

A GUIDE FOR SPECIAL EDUCATION DIRECTORS

What the Record Shows

Compliance Risk and Out-of-District Placement

Service logs, progress reports, prior written notice and placement disputes, read through recent state complaint and hearing decisions.

Where does your district stand?

Answer each question for your district as it runs today. Anything "Partly" or "No" points to the section to read first.

#	QUESTION	YES / PARTLY / NO	READ FIRST
1	For any student, can you produce minutes required, delivered, missed and made up, with a reason for each miss, within one business day?	☐ Y ☐ P ☐ N	Service delivery
2	Do contracted and teletherapy providers log sessions in the same system as district staff?	☐ Y ☐ P ☐ N	Service delivery
3	When a position is vacant, does someone count the minutes owed to each affected student from the first missed session?	☐ Y ☐ P ☐ N	Service delivery
4	Are 504 plan supports such as extended time recorded when they're given?	☐ Y ☐ P ☐ N	Service delivery
5	Do families get progress reports on the schedule the IEP states, at least as often as report cards?	☐ Y ☐ P ☐ N	Progress reports
6	Is progress data entered at the session, so no one rebuilds the report from memory?	☐ Y ☐ P ☐ N	Progress reports
7	When a student isn't progressing, does the team meet before the annual review?	☐ Y ☐ P ☐ N	Progress reports
8	Does every prior written notice name the data relied on and the options rejected?	☐ Y ☐ P ☐ N	Prior written notice
9	Is every notice dated and sent before the change it describes?	☐ Y ☐ P ☐ N	Prior written notice
10	Do notices, consents and progress reports exist in the family's home language?	☐ Y ☐ P ☐ N	Prior written notice
11	Could you show a hearing officer, with dates, that the family received procedural safeguards and every notice?	☐ Y ☐ P ☐ N	When a placement is challenged
12	Is every written parent request answered in writing, and can you find the answer?	☐ Y ☐ P ☐ N	When a placement is challenged

01 Why this guide

From late August 2025 to early April 2026, one student's program in East Hartford, Connecticut, had no certified special education teacher. The IEP called for 239.4 hours of services over that stretch. The student received 12.5, through tutoring. The district had told families about the vacancy. In May 2026 the state found that telling families didn't excuse the missed services, and ordered 226.9 hours of compensatory services ([East Hartford 26-0550](#)).

Two months later, Connecticut decided a complaint against Waterbury. The district said it had tracked a student's missed speech sessions. It could not give the investigator a log of the time owed. The state ordered 50 hours of reading, math and speech-language services, and monthly service logs through January 2027 ([Waterbury 26-0689](#)).

When a family files a state complaint or a due process request, the outcome turns on what the district can show. Were the services delivered? Did the student make progress, and did the family see it? Did the district explain its decisions in writing, before it acted? Most districts hold the answers in several places at once: the IEP platform, the SIS,

provider spreadsheets, a contracted agency's portal, email. The gaps that investigators find tend to sit between those systems.

This guide walks through four parts of the record, using recent state complaint and hearing decisions:

- Service delivery and the service log
- Progress reports
- Prior written notice
- When a placement is challenged

Each section ends with a self-check. A one-page team checklist follows the last section.

The companion guide, *Families as Partners*, covers building trust with families early and resolving disagreements before they become formal disputes.

A note on scope. Most out-of-district placements follow gaps in a district's programs. A clean record won't prevent them. What the record decides is what happens once a placement is challenged: whether the district offered and delivered FAPE, how many hours of compensatory services it owes, and whether a reimbursement award is reduced.

02 Service delivery and the service log

IDEA doesn't require a service log. It requires the district to implement the IEP as written, and when a family files, the district has to show that it did. States will accept schedules, attendance records and progress notes as evidence. They still need minutes, dates and a reason for every session that didn't happen.

