

BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of Springfield School District)	FINDINGS OF FACT,
19)	CONCLUSIONS,
)	AND FINAL ORDER
)	Case No. ODE 25-054-029

I. BACKGROUND

On May 7, 2025, the Oregon Department of Education (Department) received a written request for a special education complaint investigation from the parent of a student (Student) attending the Springfield School District 19. The Parent requested that the Department conduct a special education investigation under OAR 581-015-2030. The Department confirmed receipt of this Complaint and forwarded the request to the District.

Under state and federal law, the Department must investigate written complaints that allege violations of the Individuals with Disabilities Education Act (IDEA) and issue an order within sixty days of receipt of the complaint.¹ This timeline may be extended if the 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.²

On May 13, 2025, the Department's Complaint Investigator sent a *Request for Response (RFR)* to the District identifying the specific allegations in the Complaint to be investigated and establishing a *Response* due date of May 27, 2025.

The District submitted a *Response* on May 27, 2025, denying the allegations, providing an explanation, and submitting documents supporting the District's position. The District submitted the following relevant items:

1. District's Written *Response* to Complaint, submitted 05/27/25
2. Statement of Eligibility for Special Education, 06/13/22
3. Psychological Evaluation, 04/19/24
4. Functional Behavioral Assessment, 08/??/24
5. Individualized Education Program, 11/12/24
6. Prior Written Notice, 11/12/24
7. Special Education Placement Determination, 11/12/24
8. Notice of Team Meeting, 11/04/24
9. [The Student] - Progress Reports, 09/04/24 (incorrect date on front page)

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

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

10. [The Student] - Meeting Notes & Agenda, 03/05/25
11. [The Student] - Behavior Data, 03/07/25
12. Behavior Log, 01/06/2025-03/07/25
13. [The Student] - Class Schedule With IEP Minutes and Academic Calendar, no date
14. [The Student] - Unsafe Behavior Daily Point Cards, 10/04/24-02/28/24
15. [The Student] - Home to School Notebook, 09/04-02/06 (no year given)
16. Email, re: Discharge, 03/07/25
17. Email, re: Pathological Demand Avoidance, 01/29/25-01/30/25
18. [The Student] - Behavior Intervention Plan, 11/20/24-03/05/25
19. [The Student] - Abbreviated School Day Notices, 09/16/24-02/06/25
20. [The Student] - SPS Family Text Messages, 09/10-03/07 (no year given)
21. [The Student] - Student Withdrawal Form & New Student Enrollment Form, 09/04/24-05/20/25

The Parent submitted the following relevant items:

1. Request for Enhanced Support, no date
2. Additional Complaint Information, no date
3. Home to School Notebook, 9/4/24-2/28/25

The Complaint Investigator interviewed the Parent on June 13, 2025. From June 9 to June 10, 2025, the Complaint Investigator interviewed District personnel. The Complaint Investigator reviewed and considered all of these documents, interviews, and exhibits in reaching the findings of fact and conclusions of law contained in this order. This order is timely.

II. ALLEGATIONS AND CONCLUSIONS

The Department has jurisdiction to resolve this Complaint under 34 CFR §§ 300.151-153 and OAR 581-015-2030. The 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 May 8, 2024, to the filing of this Complaint on May 7, 2025.

Allegations	Conclusions
<p>Content of the Individualized Education Program (IEP)</p> <p>The Parent alleged that the District violated the IDEA by not providing the support needed for the Student to complete written "weekly reflections," positive behavioral interventions and supports, including a functional behavior assessment and behavior intervention plan, and parent training.</p>	<p>Not Substantiated</p> <p>The District provided necessary behavioral interventions and supports, as well as sufficient parent training.</p>

