that [they] can do it or I have [*sic*] another staff member provide some supports.”
48. On December 7, 2022, the Parent emailed the District with concerns that the IEP was not being implemented. The Parent requested information on how the implementation of the IEP goals, along with data, to show the effectiveness of the goals and what might need to be changed.
49. On December 15, 2022, the Parent emailed the District with concerns that the District was unable to implement the [Student’s] IEP.

Student 7

1. The Student was 10.1 years old and in the 4th grade at the time the Complaint was filed.

2. The Student's 2021-22 second semester report card indicated the following achievement levels: Student was "proficient" or "approaching proficient" in English Language Arts, Literature, and informational text; the Student "exceeded" in Foundational Skills. In writing, the Student was "developing" in Conventions, Process, and Production; the Student was "proficient" in Opinion, Narrative and Imaginative Writing, and in Research; the Student "exceeded" in Informative/Explanatory Ideas and Organization exceeded in the Student was "proficient" or "approaching proficient" in Mathematics. In the area of the Characteristics of a Successful Learner, the Student was "proficient" in all areas except for participation and Organization.
3. The Oregon Statewide Assessment Test for the 2021-22 school year indicated that the Student performed at Level 3 in the area of English Language Arts. They could read closely and analytically to comprehend texts of moderate to high complexity and use textual evidence to demonstrate critical thinking. In the area of Mathematics, the Student performed at Level 2. The Student was able to interpret and carry out mathematical procedures with partial precision and fluency, and make sense of and solve familiar problems in pure and applied mathematics with a moderate degree of scaffolding.
4. Attendance records from January 19, 2022, through June 9, 2022, indicated that the Student was absent from school 25% of the time.
5. According to the Student's Star Test Record Report, between February 2, 2022 and October 13, 2022, the Student's reading skills decreased from a grade equivalency level of 5.2 to a grade equivalency level of 3.8. The Student's math score decreased from a grade equivalency level of 4.6 to one of 4.2.
6. On May 12, 2021, the Student was found eligible for special education due to Autism Spectrum Disorder indicating deficits in social-emotional reciprocity, deficits in nonverbal communicative behaviors used for social interaction, and deficits in developing, maintaining, and understanding relationships.
7. On December 14, 2021, an IEP meeting was held and all of the legally required participants were in attendance:
 - a. The special factors that the IEP team needed to consider included that the Student has communication needs;
 - b. The Student "is a quiet and kind 3rd grade student at [Charter School]. [Student] is polite and follows instructions when asked. [Student] is well-liked by [their] classmates. [Student] is extremely [sic] knowledgeable about roller coasters and will gladly share that with others [Student] is skilled with computers...also has recently started journaling at home." The Parents' concerns indicated: "Lonely at lunch hour has difficulty initiating conversation/interaction [sic] co-play is challenging since [Student] doesn't often want to play the same game as others (both in the classroom and at

home), and has mentioned having anxiety in the classroom, especially with other classmates having big reactions to emotions.”

- c. “Writing and spelling are areas of need. [Their] writing is difficult to read...[Student] is working on handwriting...is often in a race to get things done, [Student] is able to better pace [themselves] in the classroom;”
- d. The measurable annual goal for social communication/receptive-expressive language indicated: “In a year’s time, [Student] will increase developmentally appropriate social interactions with peers by expanding communication strategies and functions, and responding to questions to accurately reflect [their] understanding and intentions.” Progress will be measured by therapy data, teacher report, specialist informal observation, and language sampling across at least two school settings. Reports will be sent home with report cards and verbally at the annual IEP;
- e. SDI for social communication/expressive-receptive language will be provided 200 minutes quarterly in the speech room by the Speech Language Pathologist (SLP) and monitored by the LEA. SDI for social communication/expressive-receptive language will be provided 100 minutes quarterly, at all school sites, by the SLP, and monitored by the LEA;
- f. Supplemental Aids/Services/Accommodations for the Student included:
 - i. Preferential seating will be provided during the school setting; Student will sit near an exit point and/or teacher for easier break access and limit distractions in the general ed classroom;
 - ii. Extra processing time for directions by all staff school wide including following directions for fire drills, bus riding, PE, art activities, etc.;
 - iii. Have [Student] paraphrase instructions/directions to check for comprehension across school settings when communicating with [Student] and paraphrasing understanding of the instructions/directions for a given task school wide;
 - iv. Access to sensory tools to help relieve stress from noise or being overwhelmed throughout the day in the general ed classroom; and
 - v. Chunk math assignments with fewer problems per page or tools to mask over other problems to avoid feeling overwhelmed in the general ed classroom.
- g. The program modifications/supports for school personnel indicated that autism consultation was to be provided for 2 hours per year, school wide provided by LEA/regional. Consultation from the speech/language pathologist was to occur for 2 hours yearly, school wide monitored by the SLP. Consultation to teaching staff was to be provided at least one time a month, school wide, and was to be monitored by the special education teacher; and

- h. The Non-Participation Justification Statement included: “[Student] will be removed from the general education setting approximately 30-40 minutes weekly for social expressive and receptive language. [Student] will receive instruction within the general education classroom for 100 minutes quarterly and outside the general education classroom for 200 minutes quarterly.”
8. On December 14, 2021, a Prior Notice of Special Education Action was issued to update the Student’s present levels of academic achievement and functional performance and measurable annual goals and objectives. Revisions were also made to the IEP regarding participation in state and district assessments, including the addition of access to headphones and breaks prior to testing. Additional accommodations were proposed, including chunking math work to include fewer problems per page, and preferential seating for easier break access.
9. On December 14, 2021, a Special Education Placement Determination meeting was held. Though the meeting notice did not indicate that a legally required district representative would participate in the meeting, , the District’s Special Education Coordinator attended the meeting as the district representative.
10. On December 7, 2022, a Special Education Notice of Team Meeting was developed. A legally required district representative was not listed on the meeting invite.
11. On December 7, 2022, a legally compliant IEP meeting was held and the Student’s IEP was updated.
12. During interviews, the Classroom Teacher reported that the consultation services for speech and language needs were not provided.

Student 8

1. The Student was 11.2 years old, and in 4th grade at the time the Complaint was filed.
2. During the 2021-22 school year the Student was absent 26% of the time and tardy 13% of the days attended. During the 2022-23 school year, the Student was absent 4% of the time and tardy 13% of the days attended.
3. The Student’s Star Reading Enterprise Assessment (English) conducted from February, 2022 through October, 2022, indicated that the Student’s skills in reading improved from the 12.7 grade equivalency level to the greater than the 12.9 grade equivalency level showing more than 2 months gain.
4. The Student’s Star Math Enterprise Assessment (English) conducted from February, 2022 through October, 2022, indicated that the Student’s skills in math improved from the 4.5 grade equivalency level to the 5.1 grade equivalency level

showing 6 months growth.

5. The Oregon Statewide Assessment Test for the 2021-22 school year indicated that the Student performed at Level 4 for reading, demonstrating a thorough ability to read closely and analytically to comprehend texts of unusually high complexity. The report indicated the Student performed at Level 4 for math, demonstrating the ability to interpret and carry out mathematical procedures with high precision and fluency.
6. The Student was found eligible for special education due to a Communication Disorder on January 20, 2021. The Student received 200 minutes per quarter of articulation services for an articulation disorder and was removed from the general education classroom for approximately 20 minutes per week.
7. On January 20, 2021, an IEP meeting was held with all legally required participants present. The January 20, 2021 IEP, indicated:
 - a. The special factors that the IEP team needed to consider included that the Student had a communication disorder for articulation. The Student did not exhibit behavior that impeded their learning or the learning of others, nor did the Student need assistive technology or accessible materials.
 - b. The Student's Present Levels of Academic Achievement and Functional Performance indicated that: "[Student] thinks outside the box, takes the reins of [their] own education and makes things [their] own." The Student has "notable intellectual ability" and is above grade level in all academic areas. The speech/language therapist indicated: "[Student]'s evident articulation errors include prevocalic (initial) R and vocalic/R's as well as all associated blends." Concerns for the Student included going with the flow and perspective taking. The Parent stated that the Student was seeing a behavioral specialist and had a history of receiving occupational therapy for sensory issues, The IEP indicated the Student had made progress in social-emotional growth, however this area was still lagging behind peers.
 - c. The measurable annual goal for articulation indicated the Student "will increase communication competence by producing developmentally appropriate speech sounds in structured activities in the therapy and small group instructional settings, as a foundation for increased intelligibility across school settings by meeting 3 objectives with self-correction at least 50% accuracy as measured by SLP data across 3 data points." Progress towards the goal was to be reported twice yearly.
 - d. SDI for articulation was to be provided 200 minutes per quarter. Consultation per year was not noted in the IEP as a support for school personnel.

- e. The Non-Participation Justification Statement described the extent of the Student's removal: The Student "will be removed from the general education curriculum approximately 20 minutes weekly for speech therapy to address articulation skills."
8. On March 15, 2022, the District issued a Notice of Team Meeting for the Student's annual IEP meeting, scheduled for March 31, 2022. The meeting notice did not include a district representative as a required meeting participant.
9. The notes from the IEP meeting on March 31, 2022, revealed that the annual IEP meeting should have taken place in January 2022. The Special Education Provider/Case Manager began working with the Student at the end of February, and the IEP meeting was scheduled for late March, after Spring Break.
10. On March 31, 2022, an IEP meeting was held with all legally required participants present. The March 31, 2022 IEP indicated:
 - a. The special factors that the IEP team needed to consider included that the Student had a communication disorder. The Student did not exhibit behavior that impeded their learning or the learning of others, nor did the Student need assistive technology or accessible materials.
 - b. The Student is described as: "...fun and easy to engage in conversation...is academically engaged and knowledgeable." The Present Level of Functional Performance stated that the Student continues to distort the /r/ sound; the classroom teacher indicated: "[Student] is very capable of focusing on work and is able to communicate clearly in group discussions." The Parent reported they "...understand [Student] at home and it can be difficult to determine specific areas of need as [Parent] has talked with them their entire life...speech articulation is the only area of concern [Parent] has."
 - c. The measurable annual goal for articulation indicated the Student: "will increase communication by producing developmentally appropriate speech sounds in structured activities in the therapy and small group instructional settings, as a foundation for increased intelligibility across school settings by meeting two objectives with 70% accuracy, as measured by SLP data across 2 data points." The IEP progress was to be reported twice yearly.
 - d. Special education services included SDI for articulation that was to be provided for 20 minutes weekly per quarter. There were no supports for school personnel required by the IEP.
 - e. The Non-Participation Justification Statement described the extent of the Student's removal: The Student "will be removed from general education curriculum approximately 20 minutes weekly for speech therapy to

address articulation skills.”

11. On May 4, 2022, the District’s SLP emailed that Student’s team: “I was going through my caseload information and realized that [Student’s] annual IEP is overdue and I would like to get it completed quickly.” The Parent responded: “We just had an IEP meeting with the previous therapist a few weeks ago - [they were] supposed to compile the information and send the documents on to the district? If that didn’t happen and we need to do it again, just let me know.”
12. The Student’s second semester grades for the 2021-22 school year demonstrated the Student was proficient or exceeding the expected performance standards in all areas, except speaking.
13. The Parent reported that they did not receive IEP progress reports.

Student 9

1. The Student was 11.6 years old and in the 6th grade at the time the Complaint was filed.
2. The Student’s report card from the second semester of the 2021-22 school year, indicated the Student’s academic skills in the area of English language arts, were “developing” in all areas. In the area of writing, the Student’s academic skills were “developing” in the area of process and production; all other areas in writing were scored as “emerging”. All of the Student’s mathematical academic skill areas were “emerging”. The Student exceeded the characteristics of a successful learner.
3. On February 23, 2022, the Student was found eligible for special education due to a Specific Learning Disability in the areas of basic reading skills, reading fluency skills, reading comprehension, mathematics calculation, mathematics problem solving, and written expression.
4. On February 23, 2022, the District issued a Special Education Notice of Team Meeting for a meeting on March 10, 2022. The Notice of Team Meeting did not indicate that a district representative would attend the meeting.
5. The District did not receive a signed Consent for the Initial Provision of Services when the Student first became eligible for services under the IDEA. Once the District became aware that they had not received a signed consent form, they obtained one from the Parent.
6. On March 10, 2022, an IEP meeting was held. All of the legally required participants were in attendance. The March 10, 2022 IEP indicated:
 - a. The Student did not exhibit behavior that impedes their learning or the learning of others, and the Student was not limited English proficient;

- b. The Student: “is a delightful who was an absolute pleasure to work [*sic*]. [Student] has great conversational skills. [Student] presents as engaged, thoughtful and amiable.”
- c. The Parent has no concerns at this time.
- d. In the area of Math: “[Student] struggles with grasping details and in general seems to require much more processing time than [their] same age peers.”
- e. Following directions that require several steps is hard for [them]...Verbally, in back and forth conversation, [Student] easily demonstrates the capacity to understand complex, sophisticated concepts. But [they] simply couldn’t access when asked to independently decode the text. [Student’s] difficulty with basic word recognition significantly affects [their] comprehension skills.”
- f. In the area of communication, social skills, behavior, organization, fine/gross skills, self-care, and self-direction, the Student: “Participates appropriately in group work but sometimes doesn’t engage because work is hard and doesn’t want to fail. Can work independently. Is knowledgeable of classroom procedures. Seeks clarification/advocates privately with teacher. Turns in homework consistently and on time. Takes redirection appropriately and uses technology appropriately. No behavior issues. Very pleasant student to be around.”
- g. In the area of writing, the Student: “does not want to get anything wrong, so the [Student’s] writing takes a long time because they do not want to get any of the spelling wrong;”
- h. The measurable annual goal for written language indicated the Student will: “use writing strategies and/or technology to increase writing production by scoring on classroom work samples in the areas of 2 conventions 3 fluency and 3 organization [*sic*] using the state scoring guide, “as measured by teacher observation of work samples and assessments. Reports will be sent home with report cards and verbally at the annual IEP;
- i. The measurable annual goal for math indicated the Student will: increase math skills in addition, subtraction, and multiplication at 90% on teacher made test. [*sic*] Progress will be measured by teacher observation of work samples and assessments. Progress will be reported with a written report at the end of each semester during the reporting period and oral reports at the annual IEP review;
- j. The measurable annual goal for reading indicated the Student will: “demonstrate an increase in reading skills by achieving at least 80% accuracy in work recognition with 80% accuracy in comprehension on a

3rd grade reading passage, as measured by an informal reading inventory or teacher selected reading passage in 4 out of 5 opportunities.” Progress will be measured with the review of the [Student’s] written work samples and data collection. The progress was to be reported with a written report at the end of each semester during reporting period and an oral report at the annual review of the IEP;

- k. SDI for math was to be provided 90 minutes weekly in the general education classroom to be monitored by the classroom teacher. SDI for reading was to be provided 90 minutes weekly in the general education classroom to be monitored by the classroom teacher. SDI for written language was to be provided weekly in the general education classroom to be monitored by the LEA;
 - l. Supplemental Aids/Services/Accommodations for the Student included:
 - i. The classroom teacher will check for comprehension as needed;
 - ii. After giving whole group instruction, the teacher will check for understanding in the general education classroom;
 - iii. The classroom teacher will read directions, grade level materials, and tests aloud in the general education classroom as needed;
 - iv. The classroom teacher will break large projects into shorter goals in the general education classroom as needed; and
 - v. The general education teacher will provide text to speech/speech to text in the general education classroom as needed.
 - m. The Non-Participation Justification Statement did not apply to this Student as all instruction took place in the general education classroom.
7. On June 14, 2022, the Annual Academic and Functional Goals and Objectives Progress Report showed that, in the area of written language, the Student met Objective 1 and Objective 2.
8. The Annual Academic and Functional Goals and Objectives Progress Report showed that, in the area of math, the Student was able to add with 20% accuracy and subtract with 60% accuracy. In comparing object lengths using whole numbers and quarter measurements, the Student achieved the goal with 67% proficiency. Additionally, the Student demonstrated the ability to multiply up to the 10’s with a fluency rate of 92%.
9. The Annual Academic and Functional Goals and Objectives Progress Report showed that in the area of reading, the Student utilized various decoding strategies and identified common prefixes and suffixes 50% of the time. The Student blended phonemes to pronounce 2-syllable words in 33% of instances. The Student could differentiate between long and short vowel sounds 67% of the time. The Student identified the main topic of text, recalling key details with support, 90% of the time.

10. On June 28, 2022, the District developed a Prior Notice and Consent for Initial Provision of Special Education Services. The IEP team determined that the Student qualified for special education services under the Specific Learning Disability category. “Additionally, it was noted in a file review, that the ‘Consent for Initial Provision of Special Education Services’ was not on file. This is a required form, used to obtain and document parent consent (or refusal) for the initial provision of special education services and to provide written notice when initial placement into special education is proposed.”
11. The District stated in writing that a Consent for the Initial Provision of Services was signed by the Parent after the investigation started.

Student 10

1. Attendance records from January 19, 2021, through May 27, 2022, showed the Student was absent 11% of the time. The Student was tardy 16% of the school days they attended during the first semester of the 2022-23 school year.
2. The Star Test Record Report for early literacy showed that the Student had a grade equivalency level of 0.6 on February 2, 2022. By October 13, 2022, the grade equivalency level for early literacy was 0.3, and, in math, the Student demonstrated a grade equivalency level of 0.7.
3. On March 16, 2022, the evaluation team sought consent for a speech articulation evaluation due to Parent concerns. The team determined that an academic evaluation was not needed because all of the Student’s assessment results were near grade-level expectations.
4. On April 5, 2022, the District issued a Special Education Notice of Team Meeting that invited the Parent to an IEP and placement meeting scheduled to be held on May 13, 2022. Required attendees listed on the notice included a speech/language pathologist, a general education teacher, and a special education teacher. A district representative, however, was not identified as a required participant.
5. On April 25, 2022, a speech-language evaluation report indicated the Student scored less than 0.1 percent on the Sound Production Assessment. According to the summary and recommendation section, the Student’s articulation skills were significantly below the norm for same-age peers. “The results of this evaluation will be brought to the IEP Team for consideration.”
6. On May 13, 2022, the IEP team determined the Student qualified for special education services due to a Speech-Language Impairment for phonology/articulation skills.
7. On May 13, 2022, the District issued a Prior Notice and Consent for Initial Provision of Special Education Services, indicating that the Student was eligible for special education services due to an articulation disorder. The Parent

provided signed written consent on May 17, 2022.