The IEP has to be implemented as written

In Bridgeport, Connecticut, a student's IEP called for 6.5 hours a week with nondisabled peers. For about 20 weeks the student got 2. The district called it a clerical error. The state's answer was that the IEP

must be implemented as written, and it ordered 15 hours of compensatory services ([Bridgeport 26-0406](#)).

Waterbury replaced a student's resource services with push-in support at another site. The IEP didn't call for either change ([Waterbury 26-0689](#)). A change in how or where a service is delivered goes through the team. Connecticut calls that team the PPT (planning and placement team), and the decisions below use the term.

Vacancies don't pause the IEP

Staffing shortages are behind many of these findings. States treat the minutes as owed either way.

DECISION	WHAT HAPPENED	WHAT THE STATE ORDERED
East Hartford 26-0550 (CT, May 2026)	No certified special education teacher, Aug 2025 to Apr 2026. 226.9 of 239.4 hours missed. Families had been told about the vacancy.	226.9 hours of compensatory services by Jan 1, 2027
Portland 25-054-008 (OR, Apr 2025)	No occupational therapist from Aug 27 to Dec 4, 2024. The district didn't contest 195 missed minutes.	Offer 195 minutes of compensatory services; staff training on when IEPs must be in effect
Hillsboro 25-054-021 (OR, June 2025)	ASL interpreter position posted Aug 2024 and still open in Apr 2025	Try outside agencies; a written plan to mitigate the gap; IEP team to set compensatory services; training on FAPE "regardless of the availability of staff"
New Haven charter school 26-0506 (CT, May 2026)	Services missed during a teacher's parental leave. The district's own count was 63.5 hours owed.	44 hours of compensatory services; a PPT to review the missed-service calculation

Hillsboro's training order says it plainly. The duty to provide FAPE holds regardless of the availability of staff. Telling families about a vacancy is good practice, and *Families as Partners* covers how to do it. It doesn't reduce what the district owes.

Make-ups have to show up as make-ups

Portland, Oregon, assigned an occupational therapist to the student in December 2024 and lengthened the student's weekly sessions to make up lost time. The OT's log showed 265 minutes over the next two months. It "did not indicate how much of

this time was" compensatory. The state concluded "it is not possible to determine how many minutes of compensatory services were actually provided," and ordered the district to offer the full 195 minutes ([Portland 25-054-008](#)).

Waterbury's district said it tracked missed speech sessions. It still couldn't produce a log of the time owed. The order requires monthly logs through January 2027 showing frequency, duration, site, date and time, and missed sessions.

When make-ups happen matters too. In the New Haven charter school case, the district proposed making up the hours during general education reading, writing and math. The state flagged the plan because it would "further reduce her access to essential instruction."

What a defensible log holds

Log every session against the IEP, including the ones that didn't happen. Each entry needs the date, minutes, provider, setting and the goal served. A missed session gets a reason and adds to a running balance of minutes owed. A make-up session is tagged as a make-up and draws that balance down. With those fields in place, the district can answer the question every investigator asks: how many minutes did the IEP require, how many were delivered, and where is the rest?

Where the gaps open

Bring contracted providers into the same record.

Contracted therapists and teletherapy vendors often log sessions in their own systems. The district is still the one answering the complaint.

Start counting on the first missed day. Vacancies and leaves are where minutes owed pile up fastest. In East Hartford the gap ran for seven months.

Record accommodations when they're given. In a Delaware complaint, staff could not show evidence that a student's accommodations were implemented. Only 3 of 33 worksheets noted which accommodations were used. The state ordered training on "procedures for collecting data that provides evidence of accommodation implementation" ([Delaware SC #25-10](#)). The same gap appears under Section 504. A North Carolina student's 504 plan required 60 minutes of extended time, and the district had no records showing it was given. The district agreed to train staff ([McDowell County Schools, OCR 11-21-1132](#)).