Allegations	Conclusions
(OAR 581-015-2200; 34 CFR § 300.320)	
<p>When IEPs Must Be in Effect</p> <p>The Parent alleged that the District violated the IDEA by not providing the Parent with IEP progress reports from September 2023 to June 2024. Further, the Parent alleged the Student was frequently sent to the “break space,” homework was not sent home as “promised,” and access to the support person from the Outside Agency was “denied.”</p> <p>(OAR 581-015-2220; 34 C.F.R. § 300.323)</p>	<p>Not Substantiated</p> <p>The allegation regarding the District’s failure to provide IEP progress reports from September 2023 to June 2024 cannot be substantiated against the named District. The use of break spaces was found to be consistent with the Student’s IEP and therapeutic programming. Sending homework and allowing access to the Outside Agency support person was not required.</p>
<p>Supplementary Aids and Services</p> <p>The Parent alleged that the District violated the IDEA by sending the Student to the office to complete schoolwork with an adult.</p> <p>(OAR 581-015-2245(2); OAR 581-015-2250(5); 34 CFR § 300.42)</p>	<p>Not Substantiated</p> <p>This specific allegation occurred at a previous school in a different district, placing it outside the purview and responsibility of the current District under investigation.</p>
<p>Prior Written Notice (PWN)</p> <p>The Parent alleged that the District violated the IDEA by failing to notify the Parent that the Student was being sent to the office. Furthermore, the Parent alleged that they did not receive notice prior to the Student’s day being shortened and transition to home-based instruction.</p> <p>(OAR 581-015-2310; 34 CFR § 300.503)</p>	<p>Substantiated In Part</p> <p>The incidents of the Student being sent to the office predated the current placement and also did not necessitate a PWN given the IEP’s provisions.</p>

Allegations	Conclusions
	<p>Documentation requirements were met for the abbreviated school day program, and there was no other evidence for a specific shortened school day for the Student.</p> <p>The District failed to provide formal PWN documenting the change in the Student's placement before it was implemented.</p>
<p>Parent Participation</p> <p>The Parent alleged that the District violated the IDEA by not providing the Parent with a copy of the Student's IEP.</p> <p>(OAR 581-015-2195; 34 CFR § 300.322(f))</p>	<p>Not Substantiated</p> <p>Given the Parent's documented attendance at the November 12, 2024 IEP meeting, the District met its requirements regarding parent involvement.</p>
<p>Education Placement</p> <p>The Parent alleged that the District violated the IDEA by placing the Student on home instruction without parent participation in the decision.</p> <p>(OAR 581-015-2250(1)(a); 34 CFR § 300.327)</p>	<p>Substantiated</p> <p>The Parent was informed, consulted, and actively participated in discussions regarding the Student's changing educational and therapeutic needs and the subsequent transition to a home-based learning plan as an interim step toward a more intensive placement. However, there is no evidence that the Student's IEP was amended to reflect this placement change, nor was PWN provided.</p>

REQUESTED CORRECTIVE ACTION
<ul style="list-style-type: none"> • "Require [the Center] to collaborate with external professionals and agencies specializing in special education and behavioral support to develop effective, evidence-based strategies."

REQUESTED CORRECTIVE ACTION
<ul style="list-style-type: none">• “Ensure transparency in communication with parents and guardians, including timely updates on academic progress, behavioral incidents, and any changes to a student’s educational program.”• “Implement regular staff training on IDEA compliance, trauma-informed care, and effective behavioral interventions for students with disabilities.”• “Provide ongoing professional development to foster a supportive and understanding approach to working with children facing behavioral and academic challenges.”

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 May 8, 2024. Any facts listed below relating to circumstances or incidents earlier than that date are included solely to provide the context necessary to understand the Student’s disability and special education history.

1. The Student is eight years old and attends second grade at the Center, a long-term care and treatment program (LTCT) located in the attending District and not the Student’s resident District. The Student was eligible for special education services with a Developmental Delay at the time of their enrollment at the Center. The Student is now eligible with an Emotional Behavior Disability (EBD).
2. According to a Psychological Evaluation dated April 19, 2024, the Student’s performance levels on The Differential Ability Scales, Second Edition, School-Age Battery, Normative Update (DAS-II-NU) indicated:
 - a. Verbal Scales, which included Word Definitions and Verbal Similarities-116 Standard Score (SS), 86th percentile, Above Average range.
 - b. Nonverbal Scales, which included Matrices-104 SS, 34th percentile, Average range.
 - c. General Conceptual Ability-111 SS, 77th percentile, Above Average range.
 - d. Special Non-Verbal Composite-105 SS, 63rd percentile, Average range.
 - e. The Student presented with a history of chronic and persistent motor and phonic tics, which had been evident for over a year. Additionally, the Student exhibited difficulties with emotional regulation, which included significant anger and frustration, and struggled with environmental transitions. These behaviors and symptoms were accompanied by considerable adaptive impairment, particularly affecting the Student’s social relationships, classroom engagement, and self-care. Consequently, the Student met the criteria for Tourette’s Syndrome.
3. The Center’s 2024-25 Main Campus Calendar indicated school hours were Monday, Tuesday, Thursday, and Friday from 8:45 a.m. through 2:50 p.m. Wednesday hours were from 8:45 a.m. through 1:30 p.m. The Center’s instructional schedule indicated the following:

- a. 8:45 a.m. to 9:05 a.m. – Breakfast and math morning work
 - b. 9:05 a.m. to 9:15 a.m. – Morning meeting
 - c. 9:15 a.m. to 10:00 a.m. – Math
 - d. 10:00 a.m. to 10:20 a.m. – Physical education
 - e. 10:20 a.m. to 10:25 a.m. – Snack
 - f. 10:25 a.m. to 10:50 a.m. – Math
 - g. 10:50 a.m. to 11:30 a.m. – Writing
 - h. 11:30 a.m. to 11:55 a.m. – Lunch
 - i. 11:55 a.m. to 12:10 p.m. – Recess
 - j. 12:10 p.m. to 1:20 p.m. – Language arts (reading every day except for Wednesday, which was writing, library time, personal time, and checkout)
 - k. 1:20 p.m. to 2:20 p.m. – Extracurricular activities two times per week and group therapy or skills two times per week
 - l. 2:20 p.m. to 2:30 p.m. – Silent reading
 - m. 2:45 p.m. to 2:50 p.m. – Clean up and go home
 - n. Schedule differences specific to the Student included:
 - i. “Therapy pull times”
 - 1. 8:45 a.m. to 9:45 a.m. every weekday
 - 2. 11:20 a.m. to 12:20 p.m. on Monday, Wednesday, and Friday
 - 3. 9:30 a.m. to 10:30 a.m. on Tuesday and 11:55 a.m. to 12:55 p.m. on Thursday (computer-based reading and math program)
 - 4. 1:15 p.m. to 2:15 p.m. on Monday and 1:20 p.m. to 2:20 p.m. on Friday
 - 5. 1:15 p.m. to 2:15 p.m. on Tuesday (“Tea Time Library”)
 - 6. 1:15 p.m. to 2:15 p.m. on Thursday (skills group)
 - 7. It was noted that the Student’s behavior and social skills instruction was provided during a skills group on Thursday for 60 minutes, morning meeting for 50 minutes per week, and personal time/checkout for 70 minutes per week. Also, writing time on Fridays was an integrated group working on writing, social, and behavioral skills for 40 minutes per week.
4. A home-to-school notebook with a date range of September 4, 2024 through February 28, 2025, indicated daily entries of communication from the Center to the home. On the first day the home-to-school notebook was introduced, the staff informed the Parent that they would write a daily report regarding the Student’s day. The staff asked the Parent to write back with anything important that might come up or sign to let them know the Parent had seen it. The Parent responded to daily entries regularly. The following relevant information was also noted:
- a. There were 97 entries.
 - b. There were more entries detailing the Student’s behavioral challenges, work refusal, and dysregulation than reports of positive behavior or days when the Student met goals or expectations set by the Center staff.
 - c. The Student was frequently placed in the break space, with recorded durations ranging from as short as three minutes to over three hours in a single instance. From November 2024 onwards, the Student’s usage of the break space became more frequent and often extended, sometimes for the “remainder of the day.” There were instances where the

Student spent multiple hours in the break space. Although exact totals were not consistently provided, it was evident that the break space was a regular and often prolonged location for the Student due to dysregulation, work refusal, or aggressive behavior toward staff.