8. On May 13, 2022, an IEP meeting was held with all legally required participants present. The May 13, 2022 IEP, indicated:
 - a. The IEP team needed to consider special factors that included the Student's communication disorder. The Student did not exhibit behavior that impeded their learning or the learning of others, nor did the Student require assistive technology or accessible materials;
 - b. The Student, who enjoys exploring, socializing, and art, was noted as often hard to understand, which caused frustration because the Student had to repeat themselves. In April of 2022, the Student was administered the Goldman-Fristoe Test of Articulation and received a standard score of 40. "[They] demonstrated multiple phonological processes including stopping, fronting, and cluster reduction. These processes are typically eliminated by the age of 5"
 - c. The measurable annual goal for articulation specified that the Student "will increase speech intelligibility by meeting three objectives with 80% accuracy, as measured by SLP data across the three data points." The IEP goal progress was set to be reported biannually;
 - d. SDI for articulation was to be provided 320 minutes per quarter. Additionally, 60 minutes of consultation per year by the SLP was documented as a required support for school personnel; and
 - e. The Non-Participation Justification Statement described the extent of the Student's removal: "will be pulled from the general education classroom 320 minutes/quarter to address articulation/phonology skills."
9. On May 13, 2022, the IEP team determined that the Student's special education placement should be in the general education classroom for the majority of the day/week, as this was the most appropriate setting for the Student's needs.
10. The Student's report card from the second semester of the 2021-22 school year indicated proficiency in story reading and stating the main idea in English language arts. In the area of speaking and listening, the Student was nearing proficiency. All areas of math were marked as proficient, and the Student's ratings for school behavior ranged from nearing proficiency to proficient.

Student 11

1. The Student was aged 10.6 years and enrolled in the 5th grade at the time the Complaint was filed.
2. The Student's report card for the second semester of the 2021-22 school year revealed emerging academic skills in English Language Arts, with the exception

of demonstrated proficiency in the foundational skills of reading grade-level text accurately and fluently. In mathematics, the Student showed emerging and developing skills but was proficient in equivalent fractions and rounding whole numbers. In the characteristics of a successful learner, the Student exceeded in safety, respect, and responsibility, while showing development in attentiveness/on-task behavior and organization.

3. The Student's annual IEP due date, preceding the complaint period, was March 18, 2021.
4. Attendance records from January 12, 2022, to June 7, 2022, showed the Student had a 28% absentee rate.
5. Between February and October 2022, the Student's skills improved from a grade equivalency level of 1.9 to 3.9, as gauged by the Star Reading Enterprise Assessment. However, within the same period, the Star Math Enterprise Assessment indicated a decrease from a grade equivalency level of 3.1 to 2.9.
6. For the 2021-22 academic year, the Oregon Statewide Assessment Test indicated that the Student performed at Level 1 in reading, demonstrating a minimal ability to comprehend low complexity texts and utilizing minimal textual evidence to demonstrate thinking.
7. The Classroom Teacher documented the SDI provided for the Student. Both the Classroom Teacher and a trained educational assistant implemented the reading SDI. The educational assistant provided 30 minutes of small group instruction 2-3 times per week.
8. On January 26, 2022, the Parent emailed the school, stating, "My son receives speech therapy services at [School] and I was given your name as a person who may be able to give some insights into the plan for getting a speech therapist at the school. I'm concerned that we are halfway through the year and [Student] has only had a few sessions." The school's response was, "Thank you for reaching out. As you may know, we are struggling to locate a speech-language pathologist. We are partnering with a company to support us in the endeavor. We are tracking the time needed and will be sure to appropriately provide this time to make progress on the goals and objectives listed on the IEP. The attached letter is being sent to families to identify the amount of time that we have recorded that we are committed to working through. Again, we apologize for this and know we are working to get someone as soon as we can."
9. On February 2, 2022, the Charter School District sent a letter to the Parents, stating, "Your student, [Student], participates in the Speech/Language Therapy Program online with DotCom Therapy through the [District]. Due to unforeseen circumstances with staffing, as of 2/2/22, your student is owed 470 minutes of compensatory time for speech/language therapy services, as listed on their IEP."

10. On February 18, 2022, the Charter School convened a SST meeting to discuss the Student's academic needs. The team recommended small group instruction for writing and a math intervention.
11. On April 20, 2022 an email was addressed to IEP team members stating: "It has been brought to my attention that we are past-due [sic] on [Student's] IEP. I apologize that I did not catch this sooner as I was transitioning into the SLP role at [Charter School]."
12. On March 4, 2022, the Charter School Director discussed with the Parent the potential of enrolling the Student as homeschooled or in another online program while maintaining access to supported non-graded activities at the Charter School.
13. On March 14, 2022, the Parent indicated to the Charter School Director their preference for the Student to enroll full-time in the District's online program.
14. A Special Education Notice of Team Meeting on April 21, 2022, indicated an upcoming IEP meeting. However, no legally required district representative was included on the notice.
15. On May 5, 2022, an IEP meeting took place with all the legally required participants present. The May 5, 2022 IEP indicated:
 - a. The special factors that the IEP team needed to consider included the Student's communication needs;
 - b. The Student was described as a "friendly, polite individual who is well-liked by their peers... attentive to instruction." The Parent expressed concerns about the Student's unchanged speech differences over the past few years, which had made the Student difficult to understand. (S7:D34)
 - c. The measurable annual goal for communication-articulation stated the Student will: "produce age-appropriate speech sounds, including /s/ and /z/ at the word, phrase, and sentence level, and /l/ and /ll/ blends at the conversation level with 80% accuracy as measured by SLP data across 3 data points;"
 - d. The SDI for articulation and speech and language services was to be provided for 220 minutes, quarterly, in the speech room, supervised by the LEA and SLP;
 - e. Supplementary Aids/Services; Accommodations included staff models/prompts per achieved level of progress in private contexts, daily, at all school sites, to be monitored by the LEA and SLP.; and
 - f. The Non-Participation Justification Statement described that the "Student will be removed from general education curriculum [sic] approximately 22

minutes weekly.”

16. On June 14, 2022, the Parent signed a Prior Notice about Evaluation/Consent for Evaluation, indicating consent for a Specific Learning Disability evaluation.
17. A Medical Statement or Health Assessment dated October 4, 2022, reported that the Student was diagnosed with Attention Deficit Hyperactivity Disorder (ADHD).
18. A Confidential Evaluation Report on October 13, 2022, indicated the Student’s slow academic growth and progress trajectory, despite academic interventions. Given these concerns and an ADHD diagnosis, the team decided to proceed with an evaluation for possible Other Health Impairment and/or Specific Learning Disability eligibility.
19. On October 20, 2022, the Student was found eligible for other health impairment for ADHD, and for a Specific Learning Disability in reading comprehension, mathematics calculation, and written expression.
20. On November 2, 2022, an IEP Meeting Participants form confirmed the attendance of all required participants.
21. Also on November 2, 2022, an IEP meeting established that:
 - a. The Student had communication needs that the IEP team needed to address as part of the IEP’s special factors;
 - b. Measurable annual goals were set for reading, written expression, and math, each requiring 80% achievement in specific tasks by October 2023. Progress reports would be delivered at the end of each semester and at the annual IEP review.
 - c. SDI for communication, math, reading, and written language was to be provided according to a specified schedule in the appropriate settings and monitored by the designated educators.
 - d. Supplementary aids, services, and accommodations were planned, including staff prompts, checking for comprehension, and breaking down large projects into shorter goals.
 - e. Program modifications and supports for school personnel included consultation by the speech and language pathologist for one hour yearly.; and
 - f. The Non-Participation Justification Statement clarified that the Student would be removed from the general education curriculum for approximately 22 minutes weekly.”
22. On November 2, 2022, the Special Education Notice of Team Meeting for IEP

development or review did not list a legally required district representative for the meeting.

Student 12

1. At the time of the Complaint filing, the Student, aged 9.11 years, was in the 4th grade.
2. Between January 5, 2022, and March 16, 2022, the Student was absent 24% of the time.
3. The Student's first-semester report card of the 2021-22 school year showed "emerging" skills in information text under English language arts, "developing" skills in foundational skills and acquiring and using grade-level vocabulary. The Student's writing skills were also "emerging." For math, the Student was "proficient" in understanding place value but "emerging" in measurement/data and problem-solving. The Student ranged from "emerging" to "developing" in all areas of characteristics of a successful learner.
4. On October 19, 2021, parents consented to re-evaluate the Student for special education services. The evaluation included behavior/social-emotional assessments and assessments for autism.
5. The required participants attended the IEP amendment meeting held on December 9, 2021.
6. The December 9, 2021 IEP indicated:
 - a. The Student exhibited behavior that impedes their learning or the learning of others;
 - b. The Present Levels of Academic Achievement and Functional Performance illustrated the Student as a sociable 3rd grader, a strong reader, a good communicator, and exhibited good reasoning skills.

The Parent expressed concerns about the Student needing extensive assistance, struggles with writing, and lagging executive functioning despite medication for ADHD and anxiety.

- c. The IEP highlighted a goal for self-management, stating, "By December 2022, given SDI and behavior support plan, [Student will calmly identify and use safe regulation techniques to remain regulated and re-regulate in order to participate safely in the general ed classroom by attaining a 3+ as measured by teacher observation using the rubric below." The IEP goal progress will be reported biannually with report cards and during the annual IEP meeting.

- d. A schedule for 100 minutes of weekly SDI for behavior-social/emotional instruction was outlined, along with various supplemental aids/services/accommodations for emotional regulation, behavior support, and classroom adjustments.
7. The program supported monthly behavior consultation.
8. The Non-Participation Justification Statement indicated that the: “[Student] will receive SDI in Social Skills for 100 minutes weekly, in the general education classroom and/or in an alternate setting.
9. On January 10, 2022, the Special Education Teacher shared the FBA and BSP from the December 2021 meeting with the Parent.
10. On February 2, 2022, an Occupational Therapy Evaluation revealed sensory integration issues and potential benefits from school-based occupational therapy consultation services.
11. On February 2, 2022, a Special Education Notice of Team Meeting for a meeting scheduled on February 7, 2022 in order to decide whether the Student was eligible for special education invited all legally required participants to the meeting.
12. The Student was found eligible for special education due to Autism Spectrum Disorder on February 7, 2022.
13. Following several email exchanges between the Parent and the Charter School Executive Director, the Student withdrew from the Charter School and enrolled in the District’s online school.
14. On March 29, 2022, the IEP team determined the Student qualified for special education services for Other Health Impairment.
15. On March 29, 2022, a Prior Notice of Special Education Action indicated: “a proposal to change...provision of a free, appropriate public education (includes IEP) ...a recent evaluation was conducted and [Student] was found eligible under the category of Autism Spectrum Disorder. [Their] current IEP needed to be updated to reflect the additional identification, as well as goals & services.”
16. On April 11, 2022, an email from the Parent to the Executive Director confirmed that the Student had enrolled in an online school and was attending in-person classes at the school.
17. The Annual Academic and Functional Goals and Objectives Progress Report indicated progression in the areas of self-management and expressive communication for the Student.

18. On August 17, 2022, the Parent emailed the Executive Director , indicating: “We are hoping to start out the year utilizing [Charter School] the same way we did at the end of last year, where [Student] can come visit for art and PE. We are enrolling in an online school for [their] core academics, but [Student] really needs that socialization piece. Will that be possible to do again this year?” The Executive Director replied, indicating: “I am sure that we can work that out again this year...We most likely won’t start our specials until the 3rd week in September.”
19. On August 31, 2022, the Executive Director emailed the Parent: “[District Official] from the [District] needs to know what online school that [Student] will be attending next year so that we can make sure that [Student] is receiving the services in [their] IEP.” The Parent indicated: “[Student] will be attending [Charter School].”
20. During interviews, the Classroom Teacher noted, “[Student’s] needs were extreme and the school was not set up to support the student.” The Classroom Teacher added that the Special Education Teacher would observe the Student and ask the Classroom Teacher if they had questions about working with the Student. The Autism Consultant also met with the Classroom Teacher about once a month.
21. In additional interviews, multiple staff members recalled that the Student was picked up by the Parent around 10 a.m. The Charter School Director confirmed this was a mutually agreeable arrangement with the Parent, noting the Charter School did not develop a step-up plan or provide the Parent with notifications about abbreviated school days.

Student 13

1. The Student was 7.8 years old and in 1st grade at the time the Complaint was filed.
2. The Student’s second-semester report card for the 2021-22 academic year revealed proficiency or near-proficiency in English language arts, literature, informational text, foundational skills, and using writing conventions. The Student demonstrated developing skills in writing conventions, opinion, narrative, and informational text, and in the speaking and listening domain. However, the Student was only emerging in areas like retelling information and participating in conversations.
3. Similarly, in terms of safety, respect, responsibility, attentiveness, participation, organization, quality of work, and classwork completion, the Student was rated as emerging or developing.
4. The attendance records for the second semester of the 2021-22 academic year indicated an 18% absence rate for the Student, with tardiness recorded on less than 0.1% of days attended.

5. On October 17, 2019, the Student was identified as eligible for special education due to a Developmental Delay.
6. On January 13, 2022, the Charter School Director and the Parent exchanged emails concerning the Student's struggle with classwork engagement and apparent defiance. The Parent expressed frustration at a lack of communication from the Teacher regarding these issues. They suggested the idea of a skills trainer and expressed concern about a potential school-based trigger for the Student's behaviors.
7. The same day, the Parent emailed the Teacher with a request to resume an earlier behavior chart and suggested daily email communication, as well as sending homework home. Also on January 13, 2022, the Parent provided the Charter School Director with information from the Student's Private Counselor, which included a list of therapeutic interventions and strategies.
8. On January 23, 2022, the Teacher responded to the Parent via email, acknowledging the Parent's insights about potential triggers and confirming that the Student was on a waitlist for a skills trainer.
9. On March 15, 2022, an IEP meeting was held with all legally required participants present. The March 15, 2022 IEP, included:
 - a. The Student demonstrated behavior that interfered with their own learning and that of others but did not require assistive technology or accessible materials.
 - b. A description of the Student's personal and academic attributes, along with the Parent's aspirations for the Student's social development, was recorded. The IEP also listed the challenges the Student faced according to the teacher's data.
 - c. The present level of academic achievement and functional performance for behavior indicated that the Student struggles with peer relationships, class disruption, assignment completion, organizational skills, and following directions.
 - d. The measurable annual goal for fine motor/writing indicated the Student: "will build writing stamina, engage in writing tasks 50% of the time, move from 1:1 assistants [*sic*] to 50% assistance [*sic*], 50% the amount as expected from peers in non-preferred activities as measured by teacher observation and data collection." The IEP goal progress was to be reported with a written report, twice yearly.
 - e. The measurable annual goal for reading indicated the Student: "When given an informational reading inventory at the first-grade level, [Student] will read at least 80% comprehension," as measured by Dibels and

curriculum-based assessments. The IEP goal progress was to be reported with a written report, twice yearly.

- f. The measurable annual goal for social skills indicated the Student “will be able to use coping strategies to regulate [their] emotions and behaviors at 80% by meeting two objectives as measured by observations. The IEP goal progress was to be reported “with a written report at the end of each semester during reporting period and oral report at the annual review of the IEP.”
 - g. SDI for written language and reading was to be provided for 60 minutes each per week. Sixty minutes of consultation per year by the Case Manager was noted as a support for school personnel.
 - h. Accommodations for the Student indicated a nursing/health protocol as needed, preferential seating, peer support/tutors modeling expectations as needed, and clearly defined boundaries, as needed; and
 - i. The Non-Participation Justification Statement did not describe the extent of the Student’s removal from the general education classroom for reading, written language, and behavior.
10. The IEP team concluded that the Student’s special education placement should primarily be in the general education classroom.
11. The March 15, 2022, IEP progress report indicated:
- a. In the area of fine motor/writing the Student was: “Engaging 25% of time with writing tasks still requires 100% 1:1 assistance. Will sometimes write with peer assistants at 10%. Writing 1 sentence when peers write 3-5 sentences.”
 - b. In the area of reading, the Student’s progress report indicated:
“Informational Text: Independently, describe an illustration or picture at 80% [Student] is at 50% Integration of Knowledge and Ideas: Independently, ask/answer simple questions about text at 80% [Student] is at 15% Range of Reading and Level of Text Complexity: At instructional level, independently comprehend texts read aloud: answer questions at 80% [Student] is at 23% [Student] can verbally describe events in a book or pictures in a book at 80% [Student] likes books. However [sic] we still have a challenge with independent work. If [Student] likes a book [Student] will stick with the same book all day then it becomes independent.
 - c. In the area of social goals, the Student’s progress report indicated:
“[Student] will develop and utilize 2-3 prosocial emotion regulation skills to initiate or respond to interact with peers and staff. This is an area [sic] Interact well with peers still not understanding that [Student] is distracting

or disturbing them. Will now back away from [Student's] table partner if asked to give her space but it must be a direct request by the [Student] or teacher.”

12. The Student was withdrawn from the Charter School on June 20, 2022.

13. In interviews, the Classroom Teacher indicated that the Student's SDI was provided within the general education classroom by both the Classroom Teacher and the assigned Teacher's Aid. The Classroom Teacher recollected instances when the Parent was requested to collect the Student from school due to confrontations, tantrums, and classroom disruptions, although the frequency was uncertain. The Charter School Director confirmed that the Student was sent home on a few occasions, but was unsure if these instances were recorded as suspensions.

Student 14

1. The Student was 11.9 years old and in the 5th grade at the time the Complaint was filed.
2. The Student's report card from the second semester of the 2021-22 school year, indicated the Student's academic skills in the area of English language arts ranged from “developing” to “approaching proficiency” in all areas. In writing, the Student was “emerging” in conventions, grammar, spelling, and punctuation; they were proficient in all other areas in writing. The Student was “developing” in all areas of mathematics. The Student exceeded in all areas of characteristics of a successful learner.
3. Attendance Records from January 4, 2022 through June 16, 2022 indicate that the Student was absent from school 49% of the time and was tardy 59% of the days they attended.
4. On the Star Math Enterprise Assessment (English) conducted from February, 2022 through June, 2022, the Student's math scores improved from a grade equivalency level of 4.1 to a grade equivalency level of 5.6; the increase indicated 15 months of growth.
5. The Student's Star Reading Enterprise Instructional Planning-Student Report, dated June 7, 2022, indicated the Student's IRL (Instructional Reading Level) was at a grade equivalency level of 4.8.
6. On October 1, 2021, the IEP team determined the Student was eligible for special education services due to a Specific Learning Disability in the areas of basic reading skills, reading fluency skills, reading comprehension, mathematics calculation, mathematics problem solving, and written expression.