How compensatory services get calculated

Most orders leave the amount to the IEP team. Hillsboro and Delaware SC #25-10 both sent the team back to decide. The team can only work from what the record shows was missed. OCR's compensatory services guidance under Section 504 lists factors teams may weigh, including "the frequency and duration of missed instruction and related services" and "previous rates of progress" ([OCR fact sheet](#)). Without a log, the family's count is often the only one on the table.

SELF-CHECK

- ☐ For any student, can you produce minutes required, delivered, missed and made up, with a reason for each miss, within one business day?
- ☐ When a provider position opens, who starts counting minutes owed, and where does that count live?
- ☐ Do your contracted providers log sessions in your system or theirs?

03 Progress reports

The progress report is the district's running evidence that the IEP is working. When reports are missing, thin or late, investigators read the gap as a FAPE problem. The team also loses the signal it needed to change the plan.

The standard

The IEP has to say when families will get progress reports, "such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards" (34 CFR 300.320(a)(3)(ii)). The district then has to deliver on that schedule.

What the reports measure against comes from *Endrew F. v. Douglas County School District* (2017). An IEP must be "reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances," and the child's goals should be "appropriately ambitious" (*Endrew F.*). The progress report is where a family, and later a hearing officer, sees whether that progress happened. The CASE session "Beyond De Minimis: Scaling 'Appropriately Ambitious' Progress Through Systemic Leadership" takes up the same standard at the program level.

What states found

DECISION	WHAT THE RECORD SHOWED	OUTCOME
Douglas County 25-054-002 (OR, Mar 2025)	The IEP listed four reporting dates. The parents got one report a year, and the district couldn't locate the rest. In one report the score column was blank. Goals carried over for several years.	Denial of FAPE. IEP team to set compensatory services. Training on goals and progress monitoring.
Oregon City 25-054-019 (OR, May 2025)	A March 2025 report "lacked progress data." At a minimum, no specially designed instruction from Dec 2024 to Mar 2025.	Material failure to implement the IEP. Staff training.
Waterbury 26-0689 (CT, July 2026)	No goals mastered by the Feb 2026 annual review. The IEP hadn't been revised for lack of progress.	Compensatory services. A PPT by Sept 18, 2026.
Delaware SC #25-10 (DE, Apr 2025)	The IEP wasn't revised after behavior incidents.	Denial of FAPE. IEP team to set compensatory services.

Capture progress at the session

Record progress data when the service is delivered.

A quarterly report built from session data takes minutes to produce and holds up when someone questions it. A report rebuilt at the end of the quarter from memory, or from notes in a provider's own system, is where the blank score column in Douglas County comes from. The same session entry that logs minutes for the service record can carry the data point for the goal.

Reconvene when progress stalls

Don't wait for the annual review. The team has to review the IEP at least once a year and revise it to address "any lack of expected progress toward the annual goals" (34 CFR 300.324(b)(1)). In Douglas County the goals rolled over for years. In Waterbury the team reached the annual review with no goals mastered. In both, the progress reports were the first place the problem should have surfaced.

Reports the family can read

A progress report only tells a family whether the plan is working if they can read it. When the family's home language isn't English, the report belongs on the list of documents to translate, along with the notices and consents covered in the next section.

Families as Partners covers interpreters and meetings.

SELF-CHECK

- ☐ When did each family last receive a progress update, and could they read it?
- ☐ Does every report give a measured value for each goal, beyond a rating?
- ☐ Which students have gone a year with no goal mastered, and has their team met?

04 Prior written notice

A prior written notice is the district's reasoning, in writing, dated at the time of the decision. In a dispute it's often the first document an investigator or hearing officer reads. *Families as Partners* covers answering every parent request in writing. This section covers what the notice has to contain and when it has to go out.