- d. The Student consistently struggled with following directions, staying on task, arguing with staff and peers, seeking attention, and work refusal. Additionally, the Student frequently exhibited dysregulation, leading to yelling, crying, hitting, and blaming others. The Parent reported that these behaviors also happened at home and in martial arts class, and often sought guidance and strategies for responding to the Student's behaviors.
- e. The Center staff implemented various strategies, including consistent expectations, positive reinforcement, designated break spaces, and making privileges contingent upon behavior and work completion. The Parent also reported using consequences at home, such as restricting screen time or toys.
- f. According to the Center staff's entries, part of the programming for all students, including the Student, was to write weekly reflections on Fridays. These reflections were to include two things the Student did their best on that week and two things they could have done differently, written specifically and honestly. Then they would work on correcting spelling, grammar, and punctuation. The Student was also asked to complete a reflection following significant negative behavior incidents in order to focus on the connection between their choices and the consequences. The Center staff mentioned that the Student's incident reflections could happen during "more fun times of the day, like recess," depending on the behavior or if home reports were "extreme." Other notable comments about the reflections included:
 - i. The Center staff reported multiple times that the Student consistently struggled with writing reflections, often refusing, displaying defiance, or becoming dysregulated. The Student would yell, throw work, blame staff, or exhibit physical aggression when asked to reflect. The Student sometimes claimed the work was "too hard" or pretended not to know how to read in order to avoid completing it. While there were rare instances of independent completion, the Student did complete them in some instances. However, the Center reported that the Student frequently refused to take accountability for their behaviors in these reflections.
 - ii. The Parent mentioned to the Center staff that the Student claimed not to know what to do on the reflections or to need help and not receive it. The Parent also reported that the Student had a hard time remembering the previous day, let alone the whole week, and asked if the Student could write about anything besides behavior. The Center staff explained that they pre-taught expectations for the reflections and gave explicit directions, and all students were expected to reflect independently. They also noted instances where the Student had completed their written reflection and corrections independently, including recalling events from four days earlier, emphasizing the Student's capability. The Center staff agreed that it might be helpful for the Student to start reflecting on their week on Thursday nights at home.
- g. From September 2024 to early October 2024, the Parent's responses were generally positive and supportive toward the Center's feedback and efforts regarding the Student's behavior. They expressed "glad" sentiments for reports of the Student's improved

behavior and handling of feedback. The Parent expressed satisfaction that the Student was “realizing [they] can’t get away with not doing the work anymore” and appreciated the Center’s firmness. Furthermore, the Parent acknowledged the reports of behaviors of concern from the Center and explained that reinforced expectations would be in place at home.

- h. From approximately late October 2024 through early November 2024, the Parent expressed more personal worry and frustration about the Student’s behavior at the Center and at home. They also mentioned needing to call the crisis line more than once to get assistance with the Student’s behavior at home, and expressed consideration of more intensive interventions such as a residential program. During this time, there were also instances where the Parent expressed frustration with the Center’s responses to the Student’s behavior. The Parent mentioned the Student being “double-punished” for behaviors and being “set up for failure” on the bus. Other notable comments included:
 - i. November 13, 2024: “I hate that [the Student] is being unsafe with [their] body and hitting and pushing staff. Please let me know how I can help support you with [the Student] and this behavior.”
 - ii. November 20, 2024: “This is unacceptable behavior and [the Student] knows it. I think [the Student] thinks [they] could get kicked out.”
 - iii. November 21, 2024: “This is extremely disturbing behavior! ... I do remember hearing about inappropriate behavior similar to this at [the Previous School]. I honestly don’t even know what to say or do to help [the Student] learn how bad this is.”
 - iv. November 27, 2024: “I fell [sic] like [the Student’s] behavior is extreme, and I think it’s a good idea for [the Student] to be enrolled in a residence program where [the Student] stays for 3 to 12 months. [The Student] needs a reality check and a rude awakening. The self[-]sabotage behavior for no reason is scary for me because that is what [the Student’s] [other parent] does. We have to fix this now or [the Student] will end up in prison like [their] [other parent].”
- i. December 2024: The Student frequently spent extended periods in the break space due to work refusal and defiance. The Student explicitly stated they preferred to avoid work, claiming it was “too challenging” or they wanted to keep their “brain small.” The Center staff implemented various strategies and incentives, while the Parent acknowledged home struggles and applied consequences like removing toys. Towards the month’s end, some positive reflections occurred, and a new medication, Hydroxyzine, was introduced.
- j. January 2025: The Student started the year with some academic completion and identified “consistency” as a New Year’s resolution, showing brief periods of productivity. However, they also experienced lethargy, struggled with focus, and displayed work avoidance, often ending days off-task due to underlying issues and medication. The Parent reported ongoing home struggles, including excessive hand washing and stress, noting the Student’s resistance to reflecting on behavior. Severe dysregulation incidents were common, involving yelling, physical aggression towards staff, and extended time in the break space. The Parent expressed concern about the Student’s lack of understanding regarding their unsafe actions and feared for the Student’s future.
- k. February 2025: Throughout February, the Student’s days were frequently characterized by work refusal, arguments, and limited effort, often necessitating one-to-one staff