7. On October 8, 2021, an IEP meeting was held. The Department determined in Complaint 22-054-011 that there was not a District Representative at this meeting. The October 8, 2021 IEP indicated:
- a. The special factors that the IEP team needed to consider included that the Student does need assistive technology devices or services. The Student does not exhibit behavior that impedes their learning or the learning of others;
 - b. The Present Levels of Academic Achievement and Functional Performance indicated: "Student's teachers described [them] as a 'sweet and caring student who quietly leads [their] peers with [Student's] excellent behavior. [Student] is well liked by [their] peers and is frequently sought out to be in groups with others."
 - c. Parent input included:
 - i. "What specific interventions and/or curriculum will be used to support [Student] in each area of weakness?;
 - ii. What specific reading programs will [Student] be using?;
 - iii. Were these reading programs designed specifically for children with dyslexia?;
 - iv. In what specific ways will progress be tracked?;
 - v. How will data be collected?;
 - vi. Who will be responsible for collecting this data?;
 - vii. How will progress be communicated between the Case Manager/regular educator and parents?;
 - viii. How often will progress be shared and in what format?;
 - ix. We would like to receive monthly updates on Student's progress on goals;
 - x. What skills and specific trainings have [Teacher] and [Teacher] received in teaching special education? Dyslexia?;
 - xi. How were the teaching staff trained in using the specific curriculum being used to provide intervention?;
 - xii. As part of the teaching program that [Teacher] and [Teacher] completed, have, [sic] they had specific education and training in reading?;
 - xiii. What kind of training and support does the district provide to classroom staff for them to facilitate Special Education [sic] lessons?;
 - xiv. If they have not received training, when does this training start?;
 - xv. Who facilitates the lessons until training is complete?;
 - xvi. How often will the Case Manager support or consult the classroom staff?;
 - xvii. [Student] would greatly benefit by receiving one-on-one intervention from a reading specialist or interventionist, 3 times per week for 30 minutes each time. All of the research I have read indicates that [Student's] significant weaknesses, [their] specific disability (dyslexia), and the lateness it was caught requires a highly skilled

- and trained specialist to provide intervention in order to help [them] be successful;
- xviii. [Student] needs separate goals for each area of concern. The Goals [sic] should not be general bulk goals as they are currently written...[Student] is not at a 3rd grade reading level. I believe, when I spoke with [Teacher] in the library, the day the assessment was done, [they] said [Student's] assessment placed [them] at a 5-year-old level. According to the assessment from [Teacher] 'He could not read passages longer than a few sentences and struggled with questions on these passages due to difficulty decoding.' This makes reading at the 4th grade level not possible, I would assume;
 - xix. Math Computation: [Student] is unable to carry or borrow in multi-digit addition and subtraction. [Student] should be supported in developing problem-solving strategies (counting on fingers using pen and paper counting dash marks [sic];
 - xx. Orthographic processing: needs goals;
 - xxi. Processing speed: needs goals;
 - xxii. Short-term memory [sic] would like to have a goal; and
 - xxiii. Accommodations: Getting more time for assignments will only allow [Student] to fall further behind. A more appropriate accommodation might be to limit the numbers [sic] of problems [Student] needs to complete."
- d. The Present Level of Academic Achievement in math indicated: "Input from classroom teacher: Math is a concern. [Student]'s recent pretest was low, and [Student] is inconsistent with math facts for multiplication. Teacher is in agreement that evaluation math scores correlate with classroom performance. Teacher also sees similar performance in reading as in math. [Teacher] reports that [Student] appears to need work with writing conventions but it's possible that [Student] has the content to write.";
- e. The measureable annual goals and objectives for reading indicated: "By October 2022, [Student] will increase reading level from beginning third grade to mid-fourth grade level by increasing phonics identification and reading as assessed through monthly probes. [Student] will identify and read vowel blends of: a) long vowels, b) r-controlled vowels, at 70% in 4 out of 5 trials. Objectives included:
- i. [Student] will identify and read: a) silent letters, b) multi-syllabic words, c) known segments at 70% in 4 out of 5 trials.
 - ii. [Student] will encode words with a) Silent letters, b) multi-syllabic words, c) known segments at 70% accuracy in 4 out of 5 trials.
 - iii. [Student] will encode words using: a) silent letters, b) Multi-syllabic words, c) known segments at 70% in 4 out of 5 trials."
 - iv. Progress will be measured by classroom and district reading assessments. Reports will be sent home with report cards in January/February and June and verbally at the annual IEP;

- f. The measurable annual goals and objectives for writing indicated: “By October 2022, [Student] will use writing strategies and/or technology to increase writing production by scoring 3 (with 4 as grade level) on classroom work samples in the areas of conventions, fluency and organization.” Objectives included:
- i. “[Student] will increase capitalization & punctuation in [Their] writing by using: a) common spelling rules, b) common phonemes.
 - ii. [Student] will edit a rough draft: a) with help of an adult, b) with help of a peer and/or technology, c) independently.
 - iii. [Student] will organize [their] writing using a) graphic organizers and/or pre-write process, b) speech-to-text and/or other assistive technology device/adult.”
 - iv. Progress will be measured by teacher observation of work samples and assessments. Reports will be sent home with report cards in January/February and June and verbally at the annual IEP.;
- g. The measurable annual objectives for math indicated: “By October 2022, [Student] will fluently add, subtract, and multiply multi-digit whole numbers and solve 1-2 step story problems at 70% in 4 out of 5 trials.” Objectives included:
- i. “[Student] will identify and recall multiplication facts 0-9.
 - ii. Using multiplication facts, [Student] will multiply: a) one-digit by 2 and 3 digit numbers, b) 2 digit by 2 digit numbers, and c) multi-digit numbers at 70% in 4 out of 5 trials.
 - iii. [Student] will solve: a) one step story problems, b) two step story problems at 70% in 4 out of 5 trials. [Student] will use standard algorithm and/or alternate strategies to: a) add 2 and 3 digit numbers with carrying b) subtract 2 and 3 digit numbers with borrowing at 70% in 4 out of 5 trials.”
 - iv. Progress will be measured by classroom based and/or district standardized assessments. Reports will be sent home with report cards in January/February and June and verbally at the annual IEP;
- h. SDI for reading was to be provided for 90 minutes per week in the general education classroom by the LEA and monitored by the LEA. SDI for math was to be provided 90 minutes a week, in the general education classroom, provided by the LEA, and monitored by the LEA. SDI for written language was to be provided 75 minutes a week, in the general education classroom, and monitored by the LEA;
- i. Supplementary aids/services: accommodations included:
- i. Instructional materials: Break large projects into shorter goals for multi-step directions, in the general education classroom, provided by the classroom teacher, and monitored by the LEA;
 - ii. Instructional materials: Reduce amount of work by shortened assignments to show mastery, in the general education classroom, provided by the LEA, and monitored by the LEA;

- iii. Teaching mode: Read directions for grade level materials and tests aloud, by using either electronic or adult support for written assignments and tests, in the general education classroom, provided by the LEA, and monitored by the LEA;
 - iv. Text to Speech/Speech to text was to be used by given access to devices for audio books and read aloud as well as writing assignments, at all school sites, provided by the LEA, and monitored by the Case Manager;
 - v. Instructional materials included copies of notes provided to [Student] when needing to copy teacher notes/instructional information. Teacher notes were to be provided to [Student] to reduce frustration level and increase ability to participate in class instruction, in the general education classroom, provided by the LEA, and monitored by the LEA; and
 - vi. Support tools: Colored acetate sheets were to be provided to allow Student to use dark purple acetate overlay on instructional materials and/or provide printed material on dark purple paper, to be provided at all school sites, provided by the LEA, and monitored by the LEA;
- j. The Nonparticipation Justification Statement described the extent of the Student's removal/non-removal: "[Student] will receive 90 minutes in math instruction, and 75 minutes writing instruction weekly as designated on [their] IEP goals. Instruction will take place in the general education classroom and/or a designated learning area. [Student] will receive SDI to help with focus through push in and/or pullout [sic] services delivery models to support progress in general education;" and
- k. Statewide assessment accommodations included standard administration with accessibility supports using text-to-speech (Stimuli only), student choice of separate setting and/or headphones, and colored overlay for English Language Arts/Literacy and Mathematics.
8. On October 8, 2021, an Annual Academic and Functional Goals and Objectives Progress Report indicated: "Progress Report 1- 04/22/2022, Comments: 2nd grade level:
- a. Long vowels 14/16: needs reach goal at 4.0;
 - b. R-controlled vowels 22/30: 73% needs to now reach goal at 4.0;
 - c. Silent letters 41/53: 77%;
 - d. Multi-syllabic words 18/24 75%; and
 - e. Known segments: 50/68 73%."
9. On October 8, 2021, an Annual Academic and Functional Goals and Objectives Progress Report indicated: "Progress Report 2-6/14/2022, Comments: Reading-Phonics [Student] has done great this year in regards to phonics. If [Student] continues to practice when [Student] has learned along with new skills, this will help [Student] read aloud with more success:
- a. Objective 1- Long 87%, R Controlled 80%; and

- b. Objective 2-Silent 71% Multi 88%, Segments 70%.”
10. On December 13, 2021, a Prior Notice of Special Education Action was developed noting amendments to the IEP in the following areas:
 - a. Present levels were updated;
 - b. Reading (including application and fluency), writing, and math goals were updated;
 - c. The services page was updated to reflect multiple locations for reading instruction and monthly consultation to the parents; and
 - d. The amended IEP was to be in effect on December 14, 2021.
 11. On April 1, 2022, the Parent was provided a Special Education Notice of Team Meeting. The notice did not include a district representative an invited participant for the IEP meeting.
 12. On April 15, 2022, the Parent requested information about the special education trainings that teachers received from the District. The Charter School Director indicated that the District had provided the following training that supported students with special educational needs:
 - a. October 22, 2021, SDI overview for teachers;
 - b. November 2021, curriculum training guidance with a connection to SIPPS;
 - c. January 14, 2022, Collaborative Problem Solving;
 - d. February 11, 2022, supports and strategies from an occupational therapist; and
 - e. February 22-23, 2022 and March 1-2, 2022, CPI training for 4 staff members.
 13. On May 6, 2022, a meeting was scheduled for Occupational Therapy planning.
 14. On June 10, 2022, the Parent contacted the Special Education Teacher with a request for an update on the OT evaluation and a question about whether an IEP meeting should be scheduled.
 15. On June 21, 2022, the Special Education Teacher emailed a Progress Report to the Parent.
 16. The Student graduated from the Charter School in June 2022, as they were to attend a middle school the following year.

Student 15

1. The Student was 10 years old and in the 5th grade at the time the Complaint was filed.
2. Previously, on March 4, 2019, the Student was found eligible for special education services due to a communication disorder. The most recent date of the Student’s IEP was February 2, 2021.

3. For the second semester of the 2021-22 academic year, the Student's report card demonstrated proficiency, approaching, or exceeding skills in language arts. In the speaking and listening category, all areas were proficient except organization. Math skills were emerging and developing. The Student's behavior ratings were predominantly proficient.
4. The 2021-22 Oregon Statewide Assessment Test revealed a partial ability (Level 2) in reading comprehension and critical thinking, and an expected ability (Level 3) to interpret and perform mathematical procedures.
5. From January 4, 2022, to May 10, 2022, the Student had a 36% absentee rate. From September 29, 2022, to December 13, 2022, the Student was absent 0.04% of the time and tardy 0.02% of the days attended.
6. The Star Test Record Report from February 1, 2022, to October 3, 2022, demonstrated an increase in the Student's reading skills from 36% to 79% and math skills from 27% to 46%.
7. On May 2, 2022, an email from the Speech-Language Pathologist (SLP) working with the Student since mid-April 2022, suggested holding the Student's IEP and redetermining eligibility for speech and language services.
8. That day, a Special Education Notice of Team Meeting was sent to the Parent without listing a district representative's attendance.
9. On May 9, 2022, the Student was found eligible for special education due to a Communication Disorder for phonological/articulation. The Classroom Teacher, unable to attend the meeting due to illness, was excused, and provided input by email with Parental consent.
10. During the IEP meeting on May 9, 2022, all legally required team members were present, excluding the Classroom Teacher, who provided feedback via email with parental permission. The IEP, dated May 9, 2022, included the following:
 - a. Consideration for special factors as the Student had a communication disorder. The Student didn't exhibit behavior that interfered with their or others' learning, nor required assistive technology or accessible materials.
 - b. A description of the Student's personality, readiness to learn, communication skills, and the Parent's concerns about service gaps and speech therapy needs.
 - c. An annual articulation goal with twice-yearly progress reporting.
 - d. A provision of 220 minutes per quarter of SDI for articulation. Supplementary aids/services involved daily modeling/prompts by the Classroom Teacher and yearly consultation of 60 minutes by the SLP, and

- e. A Non-Participation Justification Statement described the extent of the Student's removal from the general education curriculum for approximately 30 minutes per week.
11. The IEP team's determination on May 9, 2022, for the Student's placement in the general education classroom for most of the day/week, as it was the most appropriate means to meet the Student's needs

Student 16

1. The Student was 11.3 years old and in the 4th grade at the time the Complaint was filed.
2. The Student's report card from the second semester of the 2021-22 school year, indicated the Student's academic skills in the area of English language arts and writing were "developing" or "emerging". With the exception of number/operations, operations and algebraic thinking, the majority of areas in Mathematics were not applicable; the Student was "emerging" or "developing" on some measures. In the area of Characteristics of a Successful Learner, the Student was either "proficient" or "developing".
3. From January 19, 2022 through June 2, 2022, attendance records indicated that the Student was absent from school 30% of the time, and was tardy 10% of days they attended.
4. On the Student's Star Reading Enterprise Assessment Report conducted from February 2022 through October 2022, the Student's reading skills decreased from a grade equivalency level of 2.8 to one of 2.7. The Star Math Enterprise Assessment reflected that the Student's math skills increased from a grade equivalency level of 4.9 to one of 5.1.
5. The 2021-22 Oregon Statewide Assessment Test indicated that the Student achieved a Level 1 in the following areas: reading, demonstrating a minimal ability to comprehend texts of low complexity, and uses minimal textual evidence to demonstrate thinking. In the area of math, the Student achieved an overall Level 1; the Student demonstrated minimal ability to explain and apply mathematical concepts.
6. On January 27, 2021, the IEP team determined that the Student qualified for special education in the category of Emotional Disturbance.
7. The Classroom Teacher documented the SDI to be provided to the Student. The reading SDI was implemented by the Classroom Teacher and by a trained educational assistant. The trained educational assistant provided 30 minutes of small group instruction 2-3 times per week.

8. On October 28, 2021, the evaluation planning team looked at and reviewed information and concerns to determine if further evaluation was needed. A school psychologist was to be part of the team.
9. On December 15, 2021, a meeting was held to amend the Student's IEP. All of the legally required participants were in attendance.
10. The December 15, 2021 amended IEP included:
 - a. The special factors that the IEP team needed to consider included that the Student does exhibit behavior that impedes their learning or the learning of others and does need assistive technology devices or services;
 - b. The Present Levels of Academic Achievement and Functional Performance indicate: "[Student] is a funny and friendly 4th grade student at [Charter School]. [Student] has a great sense of humor and is able to make strong connections with peers. [Student] does well with social emotional regulation when [Student] feels safe, [Student] has developed a sense of trust with [their] Teacher and has been doing really well. [Student] is socially pretty savvy when [Student] feels safe. [Student] has strong math skills. [Student] participates in horse therapy..." Parent's current concerns indicated: "reading skills are now affecting other academic areas, doing so well with trauma recovery [they] graduated skills training and traditional counseling, [Student] continues to do horse therapy for somatic recovery;"
 - c. The measurable annual goal for reading indicated: "By June, 2022, [Student] will increase [their] reading level to mid-3rd grade by increasing decoding skills, sight word recognition and oral reading fluency as determined by monthly probes of classroom and district assessments. Progress reports will be sent home with report cards in January/February and June and verbally at the annual IEP.";
 - d. The measurable annual goal for writing indicated: "By June 2022, [Student] will demonstrate writing skills at a mid-3rd grade level at 80% in 4 out of 5 trials." Progress reports will be sent home with report cards in January/February and June and verbally at the annual IEP;
 - e. The measurable annual goal for social/emotional regulation indicated: "By June of 2022, [Student] will demonstrate grade/age level social/emotional skills while participating in the school environment by demonstrating the following:" The progress reports will be reported in writing with report cards 2 times a year and during annual IEP review;
 - f. SDI for social/emotional skills was to be provided 30 minutes weekly, at all school sites, and the Case Manager was to be responsible for monitoring. Specially designed instruction for language was to be provided 60 minutes weekly, at all school sites, and the LEA was to be responsible for

monitoring. SDI for reading was to be provided 60 minutes weekly, at all school sites, and the LEA was to be responsible for monitoring. The team determined that related services were not needed;

- g. Supplementary Aids/Services: Accommodations included:
 - i. Break area in the classroom to be used up to 30 minutes a day, in the general education classroom provided and monitored by the classroom teacher;
 - ii. Preferential seating that has the least amount of anxiety and stress up to 5 hours a day in the general education classroom, provided and monitored by the classroom teacher;
 - iii. Text to speech/speech to text for math assessments and classwork, assignments with longer grade level passages, audio books, and speech to text for writing;
 - iv. Extra time for completion of assignments by making a plan with the teacher to turn work in by the end of the day, or the following day at all class sites, provided and monitored by the classroom teacher; and
 - v. Access to manipulatives for tactile manipulatives to assist with reading-writing needs, in the general education classroom, to be provided by the LEA, and monitored by the classroom teacher.
 - h. The Program Modifications/Supports for School Personnel indicated consultation for behavior 15 minutes quarterly, at classified staff meetings, provided by the LEA and monitored by the Case Manager; and
 - i. The Non-Participation Justification Statement described the extent of the Student's removal: "[Student] will receive 60 minutes in reading instruction, 60 minutes writing instruction and 30 minutes social/emotional instruction weekly as designated on [their] IEP goals. Instruction will take place in the general classroom and/or alternate setting...to help with goal progress through push in and/or pullout [*sic*] services [*sic*] delivery models to support progress in general education."
11. On June 6, 2022, a Special Education Notice of Team Meeting did not indicate that a legally required district representative was invited to the upcoming meeting.
12. On June 9, 2022, an IEP meeting was held with all legally required participants present.
13. The June 9, 2022 IEP indicated:
- a. The special factors that the IEP team needed to consider included that the Student did exhibit behavior that impedes their learning or the learning of others and does need assistive technology devices or services;

- b. The Student: “Play [*sic*] soccer, with friends. Video games, reading. [Student] follows class expectations and connecting [*sic*] with other students. Good friendship skills. Likes to play class educational games.”
- c. The Parent is concerned about: “Language arts, Word [*sic*] problems with math.” The Student could conduct: “Reading a 3rd-grade passage at 85% accuracy and 110 words per minute: currently meeting the objective on both accounts and at the 4th grade level in two out of three trials!;”
- d. The measurable annual goal for reading indicated: “By June 2023, [Student] will increase [their] reading level to mid -4th grade by increasing decoding skills, sight word recognition and comprehension as determined by classroom and district-based assessments.” The IEP goal progress will be measured using classroom-based assessment and/or writing samples. Reports will be sent home with report cards in January/February and June and verbally at the annual IEP.;
- e. The measurable annual goal for social/emotional regulation indicated: “By June of 2022, [Student] will demonstrate grade/age level social/emotional skills while participating in the school environment by demonstrating the following...” Progress will be measured with review of Student and classroom data collection and observations. Progress will be reported with a written report at the end of each semester during the reporting period and an oral report at the annual IEP review;
- f. The measurable annual goal for writing indicated: “[Student] will increase writing skills to mid-3rd (grade/proficiency level) in the area(s) of (Ideas and Content, Organization, Voice, Word Choice, Sentence Fluency and Conventions) as measured by State Scoring Guide, analysis of writing samples.” Progress will be measured with a review of the Student’s written work samples and data collection. Progress will be reported with a written report at the end of each semester during the reporting period and oral reports at the annual review of IEP;
- g. SDI for social/emotional behavior was to be provided 30 minutes weekly, at all school sites, was to be provided by the LEA, and the Case Manager was responsible for monitoring. SDI for written language was to be provided 90 minutes weekly, in the general education classroom, provided by the LEA, and monitored by the Case Manager. SDI for reading was to be provided 90 minutes weekly, in the general education classroom, provided by the LEA, and monitored by the Case Manager;
- h. Supplementary aids/services: Accommodations indicated text to speech/speech to text for math assessments and classwork assignments with longer grade level passages, and audio books. Speech to text was to be used for writing;

- i. Program modifications/supports for school personnel indicated consultation by a counselor was to occur 10 minutes weekly, in the counseling office, to be provided by the LEA, and monitored by the Case Manager; and
 - j. The Non-Participation Justification Statement did not apply to this Student because all SDI was to occur in the general education classroom.
14. The Annual Academic and Functional Goals and Objectives Progress Report for reading indicated:
- a. Objective 1-currently meeting for reading open and closed words;
 - b. Objective 2-currently meeting for reading a 3rd grade passage at 95% accuracy and 110 words per minute; and
 - c. Objective 3-reading 3rd grade sight words currently at 90%.
15. The Annual Academic and Functional Goals and Objectives Progress Report for social/emotional regulation indicated: “[Student] is doing so well in the area! [Their] behavior in school has improved drastically over the past two years. [Their] interactions with [Student’s] classmates have also improved. [Student] follows all school expectations [sic] majority of the time. [Student] gets along with other students during choice activities and non-choice activities.”
16. The Annual Academic and Functional Goals and Objectives Progress Report for writing indicated:
- a. Objective 1-Spelling different kinds of words currently only meeting for cvce words [e.g., dove] in the latest trial;
 - b. Objective 2-spelling multisyllabic words/3rd grade level, not meeting;
 - c. Objective 3-spelling sight words-close to meeting at 72%; and
 - d. Objectives 4 and 5-”writing a legible paragraph with correct capitalization, punctuation, spelling, and spacing with not more than 4 errors, currently, not meeting this goal.”