What the notice must contain

The district owes written notice a reasonable time before it proposes or refuses to change a student's identification, evaluation, placement or FAPE (34 CFR 300.503(a)). The notice has seven required parts (300.503(b)):

1. A description of the action the district proposes or refuses
2. Why the district proposes or refuses it
3. Each evaluation, assessment, record or report the district used as a basis
4. A statement that the parents have protection under the procedural safeguards, and how to get a copy
5. Sources the parents can contact for help understanding these rules
6. Other options the team considered, and why they were rejected
7. Other factors relevant to the decision

A hearing officer reads items 2, 3 and 6 against the rest of the file. The reason should match the request. The data cited should exist in the record. The rejected options should include whatever the parent asked for.

Reasons have to answer the request

In Bridgeport, the parent asked for a one-to-one paraeducator so the student could stay in general education. The district refused. Its notice gave reasons that addressed a self-contained class, which wasn't the request. The state ordered corrected notices ([Bridgeport 26-0406](#)).

Regional School District 1 in Connecticut issued a notice with every element except a "fully adequate" reason. The district found the gap itself, and the reason appeared on a parallel notice. The state found the district out of compliance with 300.503 but required no corrective action ([Regional School District 1 26-0130](#)).

A notice written well works for the district. In Portland, Connecticut, a family alleged the district had failed to identify a student. The team's notice laid out its reasoning and the grade-level data behind it. The state found no violation ([Portland 26-0684](#)). In Redmond, Oregon, a parent challenged the notices from a disputed IEP meeting. The state found the notices "contained the necessary components" ([Redmond 25-054-016](#)).

Send it before the change

DECISION	WHAT HAPPENED	OUTCOME
Bridgeport 26-0406 (CT, Apr 2026)	Notice dated Feb 9 for a refusal made Feb 3	Corrected notices by May 15, 2026
Springfield 25-054-029 (OR, 2025)	Student moved to home-based instruction after texts and informal conversations, with "no evidence of a formal PWN"	Allegation substantiated in part
Douglas County 25-054-002 (OR, Mar 2025)	Parents asked for a reevaluation. The district sent no notice in response.	Staff training that includes prior written notice
PA ODR 30297-24-25 (PA, July 2025)	The student graduated before any NOREP was issued. The district issued it "after the fact."	Compensatory education across two school years, revised graduation procedures, staff training

Pennsylvania's form of prior written notice is the NOREP/PWN (Notice of Recommended Educational Placement/Prior Written Notice). In the graduation case, the notice reached the family after the student had already graduated.

Write the notice when the decision is made. A notice drafted days later reads as a justification. One drafted at the meeting, from the team's discussion and the data in front of it, reads as the reasoning it's meant to be.

Notices the family can read

The notice has to be written in language the general public can understand, and in the parent's native language unless that's clearly not feasible. If the language isn't written, the district translates it orally and keeps written evidence that it did (300.503(c)). Consent carries the same requirement (34 CFR 300.9).

Check which documents exist only in English.

Districts that bring interpreters to meetings often send the paperwork in between in English: the

notice, the consent form, the progress report. Each is a record item a hearing officer can ask about. *Families as Partners* covers interpreters and meeting access.

Two CASE sessions cover this ground in depth: "Words Matter, Especially These Ones: Drafting Defensible PWNs (Prior Written Notices)" and "Clarity is Compliance: Strengthening Legal and Procedural Fidelity Through Systems Design."

SELF-CHECK

- ☐ Pull five recent notices. Does each name the data relied on and the options rejected, in language the family reads?
- ☐ Is each one dated before the change it describes took effect?
- ☐ For a family whose home language isn't English, which notices, consents and progress reports in the file are in English only?

05 When a placement is challenged

A parent who places a child in a private school and asks the district to pay has to show two things: the district didn't make FAPE available, and the private placement is appropriate. If both hold, the hearing officer weighs the equities and can reduce the award. The district argues every one of those steps from its own records.