support. Severe unsafe behaviors, including undressing, spitting, biting, and threats, led to physical restraints. The Parent's frustration escalated, evidenced by another call to the crisis line after the Student intentionally disrupted martial arts and expressed a desire for an orphanage. On February 26, 2025, the Parent wrote, "[The Student] struggled at martial arts. I am pretty sure we are done with that for now. [The Student] was very disruptive on purpose to get [themselves] kicked out of class today and last Wednesday. We had to call the crisis line because [the Student] was mad at me for making [them] go." The last entry provided by the District was February 6, 2025 and the last entry provided by the Parent was February 28, 2025. However, the last consistent entry from the Center was on February 21, 2025, followed by a gap until February 26, 2025, after which there was no entry from the Center on either February 27 or February 28, 2025.

5. A text message from the Classroom Teacher to the Parent, dated September 16, 2024, indicated that the Classroom Teacher was reaching out regarding the Student's IEP and amendments that needed to be made. The Classroom Teacher wrote, "If you are okay with these changes, please respond with an agreement." The Parent responded, "Sounds good." The necessary changes were as follows:
 - a. Special transportation needed to be added to the IEP.
 - b. Students at the Center were considered to be on an abbreviated school day program. "Nothing about the hours will change for [the Student], but we will need to document in [the Student's] IEP that [the Student] is on an abbreviated school day, and there will be some additional paperwork coming home for you to sign."
 - i. During interviews with the Complaint Investigator, the Parent explained that abbreviated school day meetings occurred every six weeks and only because the Center had "shorter days than normal," which required the Parent to sign consent paperwork throughout the year (September, October, and November 2024, and February 2025). The Classroom Teacher confirmed this via an interview, explaining that the Center's school day was approximately five minutes shorter than a typical public school day, resulting in a 3% reduction over the year, which was documented on the Student's IEP and in other required documents. The Student's daily schedule at the Center was the same as the majority of other students enrolled there and they were provided the full daily schedule available to all students at the Center. Also, each time the Parent signed the paperwork, they were given the option to choose to return the Student to their resident district if they no longer consented to the abbreviated school day program schedule.
 - c. The Student's placement needed to be changed to reflect enrollment at the Center.
6. Point Card reports from the Center addressed each of the Student's IEP goals and included extensive, detailed documentation notes, which have been summarized for this investigation report. Information on the reports indicated the following:
 - a. October 4, 2024: One unsafe behavior, off task for 150 minutes, and zero points earned in ratings for classroom behaviors, social skills, emotional regulation, and work completion.
 - i. Documentation: The Student exhibited severe and prolonged emotional dysregulation, work avoidance, and unsafe behaviors throughout the day, spending

over two hours in a break space. When prompted for corrections on their weekly reflection, the Student shut down and became combative, leading to their removal from the classroom. In the break space, the Student made statements claiming their brain could “destroy a whole army of Albert Einsteins” and they were “one of the best kids in the whole entire universe.” The Student then initiated a pattern of repeatedly poking staff, moving in and out of their personal space, and, when unengaged, provocatively demanding staff enter their space, culminating in aggressive physical acts including kicking, punching, and using clothing as a whip. Despite staff modeling deep breathing and using blocking techniques, the Student continued escalating, even attempting to poke the staff’s eyes and pull them to the ground. Ultimately, the Student de-escalated and cooperated when offered their clothing back.