Student 17

1. The Student was 11.7 years old and in the 5th grade at the time the Complaint was filed.
2. On October 27, 2021, the Student was found eligible for special education due to an Autism Spectrum Disorder and Other Health Impairment due to ADHD.
3. On October 27, 2021, the IEP team reviewed a social communication assessment conducted by a speech/language pathologist which included: “developmental expectations that address the characteristics of autism spectrum disorder to develop a profile of: functional receptive and expressive communication encompassing both verbal and nonverbal skills: pragmatics across natural contexts; and social understanding and behavior including social-emotional reciprocity.” It was determined by the team that a medical evaluation

was not needed.

4. On October 27, 2021, social communication and social interactions indicated deficits in social-emotional reciprocity: “ranging for example, from abnormal social approach and failure of normal back-and-forth conversations; to reduced sharing of interests, emotions, or affect; to failure to initiate or respond to social interactions.” The Student demonstrates persistent deficits across multiple contexts. The Student also demonstrates persistent deficits across multiple contexts in nonverbal communicative behaviors used for social interaction, and deficits in developing, maintaining, and understanding relationships.
5. The Student demonstrated persistent deficits across multiple contexts with inconsistencies on sameness, inflexible adherence to routines, or ritualized patterns of verbal or nonverbal behavior, (e.g., extreme distress at small changes, difficulties with transitions, rigid thinking patterns, greeting rituals, needed to take the same route or eat the same food every day). The Student demonstrated persistent deficits across multiple contexts in: “highly restricted, fixated interests that are abnormal in intensity or focus (e.g., strong attachment to or preoccupation with unusual objects, visual fascination with lights or movement).”
6. On November 16, 2021, an IEP meeting was held with all legally required participants present. The November 16, 2021 IEP included:
 - a. The special factors the team needed to consider were that the Student did exhibit behavior that impeded their learning or the learning of others. The Student did have communication needs. The Student did need assistive technology devices or services;
 - b. The Student: “...is social and extroverted with a strong desire to build relationships with peers. [Student] enjoys talking about hiking, swings, and the outdoors. [Student] enjoys audio books and has been sharing about the book series Wings of Fire during show and tell in class. [Student] seems to be strong in areas of math and is academically at or above grade level in reading.” Input from the Parent for the current year included: “[Student’s] social and emotional development is lagging behind peers in a more noticeable way than it did earlier. Want [them] to have good relationships with his peers; knowing what is appropriate and inappropriate to say. Pleased to see [Student’s] ability to write using STT software.”;
 - c. The present level of academic achievement and functional performance for academics indicated: “[Student] shows strengths in math and enjoys reading if reading a topic of interest, [they] particularly enjoy graphic novels and is at or above grade level. Writing is an area of struggle for [Student], (in 4th grade) [they] preferred to have others write for [them]. There have been challenges in the past in obtaining a writing sample from [Student] where [they] refused to participate in other written activities.” The

progress on [Student's] writing goal stated: "[Student] is making great progress producing legible and appropriated sized upper and lower case letters, with very little prompting. With teacher prompt, [Student] will use a graphic organizer.

[Student] is making progress toward beginning and ending punctuation. [Student] is working toward a 5-sentence paragraph in 5 minutes or less. [Student] is using speech-to-text to support [their] writing production. [Student] has lots of ideas in [their] writing and speech-to-text (specifically using Google Docs voice typing) helps support getting them on paper. [Student] is continuing to work toward writing a 5-sentence paragraph. It can be difficult for [them] to identify how to break up a run-on thought into multiple sentences. [Their] 5th grade teacher said that using electronics as tools in the classroom had been a 'game changer' to increase writing productions for [Student].";

- d. The present level of academic achievement and functional performance's most recent evaluation indicated "[Student's] overall total score on the ADOS-2 Module 3 algorithm exceeded the cutoff score for ASD, indicating that [they] exhibited characteristics of an individual with ASD. [Student's] comparison score of 10 further indicated that, on the ADOS-2, [Student] displayed a high level of ASD related symptoms when compared with individuals who have ASD and are of the same chronological age and language level. On the ASRS, [Student's] scores indicated that [they] exhibit some behavioral characteristics in the school and many characteristics in the home setting that are seen in students with an autism spectrum disorder. Both teacher and parent reported very elevated concerns in the areas of social/communication, peer socialization, social/emotional reciprocity and behavioral rigidity. The parent scores are elevated across all domains, where the teacher scales are not, this could indicate more ability to social interact appropriately during the school day and not the stamina left to do so at home. Total scores: Teacher 61, Parent 77.";
- e. The Student's disability affected involvement and progress in the general education curriculum as follows: "[Student] struggles with social communication and interaction due to Autism Spectrum Disorder. This can affect overall working with peers in a classroom setting as well as working in small groups since [they] may not always be able to clearly get across [their] meaning or understand inferred language from other peers or the teacher.";
- f. The Student was not of transition age for appropriate transition planning;
- g. The measurable annual goal for social thinking/communication indicated the Student will: "increase developmentally appropriate social interactions by expanding communication strategies and functions to increase perspective taking, and appropriately reflect [their] understanding and

intentions.” The short-term objectives indicated: “Given visual/verbal/context cues, [Student] will demonstrate the following communication functions in a [sic] unstructured education setting with peers:

- i. Gaining attention/initiating communication interactions;
 - ii. Acknowledging/responding;
 - iii. Requesting help/permission;
 - iv. Requesting repetition/clarification;
 - v. Stating needs of others (for problem solving);
 - vi. Establishing/main appropriate conversational physical proximity;
 - vii. Negotiating: suggesting options/responding to suggested options; and
 - viii. Demonstrate appropriate nonverbal language (eye contact, tone of voice, volume etc.).”
- h. Given a variety of visual stimuli/referents, stories, and typical home/school community scenarios or actual settings, [Student] will: “demonstrate understanding of another person’s perspective by stating context, relationship, and related feelings, determine feelings and environmental factors reflecting cause/effect, state likely thoughts and feelings of others, make logical predictions and generate 2 solutions to a given problem, with rationale. Given a pictured/actual event or story/narrative, [Student] will: connect related components (cause/effect) using so, but, because, while, when, and answer inference questions;”
- i. The IEP progress will be measured by session data, teacher input, informal staff observations with a baseline of 0-2, achieving an average rating of 4+ on a 5-point scale, over three sessions, to reflect level of prompting for 80+% success twice yearly written report at semester and year-end grading periods, oral/written report at annual IEP review;
- j. The measurable annual goal for writing indicated the Student will: “work toward grade level writing by scoring at a 3 (nearly meets) using the state writing rubric, in the areas of conventions, organization and sentence fluency on classroom based and/or formal work samples in 2 out of 3 trials.” Short term objectives included: “[Student] will use graphic organizers (paper or electronic) to brainstorm prewrite ideas,...use correct sentence punctuation, capitalization, grammar and spelling to attain a 3 for conversations on work samples in 2 out of 3 trials, ...will write a 1-3 paragraph writing sample with an introduction and/or conclusion.” The IEP goal progress will be measured using a classroom-based assessment and/or writing samples as per the state scoring rubric for writing grades 3-5. Reports will be sent home with report cards in January/February and June and verbally at the annual IEP;
- k. The measurable annual goal for social-emotional regulation indicated: “[Student] will identify and manage feelings (i.e., anger, anxiety, stress, frustration) on a daily basis by attaining a 3+ as measured by ...monthly

observations and/or teacher report using a scale of 1 to 5.” Reports will be sent home with report cards in January/February and June and verbally at the annual IEP;

- I. SDI for social thinking/social communication was to be provided 220 minutes quarterly by the SLP and 110 minutes quarterly in the classroom monitored by the SLP. SDI for written language was to be provided 100 minutes a week in the general education classroom by LEA. SDI for social-emotional regulation was to be provided 60 minutes a week at all school sites being monitored by the LEA;
- m. Accommodations for the Student included:
 - i. Shortened assignments to demonstrate mastery of material in the general education classroom being monitored by LEA;
 - ii. Clarifications of directions by individual checks of understanding at all school sites, monitored by LEA;
 - iii. Preferential seating at all school sites, monitored by LEA;
 - iv. Text to speech/speech to text support at all school sites, monitored by LEA;
 - v. Bathroom breaks, 5 times per day, at all school sites, monitored by Case Manager;
 - vi. Use of laptop/tablet, at all school sites, monitored by Case Manager;
 - vii. Social skills instruction by staff models/prompts, in the general education classroom, monitored by LEA; and
 - viii. Give Student a warning for change/transitions, at all school sites, monitored by LEA.
- n. Program modifications/supports for school personnel in the area of communication consultation by the SLP 120 minutes yearly with consultation to staff 2 hours yearly, at school site/virtual sites, monitored by LEA.
- o. Program modifications/supports for school personnel in the area of autism is 180 minutes yearly, consultation by autism consultant at school site/virtual site, monitored by LEA/Regional. Program modifications/supports for school personnel in the area of occupational therapy indicated a need for 180 minutes yearly of consultation by occupational therapist, at all school sites, to be monitored by the Case Manager.
- p. The Non-Participation Justification Statement described the extent of the Student’s removal: “[Student] will receive SDI to help with goal progress through push in and/or pull-out service delivery model to support progress in general education.” Participation in the general education classroom at 80% on higher throughout the school day.

7. On November 16, 2021, the IEP team determined that the Student's special education placement was to be in the general education classroom the majority of the day/week because this was the most appropriate way for the Student's needs to be met.
8. On June 10, 2022, the Parent contacted the Teacher and the Charter School Director with a request for information on when the Student's special education services had been provided since spring break as they were concerned the Student was not receiving the SDI required by the IEP. The Teacher provided the Parent with the requested information.
9. On June 14, 2022, the annual academic and functional goals and objectives progress report indicated the Student was progressing for objectives 1, 2, and 3, in the area of social thinking/communication for the second semester. In the area of writing, the annual academic and functional goals and objectives progress report indicated that the Student was progressing for the second semester. In the area of social-emotional regulation, the Progress report indicated that the Student was on target to meet the annual goal.

Student 18

1. The Student was 9.5 years old and in the second grade at the time the Complaint was filed.
2. The Student's report card from the second semester of the 2021-22 school year indicated the Student's academic skills were "proficient" or "developing" in the area of English language arts. In the area of mathematics, the Student was "proficient" or "exceeding". The Student was "proficient" in all areas of behavioral characteristics of a successful learner.
3. Attendance records from January 6, 2022, through June 6, 2022, indicated the Student was absent from school 14% of the time, and tardy 7% of the days attended.
4. On September 8, 2021, the Parent contacted the Special Education Teacher and requested information on when the Student's evaluation for Autism Spectrum Disorder would be scheduled.
5. On October 26, 2021, the IEP team determined the Student was eligible for special education under the categories of Other Health Impairment and Specific Learning Disability. The Student's SLD was in the areas of basic reading skills, reading fluency skills, reading comprehension, and written expression.
6. A parent impact statement for the Student for the IEP meeting dated November 9, 2021, indicated that the Student: "is now retained in second grade. [Their] reading scores are in the 1st or 2nd percentile for both [their] age and [their] grade. [Their] writing scores are far below the 1st percentile when compared to peers [their] age and other second graders. Specific instructions to address

[their] deficits in orthographic processing need to be implemented to lessen the gap for [them] between [their] peers. We would prefer to see more intensive pull-out instruction during this repeated 2nd grade year to try to improve [their] orthographic awareness so that in future years to come [they] won't need as much pull-out instruction."

7. On November 9, 2021, an IEP was held and all of the legally required participants were in attendance. The November 9, 2021 IEP, indicated:
 - a. The special factors that the IEP team needed to consider included that the Student needed assistive technology devices or services. The Student did not have behavior that impedes their learning or the learning of others;
 - b. The Student: "is a bright and creative 2nd grader...is a good communicator with a strong vocabulary who works well with others. [Student] is very coordinated and good with physical tasks as [they] like to move. [Student] currently takes parkour and ninja warrior classes and can assess [their] own physical risk. [Student] is a good athlete. [Student] is persistent and understands how to learn through failure. [Student] is also good at making connections when [they] learn new things. [Student] is dramatic with [their] emotions; very positive and generally has a sweet disposition. [Student] is eager to help others and is one of the most trustworthy students in the class. [Student] loves to be a helper/teacher assistant. Parent concerns are:

"Having worked with the Student 1-1 during Covid, Parents can see concerns and challenges in his education. They chose to have him retained in 2nd grade. Now with retention and special ed [*sic*] identification, Parents hope that [they] will make more gains. Parents would like more intensive pull out this year, as it is a retention year, in lieu of pull out later on in [their] schooling. Also would like the instruction to match [Student's] learning challenges.";
 - c. The measurable annual goals and objectives for the Student in the area of reading indicated: "[Student] will identify and use letter sounds and decoding skills and sight words to read a second-grade level passage at 80% in 4 out of 5 trials." Progress will be reported twice yearly and sent home with report cards;
 - d. The measurable annual goals and objectives for the Student in the area of writing indicated: "[Student] will write a 3-5 sentence paragraph, using appropriate pencil grip, conventions and spelling at 80% in 4 out of 5 trials." Progress will be reported twice yearly and sent home with report cards;
 - e. SDI for reading was to be provided for 90 minutes weekly at all school sites to be monitored by the LEA. SDI for written language was to be

provided for 75 minutes weekly at all school sites to be monitored by the LEA;

- f. Supplemental aids/services/accommodations for the Student included:
 - i. Will allow for a copy of fillable notes to increase writing production and organizational process in the general education classroom to be monitored by the LEA;
 - ii. Will allow extra time for completion for reading and writing assignments and assessments in the general education classroom to be monitored by the LEA;
 - iii. Will allow the Student access to sensory and/or movement breaks to reduce mental fatigue and/or increase focus and emotional regulation in the general education classroom to be monitored by the LEA;
 - iv. Will allow text to speech/speech to text and will provide a device or staff to read aloud and/or scribe for classroom assignments and tests, including standardized assessments as permitted at all school sites to be monitored by the LEA;
 - v. Will allow graphic organizers to increase writing production and assist with organization in the general education classroom to be monitored by the LEA; and
 - vi. Will allow no requirement to read aloud in front of peers at all school sites to be monitored by the LEA.

- g. The Non-Participation Justification Statement indicated that: “[Student] will receive SDI to help with goal progress through push in and/or pull-out service delivery models to support progress in general education.”

- 8. In the area of reading, for the goal of reading a grade-level passage with 98% accuracy, the Annual Academic and Functional Goals and Objectives Progress Report indicated the following performance:
 - a. Objective 1: 90% success rate;
 - b. Objective 2: 85% success rate;
 - c. Objective 3: 97% success rate;
 - d. Objective 4: 88% success rate; and
 - e. Objective 5: 97% accuracy rate.

- 9. In the area of writing, which required a 78% accuracy rate, the Annual Academic and Functional Goals and Objectives Progress Report indicated the following performance:
 - a. Objective 1: 100% success rate;
 - b. Objective 2: 66% success rate (5 points for each sentence and 1 point taken for each mistake);
 - c. Objective 3: 75% success rate;
 - d. Objective 4: 75% success rate; and
 - e. Objective 5: Utilizes graphic organizers but seems to do better when [they] can let [their] ideas flow freely when writing. [They] write quickly and [Their] ideas come to [them] fast so graphic organizers sometimes feel like

a pain for [them].

10. On June 10, 2022, the Parent sent an email to the Student's special education teachers stating: "[Student's] IEP stated that [they] needed 90 minutes weekly of SDI in reading this year, and 60 minutes weekly of SDI in writing. Based on what [Student] told us, we are concerned that some of these lessons have not taken place. Can you please send us a log of the dates, times, and adults [they] met with for this SDI since Spring Break? I do not know who [their] Case Manager is since [Teacher] left in December, nor have I had any communication from anyone claiming to be [their] Case Manager."
11. On June 13, 2022, the Special Education Teacher sent an email to the Parent stating: 'I have attached a link to the document below that I have been using to keep track of [their] minutes. The instruction would have been given by either me, my aid, or one of our aids who pull students out to do small group work.'
12. On June 15, 2022, the Parent sent the Special Education Teachers an email stating: "We got an IEP progress report for our other [Student], who is in Special Ed [*sic*] at [school]. It was called the: Annual Academic and Functional Goals and Objectives Progress Report. It listed [Student's] goals and the teacher wrote comments about [Their] progress towards them. Will we get one of those for [Student]? We would like one please." On June 16, 2022, the special education teacher sent the Parent an email stating: "Yes. Our [special education] facilitator [Teacher] will be sending these out."
14. In June 2022, the Student was withdrawn from the Charter School.

Student 19

1. The Student was 7.7 years old and in the second grade at the time the Complaint was filed.
2. On May 3, 2022, the District issued a Referral Team Meeting Notice which invited the Parent to a meeting scheduled for May 10, 2022 to decide if the Student should be evaluated for special education eligibility.
3. On May 5, 2022, the Student was referred for a speech/language screening to identify if a formal evaluation was needed. According to the CELF-5 screener, "[Student] met the minimum criterion score. [Student's] articulation skills were observed informally... [Student] exhibited several sound errors, including /d/ for voiced /th/, /s/ or /f/ for voiceless /th/, and gliding of /l/ and /r/ in blends." The Student did not qualify for a language evaluation, however due [*sic*] their "...speech sound errors, [Student] would benefit from a formal articulation assessment."
4. On May 13, 2022, a Prior Notice about Evaluation/Consent for Evaluation was sent to the Parent for the District to conduct an evaluation to determine if the

Student had an articulation disorder.