The legal test

Three Supreme Court decisions set the framework. In *Burlington* (1985), the Court held that parents can be reimbursed for a private placement when the district's IEP was inappropriate and the private placement was proper (*Burlington*). In *Florence County School District Four v. Carter* (1993), it held the private school doesn't have to meet state standards (*Carter*). In *Forest Grove School District v. T.A.* (2009), it held reimbursement is available even when the child never received special education from the district (*Forest Grove*).

The regulation lays out the equities (34 CFR 300.148). An award may be reduced or denied if the parents didn't reject the district's placement at the most recent IEP meeting, or give written notice 10 business days before removing the child. It may also be reduced if the parents didn't make the child available for an evaluation the district noticed, or if a judge finds their actions unreasonable. Exceptions apply, including when the district never told the parents about the notice requirement.

Out-of-district placement is concentrated in the Northeast. Massachusetts spent more than \$1.1 billion on it in a single year. About 6% of its special

education students are placed out of district, compared with 2% in California and under 1% in Texas (*Boston Globe*). The rules apply in every state.

Did the district offer FAPE?

Most of the evidence sits here: the IEP, and what the district did with it.

In *Q.G. v. Brandywine School District*, a federal court in Delaware denied reimbursement in February 2025. The IEP's goals "contained a measure of performance, and had benchmarks to measure progress." The parents had signed the private school's enrollment contract months before the IEP meeting (*Q.G. v. Brandywine*).

The opposite case came out of New York City. The district conceded no IEP was developed for the year in question and "offered neither testimony nor documentary evidence at the impartial hearing." The State Review Officer found no equitable grounds to reduce the award (*NY SRO 25-084*).

The defense in *Brandywine* was the same record covered in the first three sections of this guide: measurable goals, progress data, a dated offer. A district that can't show services were delivered faces a harder argument. Failure to implement the IEP is its own route to a FAPE finding.

The equities, and what the district sent

The 10-day notice rule gives the district grounds to ask for a reduction. Whether it works depends on what the district can show it told the family.

DECISION	WHAT HAPPENED	OUTCOME
Pittsburgh ODR 29091-23-24 (PA, June 2024)	The parents gave no 10-day notice. The hearing officer excused it because the district couldn't document giving them procedural safeguards. A parent email asking for clarification had gone unanswered.	Reimbursement granted, except lunch costs
Downingtown ODR 23330-19-20 (PA, Oct 2020)	The parents had emailed the teacher, and staff helped with the private school enrollment. The withdrawal "could hardly be characterized as a surprise."	Tuition, transportation and related costs through 2018-19
NY SRO 24-090 (NYC)	The parent's 10-day notice came while the district was still within its evaluation timeline. The SRO called the timing "unreasonable."	50% reduction upheld
NY SRO 25-119 (NYC, 2025)	No 10-day notice for the 2023-24 school year	Reimbursement reduced 25%

Pittsburgh had a notice argument and lost it on paperwork it couldn't produce. In Downingtown, the district's own staff knew the family was leaving, which undercut any claim of surprise. The New York decisions show reductions are available, and usually partial. Even with no notice at all, the reviewer in 25-119 called a full denial "unjustified in this instance."

What it costs

One Pennsylvania district, Pennsbury, agreed to pay \$767,000 for a single student to attend a private school over five years. Settlements like it cover compensatory education, tuition and out-of-state placements. Most disputes end in private settlements, often with confidentiality clauses ([Philadelphia Inquirer](#)).

Coming back needs the family

A student placed out of district returns only through a team decision, and the parent is a member of any group that makes placement decisions ([34 CFR 300.501\(c\)](#)). A family deciding whether to agree will

look at the same record a hearing officer would: whether services were delivered, whether progress was reported, and whether the district explained itself. *Families as Partners* covers that relationship.

The CASE sessions "Placement Decisions Under the Microscope: What Directors Need to Know About Nonpublic Agencies" and "Before the Placement: Leadership Systems That Prevent High-Cost Special Education Decisions" cover the program side of these decisions.