- b. October 11, 2024: One unsafe behavior, off task for 75 minutes, zero points earned in ratings for emotional regulation, and one point earned in ratings for classroom behaviors, social skills rating, , and work completion.
 - i. Documentation: The Student exhibited aggression towards their bus driver, throwing a backpack at them, which led to the driver requesting the Student be removed from the bus. The Student also engaged in mocking and taunting behaviors, making cooing sounds and stating “you’re just a baby,” and shoving a fist in the staff’s face while saying “here’s milk for the baby.” Despite periods of calm, their dysregulation often escalated into threats and physical aggression, and they consistently blamed others for their behavior. The Student also struggled with low effort on non-preferred tasks, arguing, and poor social reciprocity, leading to missed peer interactions.
- c. November 1, 2024: Two unsafe behaviors, off task for 130 minutes, one point earned in ratings for emotional regulation and work completion, and two points earned in ratings for classroom behaviors rating and social skills rating.
 - i. Documentation: When prompted to rewrite a weekly reflection, the Student argued, refused work, and, when directed to a break space, exhibited physical aggression (hitting, kicking, punching) and taunting. While staff reportedly maintained neutrality, the Student’s aggressive behaviors continued for extended periods. Later, during reflections, the Student displayed work avoidance and argumentativeness, leading to further attempts to elope and continued physical aggression toward staff, though some de-escalation occurred through calm communication. The Student’s persistent work refusal and dysregulation resulted in significant off-task time and limited peer interactions, indicating ongoing challenges with compliance and emotional control.
- d. November 13, 2024: One unsafe behavior, off task for 45 minutes, and one point earned in ratings for classroom behaviors, social skills, emotional regulation, and work completion.
 - i. Documentation: When asked to complete make-up work, the Student escalated, defacing a “breaking the ice” icon with a marker and scribbling over missed work. After pushing and hitting staff members, the Student removed their shoes and threw them out of the break space. The Student also attempted to engage staff’s attention by poking them and stomping their feet. Despite these challenges, the Student did engage in reciprocal conversation with peers and staff at lunch, which

- was a positive interaction amidst their consistent struggles with academic persistence, appropriate participation, and respecting personal boundaries.
- e. November 20, 2024: One unsafe behavior, off task for 70 minutes, one point earned in ratings for social skills and emotional regulation, and two points earned in ratings for classroom behaviors and work completion.
 - i. Documentation: The Student regulated emotions well in the morning but struggled in the afternoon with challenging work, often ignoring directions and refusing tasks. With their work, the Student rewrote only capital letters instead of rewriting complete sentences when asked to correct their work. During an escalation, the Student also removed their suit jacket, vest, and clip-on tie, throwing the jacket at the staff. After being physically restrained, the Student immediately attempted to engage staff in a preferred conversation about their tie and claimed “bad luck” for the day. They consistently struggled with social interaction, following directions, and accepting feedback, exhibiting disruptive and unsafe behaviors, particularly when peers were absent from the classroom.
 - f. November 21, 2024: Three unsafe behaviors, off task for 365 minutes, and zero points earned in ratings for classroom behaviors, social skills, emotional regulation, and work completion.
 - i. Documentation: The Student began the day in a break space, initially reflecting on past behaviors, but quickly escalating to unsafe actions, including ramming into staff, hitting, grabbing, and kicking them in various areas, and attempting to choke a staff member by pulling on their hood. The Student also made inappropriate comments and groped a female staff member, stating, “When I hear no, it means yes.” Despite efforts to de-escalate, the Student’s aggressive behaviors persisted for an extended period, leading to a break space stay for the remainder of the day.
 - g. November 22, 2024: Three unsafe behaviors, off task for 365 minutes, and zero points earned in ratings for classroom behaviors, social skills, emotional regulation, and work completion.
 - i. Documentation: The Student’s day began with an initial refusal and escalated to a break space, where they engaged in new behaviors, such as counting staff members’ blinks, challenging them not to blink, and clapping for the “good job” they were doing. The Student’s dysregulation intensified, leading to screaming threats of hatred towards staff and “adult culture,” a declaration of losing trust in anyone over 12, and threats to harm or kill staff. The Student also sang loudly about the Center teachers wanting to “murder” and “kill” kids, and trapping “imperfect” children. Then the Student switched between voices to “report” the teachers to imaginary police. Throughout the day, the Student resisted work, refused accountability, and required two-to-one staff support to maintain safety.
 - h. January 22, 2025: One unsafe behavior, off task for 285 minutes, and zero points earned in ratings for classroom behavior sand social skills.
 - i. Documentation: Following a morning routine, the Student eloped to a break space, interrupting another peer’s session, and then largely disengaged, remaining unresponsive and avoiding academic tasks for most of the day. Despite staff attempts to re-engage, the Student expressed tiredness and refused all work, instead fidgeting or staring. Throughout the day, the Student also displayed poor