5. The Student's Classroom Teacher described their classroom performance as follows: "Math is pretty good but [Student] has to focus. [Student] has a hard time listening to stories, lessons, or instructions. [Student] gets distracted easily. [Student] is currently in small reading groups which are helping [them] make progress. [Student] has made progress with simple sight words."
6. On June 10, 2022, the IEP team determined the Student qualified for special education services due to a Speech/Language Impairment for phonology/articulation and syntax, morphology, pragmatics, and semantics.
7. On June 10, 2022, an IEP meeting was held with all legally required participants present. The June 10, 2022 IEP, indicated:
 - a. The special factors that the IEP team needed to consider included that the Student had a communication disorder. The Student did not exhibit behavior that impeded their learning or the learning of others, nor did the student need assistive technology or accessible materials;
 - b. The Student likes to sketch or doodle. The Student enjoys playing with friends. The Student has a great laugh and is happy. The Parent expressed concerns, "helping [Student] get caught up with reading and academics. To be able to read and recognize letters.";
 - c. The Present Levels of Academic Achievement and Functional Performance included: "[Student] likes math. [Student] is starting to understand how to write a sentence but often still needs help with sounding out simple words. Reading is improving with 30-40 minutes of targeted instruction 1:1, or small group. Recent Star Early Literacy Results 5/26/22: 6th percentile, falls into "urgent intervention" category. Star Math, 5/27/2022 results: 20th percentile, falls into the "intervention" category.";
 - d. The measurable annual goal for articulation indicated the Student: "will produce age-appropriate sounds with 80% accuracy, as measured by SLP data across 3 data points." The IEP goal progress was to be reported twice yearly;
 - e. The measurable annual goal for expressive language indicated the Student: "will demonstrate an increase in expressive language skills by using grammatically correct sentences to describe a picture, story, or retell an event, with 80% accuracy, as measured by Speech Language Pathologist (SLP) data across 3 data points." The IEP goal progress was to be reported twice yearly.
 - f. SDI for articulation was to be provided for 160 minutes per month by the SLP. Sixty minutes of consultation per year by the SLP was noted as a support for school personnel;

- g. The Non-Participation Justification Statement described the extent of the Student's removal: "[Student] will be pulled from the general education classroom 160 minutes/month to address articulation and language goals;"
8. On June 10, 2022, the IEP team determined that the Student's special education placement was to be in the general education classroom the majority of the day/week because this was the most appropriate way for the Student's needs to be met.
9. The Student's Elementary Performance Report from the second semester of the 2021-22 school year indicated the Student was developing in the areas of literature, informational text, foundational skills, writing, speaking, and listening. The Student was proficient or approaching proficiency in the areas of numbers and operations, measurement data, and geometry for math.
10. Attendance records from January 10, 2022 through June 16, 2022 indicated the Student was absent from school 41% of the time.
11. During interviews, the Classroom Teacher reported that the Student only attended the Charter School for one week before moving to another school.

Student 20

1. The Student was 8.2 years old and in the 2nd grade at the time Complaint was filed.
2. The Student's report card from the second semester of the 2021-22 school year indicated the Student was proficient in the area of language arts, developing to proficient in writing, and developing to proficient in the area of mathematics. The Student's ratings for behavior were developing to proficient.
3. The Student's 2021-22 school year attendance for the second semester indicated the Student was absent 39% of the time.
4. On November 2, 2020, the Student was found eligible for special education due to a Communication Disorder for phonological/articulation disorder.
5. On May 13, 2022, a Special Education Notice of Team Meeting was sent to the Parent to develop or review an IEP for the Student. The Notice did not note that a district representative was invited to attend.
6. On June 6, 2022, an IEP meeting was held with all legally required participants present. The June 6, 2022 IEP, indicated:
 - a. The special factors that the IEP team needed to consider included that the Student had a communication disorder. The Student did not exhibit

behavior that impeded their learning or the learning of others, nor did the Student need assistive technology, or accessible materials;

- b. The Student is: “a talkative [Student] who loves to learn. [Student’s] helpful and a great big [sibling]. The [Student] likes to actively participate in activities, [Student] is an excited and active learner. [Student’s] working hard on skills and is a strong reader. The Parent reported: “[Parent] feels [Student] had made great growth in [their] speech sounds from when [they] started services. [Parent] is concerned with spelling errors that have been made due to [their] speech errors, [Student] has difficulty sounding words out.” The present level of academic achievement and functional performance indicated the Student: “has been working on [their] speech sounds twice a week for 20 minutes for the 2021-22 school year. [Student] has been targeting [their] // and // blends, and in structured settings, produces these sounds with 80% or higher accuracy. [Student] has difficulty with /r/, and will often overgeneralize and attempt to produce /w/ words with an /r/ sound as well. [Student] demonstrated errors with /th/ and /sh/ in conversation, however, is able to achieve 80% accuracy for these sounds in a structured setting;”
- c. The measurable annual goal for articulation indicated the Student will: “produce age-appropriate speech sounds with 80% accuracy, as measured by SLP data across 3 data points;” The IEP goal progress was to be reported twice yearly.
- d. SDI for articulation was to be provided for 220 minutes per quarter. Sixty minutes of consultation per year by the SLP was noted as support for school personnel; and
- e. The Non-Participation Justification Statement described the extent of the Student’s removal: “[Student] will be removed from general education curriculum approximately 20 minutes weekly,” to address articulation/phonology skills.

7. On June 20, 2022, the Student was withdrawn from the Charter School.

Student 21

1. The Student was 9.8 years old and was in the 4th grade at the time the Complaint was filed.
2. The Student’s 2021-22 report card indicated that, with the exception of foundational skills, writing, speaking and listening skills for ideas/content, and summarizing information presented, the Student’s academic skills in the area of English language arts were “proficient”. In mathematics, the Student was “developing” or “emerging” in all areas except for fluently multiplying within 100. With the exception of attentive/on task, and organization, the Student was

proficient in all areas of characteristics of a successful learner.

3. From January 19, 2022 through June 13, 2022, attendance records indicated the Student was absent from school 7% of the time, and was tardy 0.01% of the days attended.
4. From February 18, 2022 through June 2, 2022 the Student's Star Test Record Report indicated the Student's Early Literacy Enterprise Assessment score remained unchanged at 1%. The report indicated that the Student attempted the Star Reading Enterprise Assessment one time. The Student scored 1% on all areas of the Star Math Enterprise Assessment as well.
5. The 2021-22 Oregon Statewide Assessment Test indicated that the Student achieved a Level 1 in math; the Student can interpret and carry out mathematical procedures with minimal precision and fluency, make sense of and solve simple problems in pure and applied mathematics with a high degree of scaffolding, minimally expand and apply mathematical concepts/construct arguments using concrete referents such as objects, drawings, diagrams, and identify real-world scenarios.
6. The Classroom Teacher documented the SDI that was provided to the Student. The reading SDI was implemented by the Classroom Teacher and a trained educational assistant. The trained educational assistant provided 30 minutes of small group instruction 2-3 times per week. The Student was also provided SDI in writing.
7. On January 18, 2022, an IEP meeting was held. All of the legally required participants attended. The January 18, 2022 IEP included:
 - a. The special factors that the IEP team needed to consider included that the Student had communication needs;
 - b. The Student: "is interested in drawing, cats, ducks, and music. [Student] prefers working one-on-one with an adult over working alone or with a peer (unless that peer has a strong supportive personality)." The Parent indicated: "Not being challenged. Feels like [Student's] not being challenged."
 - c. In the area of reading: "[They] read at a pre-K level and is working on mastering phonemic awareness for all the letters in the alphabet and it is difficult for [them] to visually recognize all the letters of the alphabet, consistently, if they are not in order. With help, [they] can break down words and say the sounds of each letter but cannot blend them to form a word such as "man" or "tap". Cannot decode CVC words but can recognize some simple, high-frequency words such as cat. 20% accuracy with CVC words. When participating in group literacy activities, [they] show great skill in analyzing text, referring to text, and summarizing text,

and in verbally communicating and understanding...particularly when discussing non-fiction.”

- d. In the area of writing: “[Their] writing is difficult to discern although [Student] has seen some progress in this area. Because reading is difficult, writing is a challenge. [Their] focus is on sharing [their] thoughts and having someone write them out for [them]. Once this is done, [they] can copy the words into [their] assignment, given time and support.
- e. In the area of math: “[Their] math skills are inconsistent. On some days, [they] can (with support) add and subtract within 10, on other days, [they] cannot subtract at all, even with manipulatives. When counting without visual aids, [they] cannot get beyond 27...whenever [they] count, 17 is skipped... Counts on fingers to complete simple addition to make a sum of 5; cannot make a sum of 10 without counting on fingers from 1.” “[Student] is self-conscious of [their] academics and this can sometimes be a barrier to [their] learning. [Student] often seems “mixed up” and forgets people’s names. [Student] also struggles to connect with [their] peers which makes it difficult for [them] to participate in small group activities and partner activities;”
- f. The measurable annual goal for reading indicated: “[Student] will increase reading readiness skills to first grade level in the areas of phonemics, letter knowledge, decoding and word recognition to 80% in 4 out of 5 trials as measured by teacher assessment.” Progress reports will be sent home twice yearly and oral/written at the annual IEP review;
- g. The measurable annual goal for written expression indicated: “When asked to produce a two-sentence written response to a teacher prompt, [Student] will independently write with legible letter formation, correct ending punctuation, correct capitalization, and letter spacing with 80% accuracy as measured by teacher observation.” Progress will be measured with informal and formal assessments, and teacher observations. Progress will be reported twice yearly with written reports and orally/written at annual IEP meetings;
- h. The measurable annual goal for expressive communication indicated: “[Student] will demonstrate increased expressive language skills by forming grammatically correct sentences to describe pictures or stories, use adjectives, and provide synonyms and antonyms of grade-level words with 80% accuracy given minimal cues, as measured by SLP data across 3 data points.” Progress will be reported through progress reports;
- i. The measurable annual goal for receptive communication indicated: “[Student] will demonstrate an increase in receptive communication by correctly answering comprehension questions, general “wh” questions, and demonstrating the understanding of figurative language (metaphors,

similes) with 80% accuracy given minimal cues, as measured by SLP data across 3 data points." Progress will be reported through progress reports;

- j. The measurable annual goal for math indicated: "By January 2023, [Student] will Fluently [*sic*] add within 10 and subtract Fluently [*sic*] subtract [*sic*] within 10 at 80%." Progress will be measured by tests, and observations." Progress will be reported with a written report at end of each semester during reporting period and oral report at annual review of IEP;"
 - k. SDI for speech/language was to be provided for 240 minutes monthly in the virtual classroom to be monitored by the SLP. SDI for reading was to be provided for 90 minutes weekly in the general education classroom to be monitored by the classroom teacher. SDI in written language was to be provided for 90 minutes weekly in the general education classroom to be monitored by the classroom teacher. SDI for math was to be provided for 90 minutes weekly in the general education classroom to be monitored by the classroom teacher;
 - l. Supplemental aids/services and accommodations for the Student included:
 - i. The classroom teacher will break large projects into shorter goals in all academic classes at all school sites;
 - ii. The Student will be allowed to use support tools/calculator during math in the general education classroom to be monitored by the Case Manager;
 - iii. In the school setting, the Student will seat near the teacher/chalkboard during instruction at all school sites to be monitored by the Case Manager;
 - iv. During the teaching mode the classroom teacher will check for comprehension, when needed in the general education classroom to be monitored by the classroom teacher; and
 - m. The Non-Participation Justification Statement did not apply to this Student because all instruction took place in the general education classroom.
8. On January 18, 2022, the annual academic and functional goals and objectives progress report in the area of reading indicated: "Letter names 25/26, letter sounds, 22/31, blends w/short vowel 1/15." In the area of written expression, the progress report indicated: "[Their] writing is difficult to discern although [Student] has seen some progress in this area...writing is a challenge."
9. In the area of expressive communication the progress report indicated: "Goals are new. Please see present levels in IEP."
10. On April 21, 2022, the IEP team determined the Student qualified for special education services for Speech-Language Impairment for syntax, morphology, pragmatics, or semantics. This determination was based on a language sample

and other evaluations and was determined not to be the result of another disability.

11. Due to an error in administering the statewide assessments on May 19, 2022, the Student's statewide assessment was invalidated because the Student did not receive the testing accommodations as described in the Student's IEP.
12. On May 20, 2022, a Special Education Notice of Team Meeting issued by the District indicated the purpose of the meeting was to review an IEP and placement for the Student. It was noted that a legally required district representative was not invited to the meeting.
13. On October 31, 2022, a Special Education Notice of Team Meeting was issued by the District to review existing information, decide whether additional testing is needed, and develop or review an IEP and determine special education placement.

Student 22

1. The Student was 11 years old and in the 5th grade at the time the Complaint was filed.
2. The Student's 2021-22 second semester report card indicated the following: in English language arts, the Student was "proficient" in summarizing text; "emerging" in referring to text, and "developing" in all other areas. In writing, the Student was "developing" in all areas (opinion, informative explanation-ideas, organization, narrative and imaginative-ideas and organization, conventions, and progress/production). In speaking and listening, the Student was "proficient" in engaging in discussion, and developing in all other areas., The Student's was "proficient" in all areas of mathematics, except for generating and analyzing patterns, developing in finding and comparing equivalent fractions, and measuring/solving angle problems. In the area of characteristics of a successful learner, the Student's skills were "proficient" or "exceeding" in all areas.
3. The Student's 2021-22 first semester report card indicated the following: the Student's academic skills in English language arts and writing the Student was "developing" in all areas of both academic subjects. In the area of speaking and listening, the Student was "proficient" in engaging in discussions. The Student was "proficient" in all areas of both mathematics and in all areas of characteristics of a successful learner.
4. Between January 19, 2022 through November 1, 2022, attendance records indicated the Student was absent from school 20% of the time.
5. From February, 2022 through October, 2022, the Student's Star Reading Enterprise Assessment indicated that the Student's skills in reading improved from grade equivalency level of 1.8 to one of 2.2, which reflects four months

achievement growth.

6. From February, 2022 through October, 2022, the Student's Star Math Enterprise Assessment indicated that the Student's skills in math decreased from a grade equivalency level of 5.8 to one of 4.9, which reflects 9 months of loss in achievement.
7. On January 13, 2021, the Student was found eligible for special education due to a Specific Learning Disability in the areas of basic reading skills, reading fluency skills, reading comprehension, and written expression.
8. The Classroom Teacher documented the SDI provided for the Student. The reading SDI was implemented by the Classroom Teacher and a trained educational assistant. The Educational Assistant provided 30 minutes of small group instruction 2-3 times per week.
9. On December 15, 2021, the Parent sent an email to the [Charter School] which stated: "I wanted to share this info from [Teacher] with the school. As I've been trying to sort out where we are, I'm wondering if we are all on the same page about how [Teacher's] work fits together. Im [sic] doing a lot of guessing and really wanting some more concrete info. (About this and around progress monitoring methods and documentation available over the course of iep [sic] intervention). Also, I had to look up what [Teacher] meant by tier 2 vs tier 3 intervention. Maybe we can discuss more tomorrow."
10. On December 16, 2021, an IEP meeting was held with all legally required participants present.
11. The December 16, 2021 IEP indicated:
 - a. The special factors that the IEP team needed to consider included that the Student had a Specific Learning Disability in the areas of basic reading skills, reading fluency skills, reading comprehension, and written expression. The Student did not exhibit behavior that impeded their learning or the learning of others. The Student did need assistive technology devices and/or services. The Student did require one or more specialized formats (braille, large print, audio, and/or digital text) of educational materials because blindness or other disability prevents effective use of standard print materials;
 - b. The Student: "is a friendly and fun-loving 4th grade student...is a dedicated learner, [their] desire to master reading are [sic] a great asset...wonderful sense of humor and enjoys communicating with [their] peers in small group."
 - c. The Parent concerns included:

- i. Parents have concerns about [Student's] progress with [their] reading goal and how services for SDI are being provided, specifically around the inclusion model;
 - ii. Parents have concerns about the curriculum being used for SDI, specifically Lexia Core;
 - iii. Parents are interested in looking at additional testing to better inform the IEP goals for reading;
 - iv. Parents are interested in looking at additional testing to better inform the IEP goals for reading;
 - v. Parents have a concern with an apparent change of services from digital to in person last spring; and
 - vi. Parents have a concern about the location of service delivery.
- d. The IEP team discussed service locations and the extent to which the student would not participate with nondisabled peers, but did not complete the discussion. Additional conversation was planned so that the team could complete the Statement of Non-Participation Justification at the next meeting on November 1.
- e. The Present Level of Academic Achievement and Functional Performance for academics indicated in the area of math: "having questions read to [them], most recent assessment 22.5/32... generally understands a lot of concepts...would be helpful to read and highlight key parts of question to help build skills."
- f. In the area of writing, the Student was: "more engaged in writing recently, working with teacher and a couple of other students with more supports. SST would be helpful but [Student] hasn't yet become interested in trying it. Providing sentence frames have been helpful, [Student] even came up with [their] own sentence frame...likes writing words that [they] can spell."
- g. In the area of reading: "the Student struggled with sounding out words...able to read several familiar short words with ease, when presented with unfamiliar words, [they] struggled knowing where to chunk syllables, and which phonemes to segment together. [Student's] standard score of 78 suggests that [Student] has delays in this area. [Student's] silent reading fluency success was hampered by [their] struggles with phonological processing. By misreading words, [Student] was not always able to accurately read a sentence...[Student's] standard score of 73 suggests delays in this area...At times, [their] reading errors altered meanings but often [Student] was able to regain comprehension by globally analyzing the test...[Student's] standard score of 76 in this area suggests delays in this area;"
- h. The measurable annual goal for reading (including conditions and frequency) indicated: "By December 2022, [Student] will increase reading level to beginning 3rd grade by decoding & encoding words individually with 80% accuracy in 4 out 5 [sic] trials. Given words within the 6 vowel

structures (closed, open, silent e, vowel pair, r-controlled, and final stable syllable), [Student] will decode & encode at 80% in 4 out of 5 trials...decode & encode words with initial & final consonant blends...at 80% accuracy in 4 out of 5 trials...read 2nd grade sight words...at 90% in 4 out of 5 trials...use decoding skills and sight word recognition...2nd grade passage with 95% accuracy.” Progress will be measured using classroom- based assessments including basic phonics screener and reports will be sent home with report cards in January/February and June and verbally at the annual IEP meeting;”