SELF-CHECK

- ☐ For a student whose family is considering private placement, could you show a hearing officer the dated IEP offer, the progress data and every notice sent?
- ☐ Can you document when and how the family received procedural safeguards, including the 10-day notice requirement?
- ☐ Does every written parent request in that file have a written answer?

Team checklist

Print this page for a team meeting.

SERVICE DELIVERY

- ☐ Every provider, including contracted and teletherapy, logs date, minutes, setting and goal in one system
- ☐ Missed sessions carry a reason and add to a running balance of minutes owed
- ☐ Make-up sessions are tagged as make-ups
- ☐ A vacancy or leave starts a minutes-owed count from the first missed session

ACCOMMODATIONS AND 504 PLANS

- ☐ Accommodations are recorded when they're given
- ☐ Each family has a dated record of receiving the plan and their rights

PROGRESS REPORTS

- ☐ Reports go out on the schedule the IEP states, at least as often as report cards
- ☐ Every goal has a measured value, entered at the session
- ☐ Students with no goal mastered in a year are flagged for a team meeting

PRIOR WRITTEN NOTICE

- ☐ Each notice covers all seven required parts, including the data relied on and the options rejected
- ☐ Each notice is dated before the change it describes
- ☐ Notices, consents and progress reports exist in the family's home language

IF A PLACEMENT IS CHALLENGED

- ☐ Delivery of procedural safeguards is documented with a date and method
- ☐ Every written parent request has a written answer on file
- ☐ The current IEP offer, progress data and notices can be pulled from one place

Sources

REGULATIONS

- [34 CFR 300.9, 300.148, 300.320, 300.324, 300.501, 300.503](#)

U.S. SUPREME COURT

- [School Committee of the Town of Burlington v. Department of Education of Massachusetts](#), 471 U.S. 359 (1985)
- [Florence County School District Four v. Carter](#), 510 U.S. 7 (1993)
- [Forest Grove School District v. T.A.](#), 557 U.S. 230 (2009)
- [Endrew F. v. Douglas County School District RE-1](#), 580 U.S. 386 (2017)

FEDERAL DISTRICT COURT

- [Q.G. v. Brandywine School District](#), No. 23-905 (D. Del. Feb. 14, 2025)

CONNECTICUT STATE COMPLAINT DECISIONS, 2025 AND 2026

- [Bridgeport 26-0406](#), [East Hartford 26-0550](#), [New Haven charter school 26-0506](#), [Portland 26-0684](#), [Regional School District 1 26-0130](#), [Waterbury 26-0689](#)

OREGON STATE COMPLAINT DECISIONS, 2025

- [Douglas County 25-054-002](#), [Hillsboro 25-054-021](#), [Oregon City 25-054-019](#), [Portland 25-054-008](#), [Redmond 25-054-016](#), [Springfield 25-054-029](#)

DELAWARE STATE COMPLAINT DECISION, 2025

- [SC #25-10](#)

HEARING AND REVIEW DECISIONS

- [Pennsylvania Office for Dispute Resolution: Pittsburgh 29091-23-24](#), [Downingtown 23330-19-20](#), [30297-24-25](#)
- [New York State Review Officer: 24-090, 25-084, 25-119](#)

OCR

- [McDowell County Schools \(NC\), OCR 11-21-1132](#)
- [Fact Sheet: Providing Students with Disabilities FAPE During the COVID-19 Pandemic and Addressing the Need for Compensatory Services Under Section 504](#)

DATA AND REPORTING

- [Philadelphia Inquirer, Aug 5, 2025](#)
- [Boston Globe, Apr 18, 2024](#)

This guide summarizes public decisions and regulations. It is not legal advice. Consult district counsel on specific cases.

ABOUT AUGUST

August Schools keeps IEPs, 504 plans, service logs, signature requests and family communication in one record, with progress updates and notices sent to families in their home language.

CASE CONFERENCE · PROVIDENCE

Come talk with us at Booth 136

November 11 and 12, in the exhibit hall.

augustschools.com