social skills, struggling to communicate appropriately and failing to recognize the impact of their disruptive behavior on peers. When redirected to work in the hallway due to previous unsafe behaviors, the Student again eloped. However, they did not become physically unsafe with the staff after being moved to a different break space.

- i. January 24, 2025: One unsafe behavior, off task for 365 minutes, and zero points earned in ratings for classroom behaviors, social skills, emotional regulation, and work completion.
 - i. Documentation: The Student immediately expressed unwillingness to work, demanded a break space, and resisted the staff's efforts, eventually eloping to a designated area where they remained for the entire day. Throughout this time, the Student engaged in various self-stimulating behaviors but refused to engage with staff or participate in any academic tasks. Their resistance to work and staff direction, coupled with unsafe behaviors, limited their access to peer activities and resulted in no completed assignments. The Student's persistent refusal to work and follow directions continued despite therapeutic encouragement.
- j. January 29, 2025: One unsafe behavior, off task for 240 minutes, and one point earned in ratings for classroom behaviors, social skills, emotional regulation, and work completion.
 - i. Documentation: The Student struggled with emotional regulation throughout the day, initially refusing work and retreating to a break space. Although they later returned to tasks, frustration over not receiving answers led to disruptive behaviors. In the break space, the Student attempted to elope, then kicked staff in the legs and chest while laughing and singing that it was a "fun game." They also grabbed the staff's hand, held a finger, and sang sarcastically about the staff making the game "harder." The Student targeted inappropriate areas on staff, causing staff to use a shield for safety, and sang about "playing the game exit," taunting the staff's ability to keep them contained. This aggressive "game" only ceased when reminded about bus privileges, after which the Student became completely disengaged.
- k. January 30, 2025: One unsafe behavior, off task for 320 minutes, and zero points earned in ratings for classroom behaviors, social skills, emotional regulation, and work completion.
 - i. Documentation: When presented with non-preferred work, the Student repeatedly attempted to elope to unauthorized break spaces, requiring staff to use body blocking to ensure safety. The Student displayed selective compliance, initially sitting on the floor instead of their chair, and later demanded that staff turn off the lights and provide tissues while in a break space. After persistent efforts by staff to redirect, the Student eventually complied with requests to sit properly before being allowed into a designated break space. Notably, the Student completed a math worksheet and a Cognitive Behavioral Theory (CBT) exercise, demonstrating some ability to engage with non-preferred tasks, but refused to complete a physical aggression worksheet, indicating a continued aversion to reflecting on challenging behaviors.
- l. January 31, 2025: One unsafe behavior, off task for 345 minutes, and zero points earned in ratings for classroom behaviors, social skills, emotional regulation, and work completion.