- i. The measurable annual goal for reading fluency (including conditions and frequency) indicated: “By December 2022, when given an unfamiliar instructional level passage, [Student] will read the passage aloud at a rate of 65 wpm with 95% accuracy using expression with appropriate pauses after commas and periods, in 4 out of 5 passages as measured by teacher running record. When reading an unfamiliar instructional level passage [Student] will use decoding skills, and context clues to identify unknown words with 95% accuracy...pause appropriately when using internal and ending punctuation, use inflection to appropriately reflect meaning at a level 3 (on a 4-point scale)..recall [sic] at least 3 details from the passage, and retell the story with up to 2 teacher prompts or questions.” Progress will be measured using classroom-based assessment including fluency measures. Reports will be sent home with report cards in January/February and June and verbally at the annual IEP meeting.
- j. The measurable annual goal for written language (including conditions and frequency) indicated: “By December 2022, [Student] will produce a 3rd grade level paragraph composed of complete sentences with supporting details scoring a 4 (meets benchmark) in conventions using the state scoring guide. [Student] will encode words using the 6 vowel structures.... will spell 2nd & 3rd grade sight words...at 80% in 4 out of 5 trials...write a sentence using correct punctuation, capitalization, spelling and complete thoughts with no more than 1 error in 4 out of 5 trials...write a 3-5 sentence paragraph including at least 2 details using correct punctuation, capitalization, spelling and complete thoughts with no more than 4 errors in 4 out of 5 trials.” Progress will be measured by writing work samples scored using a writing rubric. Progress will be reported by sending home reports with report cards in January/February and June and verbally at the annual IEP meeting.
- k. SDI for reading was to be provided for 90 minutes weekly, in the general education classroom, provided by the LEA, and monitored by the Case Manager. SDI for reading was to be provided for 40 minutes weekly, in an alternate setting, provided by the LEA, and monitored by the LEA. SDI for written language was to be provided for 80 minutes weekly, at all school sites, provided by the LEA, and monitored by the Case Manager;
- l. Supplementary aids/services and accommodations included:

- i. Seat away from distractions, away from doors and disruptive peers, at all school sites, to be provided by the LEA, and monitored by the case manager;
- ii. In the area of instructional materials for written and visual instructions, staff provided visuals as needed to support understanding, at all school sites, provided by the LEA, and monitored by the Case Manager;
- iii. In the area of instructional materials staff provided extra time for completion of literacy-based activities and assignments, at all school sites, provided by the LEA, and monitored by the Case Manager;
- iv. In the area of instructional materials staff provided step by step information as needed by breaking large projects into shorter goals, at all school sites, provided by the LEA, and monitored by the Case Manager;
- v. In the area of teaching mode, staff will provide peer support during partner reading instruction at all school sites, provided by the LEA, and monitored by the Case Manager;
- vi. In the area of teaching mode, when presenting grade level text [Teacher] will read text orally for comprehension, at all school sites, provided by the LEA, and monitored by the Case Manager; and
- vii. In the area of text to speech/speech to text, staff will allow access to device and/or services including audiobook programs for written material/directions to have read aloud and to promote writing, in the general education classroom, provided by the LEA, and monitored by the LEA.

m. The Statement of Non-Participation Justification described the extent of the Student's removal/non-removal: "[Student] will receive SDI in Reading (120 minutes per week) and Writing (80 minutes per week) through push-in/pull-out inclusion service delivery model in the general education classroom. This provides for participation in the general education classroom at 80% or higher throughout the school day. [Student] will receive SDI to help with goal progress through push in and/or pullout [sic] services delivery models to support progress in general education;" and

n. Statewide assessment accommodations included standard administration with accessibility support using text-to-speech (Stimuli only) in a separate setting for testing and/or access to headphones in both reading and math assessments.

12. On January 12, 2022, the Parent sent an email to the Charter School requesting AT support and training. The Charter School Technology Director offered assistance with the assistive technology being used by the Student.

13. Progress reports were issued in February, 2022.

14. On February 7, 2022, the Parent emailed the Charter School requesting communication from the Charter School to review errors and clarify questions. The Parent followed up the next day with a summary of requests from the meeting which were:
 - a. Train Student on the use of the AT;
 - b. Request for one-on-one tutoring from a specialist; and
 - c. Request for more ambitious IEP goals.
15. On February 15, 2022, the Parent met with the Special Education Teacher and the Special Education Director to review questions and concerns. This meeting was not an IEP meeting.
16. On February 23, 2022, the Parent sent an email to the Charter School requesting an IEP meeting.
17. On March 3, 2022, a Special Education Notice of Team Meeting was developed the same day that the meeting was to be held. The Notice did not indicate that a district representative was invited to the meeting.
18. On March 3, 2022, IEP notes for the Student stated the following: "While waiting for [Teacher], [Notetaker] asked who is the district representative. [sic] [Case Manager] said [Case Manager] is the district representative but [Case Manager] does not have decision making authority over resources."
19. Documentation and meeting notes indicate that the IEP team discussed and identified that no further information was necessary to establish eligibility and that it was done via a file review.
20. On March 3, 2022, the Parent sent an email to the Charter School that indicated: "Happy to summarize some of my communication and requests for the meeting today...What systematic and explicit research-based curriculum is being utilized for intervention? When is it being provided and who is providing it. [sic] I only get information from [Student]...Progress monitoring and reporting update. Discussion of report cards. Is [Student] being evaluated fairly with appropriate accommodations and utilizing multiple work samples from the classroom curriculum? The recent report card seemed to utilize STAR testing, primarily. I did not receive the district progress report during reporting time and this has happened consistently throughout [Student's] time on IEP. [sic] ...I'm still concerned that consistent monitoring continues to be an area of concern since I'm not receiving adequate communication or feedback. Review and update of IEP. I was told that I cannot ask questions or request updates about recent IEP [sic] documents [Teacher] sent out without a formal IEP review meeting. I will have my copy of IEP [sic] printed out and notes marked if there is time for that to occur in this meeting. Lastly, how are certain aspects of the IEP going in application? Examples: SDI "Would like to add that [Student] should not be called on to read aloud to [their] classmates, or in an audience setting. Also how is Assistive technology [sic] going in application? [Student's] feedback is not favorable, telling me [Student] doesn't use it because "It is cheating". [sic] I also

think [Student] lacks training to feel comfortable utilizing it. All of this should be covered when we review the IEP.”

21. On March 3, 2022, a Special Education Notice of Team Meeting was developed. The Notice did not indicate that a district representative was invited to the meeting.
22. On March 3, 2022, the Student IEP meeting notes taken by the Parent indicated the [Case Manager] stated: “I have not received any notice that you called. I just showed up and am trying to get things moving. I talked to the reading specialist and I compared my assessment of [their] skills with [their] data.” The Teacher stated: “One of the areas that would help clarify everything, in the reporting of the IEP, is normally there’s something that goes out with the report cards in January. This year with [Teacher] leaving, that progress monitoring didn’t go out. I didn’t realize that it is a regular thing every year that was expected for students with IEPs [sic] to have that data go out with report cards. I agree that for students like [Student] they need some extra reporting.”
23. On April 18, 2022, the Parent sent an email to the Charter School which stated: “[Student] mentioned that the reading group was canceled last week...I imagine that’s because the school did not have a place where intervention could take place. Today, [they] said it was canceled because there was an EA training...wondering if [Student] gets to make up missed intervention hours? Does it get scheduled at a different time when it’s canceled? I’m asking this in the kindest and most appreciative way. It’s been a weird few years of inconsistency so I feel the need to stay involved, and to see how I can help.”
24. On April 26, 2022, the Parent sent an email to the Charter School that stated: “When I ask for more info, I’m told you don’t really track things but rely on the teacher or I don’t hear anything back. I’m still very confused about your role and, again, feel powerless and left out. Having [Teacher] has helped calm my worry about all of this a little because it has allowed me to have a little control over [Student] getting what [Student] needs. Even if everything changes again for [Student] since [Student] has been receiving intervention services I can keep this one thing stable and moving forward for [them]...When can we have another IEP meeting/resolve the things that have been left undone?”
25. On April 28, 2022, the Parent emailed the school that stated: “I have been in communication with [Teacher] and think we are all on the same page. [Teacher] is going to rely on the recipe for reading curriculum library group and work on fluency in [their] groups in the classroom. [Teacher] is also going to download Reading Ally on [Student’s] computer at school, which I purchased for [them] due to lack of any other ideas or movement from the district or school...I have also purchased Barton for [Student] back in December and have been learning from [Teacher] how to teach reading...We work for two hours, minimum, each week and [Student] has reading games we play at home. I am sharing this because I do continue to be frustrated that plans and strategies to provide intervention have continually been unstable at [Charter School]...On a positive note, I am seeing

some growth in [Student]...When can we have another IEP meeting/resolve the things that have been left undone?"

26. On May 19, 2022, an internal school email indicated that the Parent provided written consent to opt the Student out of statewide assessments because accommodation 'glitches' were not resolved. The text-to-speech did not work due to a malfunction in the testing program. The math test was invalidated.
27. On June 2, 2022, the Parent sent an email to the Charter School which stated: "I reached out on Friday because it seems reading groups have been stopped the past three weeks. [Student] continues not to be getting reading and writing support from [their] self-report. During our conversation you told me you aren't sure what is going on for reading and writing minutes but that you'd look into it/talk to [Teacher] during lunch hour last Friday. I haven't heard back from you. [Student] consistently has had [their] reading intervention canceled throughout the school year. I'm concerned about [Student] not receiving the services [Student] needs."
28. On June 6, 2022, the Annual Academic and Functional Goals and Objectives Progress Report for reading indicated the progress report dated February 2, 2022 under comments: "IEP on 6/13/22 Please see Present Levels."
29. On June 6, 2022, the Annual Academic and Functional Goals and Objectives Progress Report for reading fluency indicated the progress report 1 for June 14, 2022, under comments: "IEP on 6/14/22 Please see Present Levels."
30. On June 6, 2022, the Annual Academic and Functional Goals and Objectives Progress Report for writing indicated the progress report 1 for June 14, 2022, under comments: "IEP on 6/13/22 Please see Present Levels."
31. On June 6, 2022, an IEP meeting was held with all legally required participants present. The June 6, 2022 IEP indicated:
 - a. The special factors that the IEP team needed to consider included that the Student did have communication needs which were not identified in the December 16, 2022, IEP. The special factors that the IEP team needed to consider included that the Student does not need assistive technology devices or services which was the case in the December 16, 2022, IEP;
 - b. The Parents indicated they were concerned about the following: "Lack of consistency, communication and transparency from school and district. Examples are 1) Not receiving consistent progress reports from the school district during grading periods as IEP has stated will occur. 2) Constant [School District] Case Manager staff changes and newly appointed Case Managers not being able to pick up where things were left off in an efficient and effective way. This has provided a platform for ongoing excuses and a lack of accountability. 3) The school and districts inability to

work together to establish a consistent, systematic and explicit research-based curriculum that is provided to students exhibiting markers for dyslexia. Specifically, curriculum or reading instruction approaches have changed yearly (or more than that during some years) despite systematic and explicit curriculums [*sic*] teaching rules and concepts in different orders. One could argue that this means a curriculum has not been provided at all. Lastly, due to the lack of trust I have developed around provisions of intervention and appropriate accommodations, I would like ongoing information about curriculum, who is trained to provide it, and when and who is providing it with the goal preventing track [*sic*] changes in the future that delay progress and create frustration for the Student. I have purchased a Barton reading and spelling system for [Student]. If any additional curriculum interventions are proposed I suggest it will be important to default to The Barton system we are utilizing at home (at school) to provide needed consistency.

Evaluations: Improvements have been made at the most recent grading period, and should continue to be made to insure [*sic*] [Student] is being evaluated fairly and in a way that is constructive for [them], and allows for [their] accommodations. [Student's] state testing needed to be invalidated because [their] accommodations were not available on a part of the math testing this year. Instead of being excused from the test [they] needed to endure through testing to later find out all portions of the math test would need to be invalidated. SDI has not been working in application. Examples: [Student] needs training and consistent access to things like STS [*sic*] and TTS in order to feel comfortable utilizing. I reported that Book Share did not work as a reading engagement tool for [Student] due to electronic voices and glitching. Support was not provided despite my attempts to ask for help from [Charter School] staff and district case management.

Staff shortages at [Charter School]: [Student] has missed reading groups for weeks at a time this Winter/Spring due to staff illnesses, a lack of school substitutes and a lack of space for intervention at the school (when other activities need to occur). I do not believe it is fair to expect that the general education teacher provides for the number of hours of writing and reading written into [Student's] IEP without consistent help (and backup help) in the classroom. Also, I do not think it is acceptable that [Student] continues to consistently not receive the full amount of intervention that we have all agreed [Student] needs;"

- c. The measurable annual goal for reading indicated: "By December 2022, [Student] will increase reading level to middle 3rd grade level by decoding & encoding words individually, with 80% accuracy in 4 out of 5 trials. Objectives included:
 - i. Knowledge of vowel teams, their sounds and spellings and end sentence punctuation;

- ii. Phonological awareness, blend phonemes, isolate and pronounce sounds in 2-syllable words, and distinguish long and short vowel sounds;
 - iii. Phonics and word recognition by isolating and identifying initial consonant blends, identify spellings of medial vowel CVCe phonemes, decode 2 syllable words using short vowel sounds, decode reading 4th grade sight words, and [Student] will decode & encode words with initial and final consonant blends;
- d. The measurable annual goal for reading fluency indicated: “By December 2022, when given an unfamiliar instructional level passage, [Student] will read this passage aloud at a rate of 65 wpm with 95% accuracy using expression with appropriate pauses after commas and periods, in 4 out of 5 passages as measured by teacher running record. Objectives included:
- i. When reading an unfamiliar instructional level passage, the [Student] will identify root words based on the prefix and suffix. Underline root words and match them to their definition. Match morphologically complex words to their root word to identify unknown words with 80% accuracy;
 - ii. While reading an unfamiliar instructional level passage, the Student will pause appropriately when using internal and ending punctuation, and use inflection to appropriately reflect meaning;
 - iii. While reading an unfamiliar instructional level passage, [Student] will identify the main topic of the text, and retell stories in sequence at 80% accuracy; and
 - iv. [Student] will access grade level content using text to speech/speech to text to identify the main topic of text and to retell stories in sequence at 80% accuracy.”
- e. SDI for reading was to be provided for 90 minutes weekly in the general education classroom, provided by the LEA, and monitored by the Special Education Teacher. SDI for written language was to be provided 90 minutes weekly in the general education classroom, provided by the LEA, and monitored by the Special Education Teacher; and
- f. Supplementary aids/services and accommodations included all of the accommodations from the December 16, 2021, IEP with the exception of when reading in class the Student will not be called upon to read in class unless [they] volunteer at all school sites, provided by the LEA, and to be monitored by the Special Education Teacher.

32. On June 13, 2022, IEP meeting notes indicated the Special Education Teacher stated: "Basically we are just reviewing revised goals. I've gotten feedback from [Teacher] and shared with [Parent]. As we start the meeting, I need to state that a District Representative is unavailable. Are you okay with that?"
33. On September 13, 2022, the Parent sent an email to the Charter School which stated: "...Other things of note that [Student] mentioned...[Student] despises Lexiacore 5. Honestly, at this point, so do I. I understand that [Charter School] has adopted this. It has not worked well for [their] learning needs since it became so popular for the district during the pandemic...Lexia has become a trigger for [Student] because it hasn't helped [them] learn concepts."
34. On October 26, 2022, a Prior Notice of Special Education Action indicated the Student continued to qualify special education services due to a Specific Learning Disability.
35. On October 26, 2022, a Statement of Eligibility for Special Education (Specific Learning Disability) included assessments that were conducted in 2019 and 2020.
36. On October 27, 2022, a Re-evaluation Summary of Meeting Notes indicated a Parent request that stated: "What is the status of Covid Recovery funds? Based on the PLOP [present levels of performance] that was briefly shown to me at conference, it seems [Student] should qualify for Covid as [Teacher] relayed to me that a year's worth of data is necessary from kid's return to school from COVID in order to determine how best to utilize the funds and which students need the funds (based on whether or not they make sufficient progress or not to make up for the school loss).
37. On January 20, 2023, a request to electronically sign the eligibility statement was developed.

Student 23

1. The Student was 10.8 years old and in the 5th grade at the time the Complaint was filed.
2. The Student's report card from the second semester of the 2021-22 school year indicated the Student's academic skills in the area of language arts were emerging, speaking and listening skills were proficient, writing skills were approaching or developing, and math skills were developing or emerging. During the second semester the Student's behavior ratings were in the proficient range.
3. The Oregon Statewide Assessment Test for the 2021-22 school year, indicated that the Student performed at Level 1 for reading, demonstrating minimal ability to comprehend texts of low complexity, and use minimal textual evidence to demonstrate thinking. In the area of mathematics, the Student performed at Level 2, indicating the Student is able to interpret and carry out mathematical

procedures with partial precision and fluency.

4. Attendance records from January 12, 2021, through May 13, 2022, indicated the Student was absent from school 23% of the time.
5. The Student's Star Test Record Report conducted from February 1, 2022, through October 3, 2022 showed the Student's reading skills increased from a grade level equivalency of 2.2 to one of 2.7. The report also indicated that the Student's math skills decreased from a grade level equivalency of 5.2 to one of 5.0.
6. On January 4, 2021, the Student was found eligible for special education due to a Communication Disorder for fluency.
7. The Student's overall strengths were: "...enthusiastic learner and has a great sense of humor...enjoys friends, learning new things. Math is an area of strength." An area of need was: "[Student's] stuttering is primarily comprised of initial sound and syllable repetitions with occasional whole word repetitions."
8. The January 4, 2021, IEP, included a measurable annual goal for speech fluency and SDI for 220 minutes. There was no frequency included for the specially designed services. The IEP included accommodations for teacher modeling and prompts. Consultation services by the speech/language pathologist was listed for two hours per year.
9. On January 4, 2021, an IEP meeting was held and all of the legally required participants were in attendance. The January 4, 2022 IEP, indicated:
 - a. The special factors that the IEP team needed to consider included that the Student had a communication disorder. The Student did not exhibit behavior that impeded their learning or the learning of others, nor did the Student need assistive technology or accessible materials;
 - b. "[Student] is an enthusiastic learner and has a great sense of humor. ...enjoys friends, and enjoys learning new things. ...Math is an area of strength. Reading is an area of growth, and [Student's] writing a lot more." Both Parents noted: "no [sic] a lot of concern about academics or having [Student] participate in speech therapy. Refocuses easily when requested." The Present Levels of Academic Achievement and Functional Performance indicated: "The Stuttering Severity Instrument 4...[Student's] stuttering is primarily comprised of initial sound and syllable repetitions with occasional whole word repetitions. [Student] demonstrates no secondary physical concomitants that distract the listener, e.g. distracting non-speech sounds, facial grimaces, unconventional head movements or movements of the extremities [Student] demonstrates no significant reduction in intelligibility. [Student] perseveres through stuttering episodes and appears to participate in class discussions at a level consistent with

[their] peers, and volunteers to read aloud when [Student] has opportunity;”

- c. The measurable annual goal for speech fluency indicated: “[Student] will reduce the frequency and duration of stuttering episodes in therapy and small group settings, through awareness of stuttering moments and effective use of basic fluency techniques,” by meeting 4 objectives with 80% accuracy, as measured by SLP data across 4 data points. The IEP goal progress was to be reported twice yearly;
 - d. SDI for fluency was to be provided for 220 minutes with no frequency noted. One hundred and twenty minutes of consultation per year was noted as support for school personnel;
 - e. Accommodations for the Student indicated teacher models of measured pacing, pausing, and stopping when oral reading/speaking daily in instructional and conversation contexts; and
 - f. The Non-Participation Justification Statement described the extent of the Student’s removal: “...will be removed from general education curriculum approximately 30 minutes weekly” to address fluency skills.
10. On January 3, 2022, an email was sent to the Special Education Teacher from the Speech Language Pathologist: “Unfortunately, I will have to cancel [Student’s] meeting scheduled for later today. My entire family (including myself) is down with Covid:(I will be in touch for rescheduling purposes as soon as I can. I am so very sorry for any inconvenience this may have caused.”
11. On April 26, 2022, the Parent sent an email to the speech pathologist that stated: “I’d like to decline further therapy for the rest of the school year. Online therapy is not best for [Student].”
12. On May 2, 2022, the District issued a Prior Notice of Special Education Action which described the discontinuance of special education services to the Student due to the Parent’s request to decline online speech therapy services for the rest of the school year.

IV. DISCUSSION

Child Find

The Complaint alleged that the District violated the IDEA by not meeting its Child Find obligations to identify, locate, and evaluate all children with disabilities within their responsibility at the Charter School. The Complaint also alleged the absence of a pre-referral process at the Charter School.

Child Find requirements apply to all children, barring those no longer entitled to a free appropriate public education. School districts must identify, locate, and evaluate all

children with disabilities within their jurisdiction, regardless of the disability's severity. This includes those in need of early intervention, early childhood special education, or special education services, such as highly mobile children with disabilities (like migrant and homeless children), children who are wards of the state, Indian preschool children residing on reservations, children suspected of having a disability despite advancing from grade to grade, and children enrolled in public charter schools. For this rule, residency follows ORS Chapter 339 (School Attendance) guidelines, except for charter school students. Residency for children enrolled in charter schools is determined by ORS Chapter 338 (Public Charter Schools). The district where the charter school is situated is responsible for child find for students enrolled in the charter school, regardless of the parental resident district.⁴

The Charter School provided documentation demonstrating a pre-referral process in place for students with suspected disabilities during the complaint period. Evidence showed a team of professionals routinely met to review individual student concerns. These Student Study Team (SST) meetings often involved the District's Special Education Teacher, who provided technical assistance on the special education process. The SST reviewed academic and behavioral concerns, assessed student performance data, developed interventions, monitored progress, and made referrals for special education evaluations as required.

Student 6: The Parent requested a special education evaluation on January 13 and February 17, 2022. On March 11, 2022, the District agreed with the Parent that an initial special education evaluation was needed. The Parent provided written consent for the District to conduct the evaluation on March 15, 2022. There was a seven-week gap between the Parent's initial request for a special education evaluation and the District's scheduling of a meeting to consider the request.

The Department substantiates this allegation for an individual student.

IEP Team Members

The Complaint alleged an IDEA violation by the District due to non-inclusion of all required District personnel, specifically occupational therapists, reading interventionists, and qualified district representatives, in the IEP team meetings for the Students.

School districts must ensure the IEP Team for each child with a disability includes the child's parents, the child where appropriate, at least one regular education teacher of the child (if the child is or may be participating in the regular education environment), and at least one special education teacher or, if suitable, at least one special education provider of the child. Also required is a representative of the school district, qualified to provide or supervise SDI, knowledgeable about the general education curriculum, and district resources. This representative must be authorized to commit district resources and ensure the provision of services outlined in the IEP. The IEP Team must also include an individual who can interpret the instructional implications of the evaluation

⁴ OAR 581-015-2080 (1-3)

results and other individuals with knowledge or special expertise regarding the child, as invited by the parent or the school district..⁵

An IEP team member is not required to attend an IEP meeting, in part or in whole, if both the parent and the school district agree in writing that the member's attendance isn't necessary as their area of the curriculum or related services isn't being modified or discussed at the meeting. A team member may be excused from an IEP meeting if the meeting involves modification to or discussion of the member's area of curriculum or related services. This excusal is only possible if the parent and school district consent in writing to the excusal, and the member provides their input on the development of the IEP in writing to the parent and the IEP team before the meeting.⁶

There was no evidence suggesting the absence of required occupational therapists in meetings. The IEPs investigated did not mention the inclusion of reading interventionists. The District provided a licensed special education teacher, who attended the IEP meetings as the special education provider. A licensed special education teacher is deemed qualified to develop, implement, and monitor SDI in the area of reading, and IDEA regulations do not require a school district to provide reading interventionists.

Student 22: On March 3, 2022, the District held an IEP team meeting. The District staff member, acting as the district representative at the IEP meeting, informed the Parent that despite being assigned the role of the district representative, they did not have authority over resource allocation. When an IEP meeting was conducted on June 13, 2022, without a qualified district representative in attendance, the District failed to secure a Written Agreement between the District and the Parent.

The Department substantiates this allegation for an individual student.

Evaluation and Reevaluation Requirements

The Complaint alleged that the District violated the IDEA by not carrying out evaluations agreed upon to determine the need for occupational therapy services. A public agency must conduct an evaluation or reevaluation process before determining that a child is a child with a disability, whether a child continues to have a disability, if there are changes to the child's eligibility, or in order to terminate the child's eligibility as a child with a disability, unless the termination is due to graduation from high school with a regular diploma or exceeding the age of eligibility for a free appropriate public education. The public agency must ensure that a reevaluation of each child with a disability is conducted if the public agency determines that the educational or related service needs, including improved academic achievement and functional performance, of the child warrant a reevaluation, or if the child's parents or teacher requests a reevaluation. A reevaluation for each child with a disability may occur not more than once a year, unless the parent and public agency agree otherwise, and must occur at least every three years, unless the parent and public agency agree that a reevaluation is unnecessary.⁷

⁵ OAR 581-015-2210(1)

⁶ OAR 581-015-2210(3)

⁷ OAR 581-015-2105(1)(4)

Student 15: Prior to the complaint period, the Student's eligibility date for special education services was March 4, 2019. The District did not convene a meeting until May 9, 2022, to determine if the Student remained eligible for services.

The Department substantiates this allegation for an individual student.

Content of IEPs

The Complaint alleged that the District violated the IDEA by not including mental and behavior support plans, occupational therapy, assistive technology, accessible materials, and consultation and training for the use of assistive technology in IEPs for Students who required these special education and related services. The Complaint also alleged the District did not provide adequate data about the performance of the Students and the present level statements and IEP goals were incorrectly developed.

The IEP must include a statement of the child's present levels of academic achievement and functional performance, including how the child's disability affects the child's involvement and progress in the general education curriculum. Also required is 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 each of the child's other educational needs that result from the child's disability. In order for an annual goal to be measurable, it must: (a) directly relate to the needs of the student as identified in the present level statements; (b) be observable, clearly descriptive of the specific behaviors or skills to be addressed, and explain what will be used to master the goal; (c) stand alone and be meaningful, rather than merely referring to or repeating short-term objectives or benchmarks; and (d) contain at least two short-term objectives or benchmarks, if the student takes an alternate assessment based on alternate academic achievement standards, or the IEP team otherwise determines they are necessary. Short-term objectives represent intermediate steps to a goal, are measurable, and often specify conditions. Benchmarks represent major milestones to a goal and should specify a time frame.⁸ The IEP must include a description of how the child's progress toward 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.⁹

Further required is 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 appropriately toward attaining the annual goals, to be involved and progress in the general education curriculum and to participate in extracurricular and other

⁸ ODE, 2022

⁹ OAR 581-015-2200(1a-1d)

nonacademic activities, to be educated and participate with other children with disabilities and children without disabilities, and the projected dates for initiation of services and modifications and the anticipated frequency, amount, location and duration of the services and modifications. The IEP is also required to include an explanation of the extent, if any, to which the child will not participate with children without disabilities in the regular class and activities, and 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 under OAR 581-022-0612. If the IEP team determines that the child must take the alternate assessment instead of the regular Statewide or a district-wide assessment, the IEP must include a statement of why the child cannot participate in the regular assessment, and why the alternate assessment is appropriate for the child.¹⁰

Student 5: The Student's May 5, 2022 IEP did not include required services and considerations for the Student's needs, including IEP goals and SDI for reading and writing, accommodations, modifications, supports for school personnel, and statewide assessments.

Student 16: The IEPs dated December 15, 2021, and June 9, 2022, did not include complete measurable annual goals for the Student's social-emotional regulation needs.

The Department substantiates this allegation for two students.

Functional Behavior Assessments (FBA)

The Complaint alleged that the District violated the IDEA by not conducting FBAs for the Students with IEPs at the Charter School who required this type of assessment.

"Functional behavioral assessment" means an individualized assessment of a student that results in a hypothesis about the function of a student's behavior and, as appropriate, recommendations for a behavior intervention plan. A school district must conduct a functional behavioral assessment and develop, review, or revise a behavior intervention plan within 45 school days of receiving parental consent to conduct the assessment for every student who has an individualized education program or a 504 Plan, and placed the student, other students or staff at imminent risk of serious bodily injury as a result of the student's behavior. If a functional behavioral assessment has been previously completed, the school district must review and/or revise the existing functional behavior assessment.¹¹

There was no evidence presented that demonstrated the District failed to meet its obligations for these requirements.

¹⁰ OAR 581-015-2200(1e-1g)

¹¹ OAR 581-015-2181(1c)(1d)(2a)

The Department does not substantiate this allegation.

Disciplinary Removal for Children with Disabilities

The Complaint alleged that the District violated the IDEA by inappropriately sending Students home without following the suspension procedures, suspending Students that the District knew may have had disabilities, and using in-school suspension excessively. The Complaint further alleged that Students were denied access to transportation, the Charter School directed Parents to keep Students home from the Charter School, and that the Charter School encouraged Parents to seek outside placements. The Complaint also alleged that the District failed to record student removals as suspensions, and did not provide Parents with notification of the suspensions.

School districts may remove a child with a disability who violates a code of student conduct from the child's current educational placement to an appropriate interim alternative educational setting, another setting, or suspension, for up to ten school days in a school year to the same extent, and with the same notice, as for children without disabilities. These removals are not considered a change in placement. During disciplinary removals school districts are not required to provide access to special education and the general education curriculum unless students without disabilities are provided access during this time. School districts are not required to determine whether the child's behavior resulting in disciplinary removal is a manifestation of the child's disability. For the purpose of counting days of suspensions under OAR 581-015-2405 suspensions of a half day or less are counted as a half day, and suspensions of more than a half-day are counted as a whole day.¹²

School personnel must determine, on a case-by-case basis, whether the series of removals constitute a pattern because the child's behavior is substantially similar to the child's behavior in previous incidents that resulted in the series of removals, and because of such additional factors as the length of each removal, the total amount of time the child has been removed, and the proximity of removals to one another. During removals school districts must provide services that are necessary to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the child's IEP. School personnel, in consultation with at least one of the child's teachers, determine the extent to which the services are needed, and the location for delivery of those services. School districts are not required to determine whether the behavior resulting in removal is a manifestation of the child's disability.¹³

A disciplinary removal is considered a change in educational placement and the school district must follow special education due process procedures if the removal will be for more than 10 consecutive school days (e.g., expulsion), or the child will be removed for more than 10 cumulative school days from their current educational placement in a school year, and those removals constitute a pattern under OAR 581-015-2410. School personnel may consider any unique circumstances on a case-by-case basis when

¹² OAR 581-015-2405(1-3)

¹³ OAR 581-015-2410 (2-3)

determining whether to order a disciplinary removal for a child with a disability who violates a code of conduct.¹⁴

Student 1: The Student was excluded from the Charter School due to behavior. The Charter School contacted the Parent and requested that they pick the Student up from school. Charter School staff estimated that the frequency of these informal suspensions took place four to five times within the complaint period. The documentation provided by the District did not include the required notification of suspension. Further, the Student's attendance records did not represent the absences as out-of-school suspensions.

Student 6: During the 2021-22 school year, the Student was excluded on 14 school days due to behavior concerns. The documentation provided by the District did not include the required notification of suspension; nor did the Student's attendance records reflect that two out of the fourteen exclusions were out-of-school school suspensions. The Classroom Teacher provided educational materials to the Student while they were not attending school.

Student 13: Due to the Student's behavior, the Charter School contacted the Parent and requested that they pick the Student up from school. The Student was therefore excluded from the Charter School. Charter School staff cannot confirm the frequency of these informal suspensions. The documentation provided did not include the required notification of suspension, and the Student's attendance records did not document the absences as out-of- school suspensions.

The Department substantiates this allegation for three students.

Manifestation Determination Review (MDR)

The Complaint alleged that the District violated the IDEA by not conducting MDR meetings for the Students with IEPs who attended the Charter School and required this procedural safeguard.

Any decision to change the placement of a child with a disability due to a violation of a code of student conduct requires the school district to determine within 10 school days whether the child's behavior is a manifestation of the student's disability. If the behavior is determined to be a manifestation of the child's disability, the school district must return the child to the previous placement, barring a few exceptions such as parental agreement for a change of placement or the school district's acquisition of an administrative law judge's order for a change. When a behavior is determined to be a manifestation, if the school district has not already conducted a functional behavioral assessment (FBA), the school district must do so in order to develop and implement a behavior intervention plan (BIP), sometimes referred to as a Behavior Support Plan (BSP). Alternatively, if a FBA/BIP already exists, the school district must ensure that the IEP team reviews and modifies it as needed. In contrast, if the behavior is not a manifestation of the child's disability, the school district may enact disciplinary action as they would with children without disabilities. When such actions are taken, the school

¹⁴ OAR 581-015-2415 (1-2)

district must promptly notify the parents and provide them with a notice of procedural safeguards under OAR 581-015-2315.¹⁵

The manifestation determination review protocol also applies to children not yet identified as having disabilities, when the school district suspects or has reason to suspect the child is or may be a child with a disability. A school district is deemed to have “had knowledge” if, prior to the behavior triggering disciplinary action, the child’s parent expressed concern in writing or requested a special education evaluation, or if the child’s teacher or other school personnel voiced specific concerns to the district’s special education director or other supervisory personnel. The school district is considered unaware of the child’s disability status if the parent has declined an evaluation or services, if the child was determined not eligible following an evaluation, or if the parent has rescinded consent for special education and related services. In such instances, the school district may enforce disciplinary actions equivalent to those for children without disabilities exhibiting similar behaviors. If a special education evaluation is requested or initiated, it must be conducted expediently, with the child remaining in the educational placement determined by school personnel until the evaluation’s completion. If the child is determined to be eligible under the IDEA following the evaluation, the school district must convene an IEP meeting to develop an IEP, determine placement, and provide special education and related services.¹⁶

Student 6: On January 13, 2022, the Charter School met with the Parent and developed an FBA and BSP. Simultaneously, the Parent requested the District to conduct a special education evaluation. Subsequently, on February 16, 2022, the Charter School excluded the Student from school until the implementation of a safety plan. The reiterated the request for the District to conduct a special education evaluation on February 17, 2022. The Student was excluded from the Charter School for a period of 14 school days. Despite the District’s awareness that the Student may have a disability, and multiple requests by the Parent for the District to conduct a special education evaluation, the District failed to conduct a manifestation determination review when the Student’s removal from the Charter School exceeded 10 school days within the academic year.

The Department substantiates this allegation for an individual student.

When IEPs Must Be in Effect

The Complaint alleged that the District violated the IDEA by failing to provide any special education and related services to all the Students with IEPs at the Charter School during at least the month of January 2022, delaying months before providing access to assistive technology tools included in IEPs, and failing to conduct progress monitoring in accordance with measurable annual goal reporting requirements. The Complaint further alleged that the District violated the IDEA when it failed to implement required district and statewide assessment accommodations, resulting in invalid statewide assessments scores for the some of the Students. The Complaint further alleged that the District failed to provide SDI that included systematic and explicit

¹⁵ OAR 581-015-2415 (3-4)(5a)(5bA)

¹⁶ OAR 581-015-2440

research-based reading interventions, as described in IEPs, and that the District failed to provide some Students with full instructional days. The Complaint alleged that these Students were instead placed on abbreviated school days.

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. A school district must conduct a meeting to develop an initial IEP within 30 calendar days of a determination that the child needs special education. As soon as possible following development of the IEP, special education and related services must be made available to the child in accordance with the child's IEP. Each school district must ensure that the IEP is accessible to each regular education teacher, special education teacher, related services provider and other service provider who is responsible for its implementation, and inform each teacher and provider of their specific responsibilities for implementing the child's IEP and the specific accommodations, modifications, and supports that must be provided for or on behalf of the child in accordance with the IEP.¹⁷

During the investigation, the District argued that they fulfilled their obligation to provide reading SDI. They stated that the Students received SDI from Charter School Teachers and during their use of Lexia Core, a computer-based adaptive literacy program supplied by the District. The District asserted that the small group reading instruction provided by Charter School's educational assistants was part of an RTI process and did not constitute reading SDI. The District's records and interviews reveal that the Charter School teachers reported partial provision of SDI for reading goals by classroom teachers using District-provided instructional materials. Additionally, the students received small group reading instruction from one of two educational assistants, counted as part of the reading SDI. The assistants had received prior training from an outside specialist to provide reading instruction.

This training was funded by Charter School and was not part of the special education services provided by the District. Interviews indicate that the instruction provided by the educational assistants was unsupervised, and the progress was checked every few weeks. The District did not meet its obligation to provide SDI in reading. Both the District's records and classroom teachers reported that Students 1, 10, 12, 14, 17, and 18 received unsupervised instruction from Charter School educational assistants using Charter School-funded reading instruction..

The District asserted that assistive technologies like Google Workspace, Google Read & Write, and Book Share were assigned to the Charter School and made available to students with IEPs. However, no documentation confirms that teachers or students received training to implement these supports properly. Interviews with the classroom teachers reveal that they received no training to use the assistive technology supports mentioned in the IEPs, leaving them unable to aid the students.

¹⁷ OAR 581-015-2220

Student 7: In the case of Student 3, the Classroom Teacher reported that speech and language consultation services were absent. The District acknowledged that during the complaint period, the Charter School students did not receive all required services due to staffing issues. The District has since provided documentation to show the resumption of these services.

Student 8: For Student 8, the annual IEP due in January 2022 wasn't developed until March 31, 2022. Additionally, there is no evidence of the District providing IEP progress reports to the Parent.

Student 11: In the case of Student 7, District records show that the student missed 470 minutes of speech and language services. The District later offered compensatory services. The Student's annual IEP, initially developed on March 18, 2021, had been missed, and a new IEP was developed on May 5, 2022.

Student 15: For Student 11, the annual IEP due in February 2021 was not created until May 9, 2022. During interviews, the Classroom Teacher reported that consultation from the SLP was not provided.

Students 21 and 22: Students 21 and 22 faced issues on May 19, 2022, when their IEPs weren't implemented as intended due to a failure in the statewide assessment operating platform to provide necessary accommodations.

The Department substantiates this allegation.

Providing Special Education Services at Charter Schools

The Complaint alleged that the District violated the IDEA by inequitably funding and providing special education services at the Charter School and did not provide the Charter School and the Students with IEPs equitable access to mental health therapists, occupational therapists or reading interventionists to the same extent as other District schools.

For all school purposes, residency for charter school children is determined in accordance with ORS Chapter 338 (Public Charter Schools), revised 2011. In accordance with procedural safeguards for special education, a school district must serve resident children with disabilities attending public charter schools located in the district in the same manner as the school district serves children with disabilities in other district schools, including but not limited to identifying, locating, and evaluating students to determine which children enrolled in a public charter school may be in need of special education and related services; implementing special education and related services according to each child's individualized education programs; and providing supplementary aids and related services on site at the public charter school to the same extent to which the school district has a policy or practice of providing such services on site to its other public schools. A school district in which a public charter school is located must provide IDEA funds to those charter schools on the same basis as the school district provides IDEA funds to other public schools in the district, including

proportional distribution based on relative enrollment of children with disabilities, at the same time as funds are distributed to other public schools in the district.¹⁸

The District provided written procedures that indicated that special education case managers were responsible for the implementation of aspects of IEPs, communication with the IEP team, and understanding the legal requirements of their position. Additional requirements of special education case managers included designing SDI, data tracking, progress monitoring, and the monitoring of the delivery SDI and the implementation of the IEP. The contract between the District and the Charter School includes provisions for the education of students with disabilities. The Charter School was required to admit students without regard to their status as students needing special education services. The parties intended this process to ensure that the Charter School did not unintentionally discriminate against enrolling special education students or otherwise violate applicable laws. If, after a student is enrolled and attending the Charter School, the staff and employees of the Charter School suspect that a student may be eligible for special education and related services under IDEA, the Charter School shall comply with the District practices and policies for referral of the student for evaluation. Any student referred for evaluation shall remain enrolled at the Charter School until and unless the IEP team determines that the Charter School is not the appropriate placement for that student.

The contract further required that the Charter School comply with all the District's policies and regulations, and the requirements of federal and state law concerning the education of children under the IDEA including discipline, and IEP programing and placement. The Charter School was also required by contract to implement a system of uniform student discipline consistent with the application and shall notify its students of the students' rights and responsibilities. The contract differentiated services provided by the District and the Charter School: "For those services that the IEP team, the District and the Charter School mutually agree would be best delivered by District employees, the Charter School will make every reasonable effort to work closely with District staff to assist in the effective delivery of the services. This might include either inclusion or "pull-out" service delivery. The Charter School will see to it that its staff has received special training when necessary for the delivery of special education services that will be conducted by its staff, as agreed to by the District, the IEP team, and the Charter School. The District will allow access to Charter School staff for any special education training and professional development offered to District staff."

The contract detailed the financial arrangement between the District and the Charter School: "The funds from the Oregon Department of Education representing the Average Daily Membership weighted (ADMw) for special education for Charter School special education students shall be retained by the District. To illustrate, if the District's General Purpose Grant were \$5,000 per ADMw, the District would receive 2.0 times that amount, or \$10,000, for each special education student under the current formula; the amount payable to the Charter School for each special education student (using the 87.5 percent formula under Section 9.2.2(b)) would be \$4,375; the District would retain the remainder of \$5,625. The District has the discretion to determine which specialized programs will be offered on site at the Charter School site. The student's IEP team may

¹⁸ OAR 581-015-2075(1-3)

recommend any appropriate placement for the student based on the student's needs, whether in or out of the Charter School. The Charter School shall not change the student's placement or IEP without IEP team approval. Special education transportation will only be provided to a Charter School special education student if it is a related service on the Charter School student's IEP."

The District provided special education and related services staffing assignment documentation that demonstrated a comparable level of services were provided at the District schools and the Charter School. The District provided special education evaluation services, and an electronic IEP management system. The District provided primarily inclusive special education and related services at all school sites, including the Charter School. This entailed the District providing all of its schools, including the Charter School, with instruction materials, access to trainings, and a licensed special education case manager. The IDEA does not require school districts to provide school with specific staff or services, such as reading interventionists or mental health therapists, that are not required by individual students eligible for special education and related services.

The Department does not substantiate this allegation.

Data Reporting

The Complaint alleged that the District violated the IDEA by not reporting the number of the Students at the Charter School with IEPs who were expelled or suspended for more than 10 school days in a school year to the Oregon Department of Education.

School districts must report to the Department additional data as required by the Department for the preparation of reports to federal or state agencies. The Department will notify school districts of additional data needed to meet the requirements of federal or state law and the applicable reporting dates.¹⁹

The Department requires school districts to annually report the students with IEPs who have been suspended for more than 10 school days in a school year or expelled from school. For Student 2, the attendance records were not accurate as 12 of 14 out-of-school suspensions were not recorded. This inaccurate information precluded the District from correctly reporting this information to the Department.

The Department substantiates this allegation.

Free Appropriate Public Education (FAPE)

The Complaint alleged that the District violated the IDEA by repeatedly failing to provide special education and related services to all Students with IEPs, and potential Students with disabilities. The Complaint alleges this failure to provide FAPE has involved multiple Charter School grade levels, classrooms, teachers, and District staff.

Except as provided in OAR 581-015-2045 (Age Limitations and Exceptions to FAPE),

¹⁹ OAR 581-015-2010(5)

school districts must provide a free appropriate public education to all school-age children with disabilities for whom the district is responsible pursuant to ORS 338, ORS 339, OAR 581-021-0019 (Interdistrict Transfer Agreement), or open enrollment under section 9, chapter 718, Oregon Laws 2011. "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. An otherwise eligible person whose 21st birthday occurs during the school year is eligible for FAPE for the remainder of the school year. The requirements of this rule also apply to children with disabilities who have been suspended or expelled from school in accordance with OAR 581-015-2410 (Additional Disciplinary Removals of Up to 10 School Days Each (No Pattern)) to 581-015-2440 (Protections for Children Not Yet Eligible for Special Education).²⁰

Based on the information presented in this case, the Students were making progress in the general education curriculum and toward IEP goals.

The Department does not substantiate this allegation.

Additional Findings

Prior Written Notice

Prior written notice must be given to the parent of a child within a reasonable period of time before a school district proposes or refuses to initiate or change, the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to the child. The content of the prior written notice must include a description of the action proposed or refused by the school district, an explanation of why the district proposes or refuses to take the action, a description of each evaluation procedure, assessment, test, record, or report the school district used as a basis for the proposed or refused action, a statement that the parents of a child with a disability have protection under the procedural safeguards and, if this notice is not an initial referral for evaluation, the means by which a copy of the Notice of Procedural Safeguards may be obtained, sources for 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.²¹

Student 22: The District failed to respond to the Parent's request for Individualized COVID-19 Recovery Services when a PWN was not issued that detailed the District's decision.

Parent Participation

School districts must provide parents with a written notice of the meeting sufficiently in advance to ensure that one or both parents will have an opportunity to attend. The written notice must state the purpose, time and place of the meeting and who will attend, inform the parent that they may invite other individuals whom they believe have

²⁰ OAR 581-015-2040

²¹ OAR 581-015-2310(2)(3)

knowledge or special expertise regarding the child, inform the parent that the team may proceed with the meeting even if the parent is not in attendance, and inform the parent of whom to contact before the meeting to provide information if they are unable to attend.²²

Student 22: The District failed to provide the Parent with a Notice of Team Meeting for the October 27, 2022 IEP meeting.

Informed Consent

The IDEA mandates that school districts obtain informed consent from the parents or legal guardians of a child before the initial provision of special education and related services to the child. Informed consent is defined as the parents or guardians having been fully informed of all information relevant to the activity for which consent is sought, in their native language or other mode of communication, unless it is clearly not feasible to do so. Consent must be informed, is voluntary, and may be revoked at any time. The parents or guardians should understand and agree in writing to the carrying out of activities for which consent is sought, and the consent should clearly describe that activity. The IDEA places a strong emphasis on collaboration and parent involvement in the decision-making process. Obtaining informed consent should not be seen as a mere formality. Instead, it is a continuous, interactive process designed to ensure the meaningful involvement of parents.

School districts are obliged to ensure that parents are not only informed but are actively engaged in all aspects of the decision-making process. Meaningful parent involvement means that parents have an opportunity to voice their concerns, ask questions, provide input, and be active participants in determining the most suitable educational plan for their child. This is a vital component of the collaborative process and a key element of informed consent under the IDEA. Furthermore, the IDEA insists on the importance of non-coercive consent. This means that school districts must not exert undue pressure or use tactics that could be seen as coercive in their attempts to secure consent. The decision to provide consent should be made freely by the parents, without any sense of being forced or coerced into agreement. Coercion can take many forms, including threats of negative outcomes, manipulation of information, or the withholding of services. IDEA specifically prohibits these tactics. Schools must provide complete, accurate, and understandable information about the proposed services, their purpose, and the potential benefits and drawbacks. This balanced disclosure enables parents to make informed decisions and prevents the possibility of their consent being obtained under duress or through manipulation. Informed consent requires transparency, collaboration, and the opportunity for the Parent to fully consider their decision before being asked to consent.

Student 9: The District failed to obtain consent from the Parents before the initial provision of special education and related services to the child.

²² OAR 581-015-2190(2)

V. CORRECTIVE ACTION²³
In the Matter of Corvallis School District 509J
Case No. 022-054-043

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

Action Required	Submissions	Due As Soon As Possible But Not Later Than
<p>Student 1 was subjected to informal suspensions without the District following the appropriate procedures.</p> <p>The District must notify Student 1’s parents of all disciplinary removals for which it has not previously notified them.</p> <p>The District must also implement a system to ensure that appropriate procedures are followed for all suspensions in the future.</p>	<p>Submit copies of the notifications sent to parents.</p> <p>Submit records of suspensions and notifications that occurred for a one month period during the 2023-24 school year.</p>	<p>September 15, 2023</p> <p>June 29, 2024</p>
<p>The IEP for Student 5 omitted required services and considerations.</p> <p>The District must revise Student 5's IEP to include the omitted services and considerations.</p>	<p>Submit a copy of the revised IEP that includes the required services and considerations.</p>	<p>September 15, 2023</p>

²³ 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)).

Action Required	Submissions	Due As Soon As Possible But Not Later Than
<p>Additionally, the District must provide training to IEP team members on the requirements for IEP content to ensure that all future IEPs are complete and compliant.</p>	<p>Submit records of the training provided to IEP team members and examples of revised IEPs from the 2023-24 school year that demonstrate compliance with IEP content requirements.</p>	<p>June 29, 2024</p>
<p>The District has been found to have several areas of noncompliance in relation to Student 6.</p> <p>1. Child Find: The District delayed scheduling a meeting to consider special education evaluation after the Parent's request.</p> <p>The Parents of Student 6 and the District have reached a settlement agreement in this matter.</p> <p>Additionally, the District must implement a system to track and respond to parent requests for special education evaluations promptly.</p> <p>2. Disciplinary Removals for Children with Disabilities: The District excluded Student 6 due to behavior without proper notification or recording.</p>	<p>Submit all records collected over a one-month period related to tracking and responding to parent requests for evaluations of Charter School Students.</p>	<p>June 29, 2024</p>

Action Required	Submissions	Due As Soon As Possible But Not Later Than
<p>The Parents of Student 6 and the District have reached a settlement agreement in this matter.</p> <p>The District must notify the parents of all exclusions for which they have not previously been notified.</p> <p>The District must also implement a system to ensure that appropriate procedures are followed for all exclusions in the future.</p> <p>3. Manifestation Determination Review: The District failed to conduct a manifestation determination review despite exceeding 10 school days of Student 6's removal.</p> <p>The Parents of Student 6 and the District have reached a settlement agreement in this matter.</p> <p>The District must implement a system to track the number of school days a student is removed and ensure a manifestation determination review is conducted when necessary.</p>	<p>Submit copies of the notifications sent to parents and records of disciplinary removals.</p> <p>Submit all records collected over a two-week period related to recording attendance and reporting suspensions for Charter School students.</p> <p>Submit all records related to the next required manifestation determination review at the Charter School.</p>	<p>September 15, 2023</p> <p>June 29, 2024</p> <p>June 29, 2024</p>

Action Required	Submissions	Due As Soon As Possible But Not Later Than
<p>4. Data Reporting: The District has inaccurate attendance records leading to incorrect reporting of suspensions.</p> <p>The District must correct the attendance records and reissue the suspension reports.</p> <p>The District must also implement a more accurate system for recording attendance and reporting suspensions.</p>	<p>Submit the revised attendance records and suspension reports.</p> <p>Submit all records collected over a two-week period related to recording attendance and reporting suspensions.</p>	<p>September 15, 2023</p> <p>June 29, 2024</p>
<p>The District failed to obtain consent from the Parents before the initial provision of special education and related services to Student 9.</p> <p>The District must obtain consent from Student 9's parents for the initial provision of special education and related services.</p> <p>The District must also implement a system to ensure that parental consent is obtained before the initial provision of special education and related services to any child in the future. This includes providing training to relevant staff on this requirement.</p>	<p>Submit a copy of the signed consent form obtained from the parents.</p> <p>Submit documentation of the new system and staff training that occurred during the 2023-24 school year.</p>	<p>September 15, 2023</p> <p>June 29, 2024</p>

Action Required	Submissions	Due As Soon As Possible But Not Later Than
<p>Student 13 was subjected to informal suspensions without the District following the appropriate procedures.</p> <p>The District must notify Student 13's parents of all disciplinary removals for which it has not previously notified them.</p> <p>The District must also implement a system to ensure that appropriate procedures are followed for all suspensions in the future.</p>	<p>Submit copies of the notifications sent to parents.</p> <p>Submit records of suspensions and notifications that occurred for a one month period during the 2023-24 school year.</p>	<p>September 15, 2023</p> <p>June 29, 2024</p>
<p>The District delayed a meeting to determine if Student 15 remained eligible for services.</p> <p>The District must schedule and conduct the delayed eligibility meetings as soon as possible.</p> <p>The District must also implement a system to ensure that eligibility meetings are tracked and scheduled promptly.</p>	<p>Submit documentation showing that the eligibility meetings have been scheduled and conducted.</p> <p>Submit records of eligibility meetings that occurred for a one month period during the 2023-24 school year.</p>	<p>September 15, 2023</p> <p>June 29, 2024</p>
<p>The IEP for Student 16 has incomplete measurable annual goals for the student's social-emotional needs.</p>		


Action Required	Submissions	Due As Soon As Possible But Not Later Than
<p>The District must revise the IEPs to include complete measurable annual goals for the student's social-emotional needs.</p> <p>The District must also train IEP team members on how to develop complete measurable annual goals and ensure they are included in future IEPs.</p>	<p>Submit the revised IEPs, showing that they now include complete measurable annual goals for the student's social-emotional needs.</p> <p>Submit records of revised IEPs and training records that occurred during the 2023-24 school year.</p>	<p>September 15, 2023</p> <p>June 29, 2024</p>
<p>The District held an IEP team meeting for Student 22 without a qualified district representative and did not provide the Parent with a meeting notification prior to an IEP meeting. The district also did not issue prior written notice as required in response to a parent request for Individualized COVID-19 Recovery Services.</p> <p>The District must reschedule and conduct the IEP team meetings with a qualified district representative present, send the parent a meeting notification for any meetings that were not properly notified, and issue the required prior written notice to the parent in response to their request for Individualized COVID-19 Recovery Services.</p> <p>The District must also implement a system to ensure that a qualified district representative is</p>	<p>Submit documentation showing that the IEP team meetings have been rescheduled and conducted with a qualified district representative present, a copy of the sent meeting notifications, and a copy of the issued prior written notice.</p> <p>Submit records of IEP team notices and meetings, and documentation of the new</p>	<p>September 15, 2023</p> <p>June 29, 2024</p>

Action Required	Submissions	Due As Soon As Possible But Not Later Than
<p>always invited to and present at IEP team meetings, that parents are provided with meeting notifications prior to all IEP meetings, and that prior written notice is issued as required in response to all parent requests.</p>	<p>system and staff training that occurred during the 2023-24 school year.</p>	
<p>The District did not have an effective system in place to ensure disciplinary removals for children with disabilities follow appropriate procedures, including documentation and reporting. This was a systemic finding based on noncompliance identified for multiple students.</p> <p>The District must review all disciplinary removals of children with disabilities to ensure they comply with IDEA regulations. This may involve revising disciplinary policies, providing additional services or supports to students, or changing disciplinary decisions.</p> <p>The District must also Develop and implement a system to ensure that all future disciplinary removals of children with disabilities comply with IDEA regulations. This could involve training for staff on these regulations, a process for reviewing and approving all</p>	<p>Submit documentation showing that all disciplinary removals have been reviewed and corrected as necessary. This could include revised disciplinary policies, records of additional services or supports provided to students, and records of changes to disciplinary decisions.</p> <p>Submit documentation of the new system and staff training to ODE. This could include training materials, records of training attendance, and examples of the review and approval process for disciplinary removals.</p>	<p>June 29, 2024</p> <p>June 29, 2024</p>

Action Required	Submissions	Due As Soon As Possible But Not Later Than
disciplinary removals, and a system for monitoring compliance.		
<p>The District did not have an effective system in place to ensure each eligible child had an IEP in effect as required by the IDEA.</p> <p>The district must review all current IEPs to ensure they are in effect and up-to-date. For any IEPs that are not in effect, take action to put them into effect. This may involve holding IEP meetings, updating IEP documents, and implementing IEP services.</p> <p>Develop and implement a system to ensure that all IEPs are in effect at the beginning of each school year. This could involve setting deadlines for IEP meetings and updates prior to the start of the school year, and assigning staff to monitor IEP implementation. Additionally, provide training to all relevant staff on the requirement for IEPs to be in effect at the start of the school year, and on the procedures for ensuring this.</p>	<p>Submit documentation showing that all current IEPs for Charter School Students have been reviewed and are now in effect and up-to-date. This could include updated IEP documents, minutes from IEP meetings, and records of IEP services being implemented.</p> <p>To verify correction of noncompliance, submit data showing that all IEPs were in effect at the start of the school year, such as dates of IEP meetings and updates, records of IEP implementation, and records of staff training.</p>	<p>September 30, 2023</p> <p>June 29, 2024</p>
The District must ensure that all District and Charter School staff responsible for the implementation or monitoring of special education and related services receive training	Submit the training agenda/materials for review/approval.	September 30, 2023

Action Required	Submissions	Due As Soon As Possible But Not Later Than
related to: Child Find; IEP Team; Evaluation and Reevaluation Requirements; Content of IEPs; Disciplinary Removals for Children with Disabilities; Manifestation Determination Reviews; Informed Consent; and When IEPs Must Be in Effect.	Submit the sign-in sheet for training, showing names and titles of participants.	December 1, 2023

Dated: this 4th Day of December 2023



Tenneal Wetherell
Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing Date: December 4, 2023

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).)