- i. Documentation: The Student consistently exhibited emotional dysregulation, verbal aggression, and work refusal, even with a new staff member implementing a different behavioral approach. The Student's explanation for their work refusal included feeling pressure from home to complete work, and having fun weekend plans. The Student also displayed increased agitation when the staff checked in with them every five minutes. The Student attempted to manipulate a timer and blamed the elected president for making the Student push the staff. Despite efforts to engage them, the Student often responded with defiant and irritable comments, including name-calling and cursing.
- m. February 3, 2025: One unsafe behavior, off task for 195 minutes, and zero points earned in ratings for classroom behaviors, social skills, emotional regulation, and work completion.
 - i. Documentation: The Student continued to exhibit significant emotional dysregulation, work refusal, and unsafe behaviors throughout the day, culminating in a two-hour escalation that led to their transport for a respite stay. During these escalations, the Student made explicit threats to strangle, bleed, and destroy staff, while also undressing themselves, removing socks, pants, and a T-shirt. This undressing, coupled with a history of targeting female staff inappropriately, prompted a change from female to male staff. Despite the staff's consistent efforts to encourage positive choices and de-escalate the situation, the Student remained unresponsive, frequently singing about it being a "fun game" or refusing to work. Their resistance included pretending not to speak to avoid tasks and consistently failing to follow directions.
 - ii. Observed changes/differences noted: Due to the Student's severe and prolonged unsafe behavior, day treatment staff requested crisis response support and a respite stay through the Residential Program. The Student's therapist secured the Parent's consent, and day treatment staff safely transported the Student for a 72-hour stay, with pickup scheduled for Thursday, February 6, 2025.
- n. February 7, 2025: One unsafe behavior, off task for 90 minutes, and one point earned in ratings for classroom behaviors, social skills, emotional regulation, and work completion.
 - i. Documentation: The Student demonstrated irritability and argued with staff expectations, struggling to accept accountability for unsafe behaviors that led to a respite stay. A new one-to-one behavioral support plan was implemented, placing the Student in the hallway with choices of academic work and desk breaks. Despite this structured support, the Student became irritable even with minor staff directions. Notably, after their crisis respite, the Student wrote apology letters and expressed a desire to distribute them, although they still attempted to elope when staff offered to retrieve them.
- o. February 11, 2025: One unsafe behavior, off task for 100 minutes, and one point earned in ratings for classroom behaviors, social skills, emotional regulation, and work completion.
 - i. Documentation: The Student occasionally played cooperatively during recess. The Student was fully back in the classroom on this day, with consistent one-to-one support and praise for positive behaviors. However, during group therapy, the Student kicked a peer's leg under the table and later climbed on top of their chair,

loudly singing and complaining about school, blaming staff for “too many difficult directions.” The Student also engaged in attention-seeking behaviors, such as blocking the staff’s vision by waving their hand in front of their faces and touching the staff’s faces. When the staff physically intervened, the Student mimicked the staff, jumped on a chair, and attempted to grab the staff’s personal items, including watches, phones, and keys, in addition to hitting and grabbing.

- p. February 24, 2025: One unsafe behavior, off task for 60 minutes, zero points earned in ratings for social skills, and one point earned in ratings for classroom behaviors, emotional regulation, and work completion.
 - i. Documentation: The Student continued to display significant emotional dysregulation, work refusal, and unsafe behaviors, leading to a 48-hour crisis respite stay through the Residential Program. The Student’s unsafe behaviors escalated to include attempting to bite staff while in a physical restraint, and groping staff in private areas, in addition to hitting, punching, kicking, pushing, and grabbing. The Student also actively sought attention by turning their chair and moving into the staff’s personal space, seeing it as a “game.” Despite one instance of cooperative play during recess, the Student consistently struggled with following directions, completing work, and accepting support for challenging tasks, leading to prolonged dysregulation and necessitating increased supervision and physical intervention.
- q. February 27, 2025: One unsafe behavior, off task for 75 minutes, and one point earned in ratings for classroom behaviors, social skills, and emotional regulation.
 - i. Documentation: The Student exhibited significant pre-arrival dysregulation, yelling at the Parent and throwing a jacket onto a car while refusing to follow directions. Upon school entry, they resisted the staff’s offer to carry the jacket, instead grabbing it and hiding behind a tree. Throughout the day, the Student struggled with academic persistence and accepting feedback without arguing. Despite initially refusing to work, the Student eventually completed two problems.
 - ii. Observed changes/differences noted: While the Center staff were providing support to the Student and the Parent in the courtyard, the Parent began video recording the staff and the Student on their phone.
- r. February 28, 2025: One unsafe behavior, off task for 60 minutes, and zero points earned in ratings for classroom behaviors, social skills, emotional regulation, and work completion rating.
 - i. Documentation: The Student struggled to utilize coping mechanisms and maintain self-regulation, particularly after lunch. The Student exhibited sideways walking and skipping when returning from lunch, and an argumentative justification that they “don’t know how to walk like a student.” This behavior led to them running into a break space, where they then exhibited unsafe behaviors by pushing their body against staff and attempting to touch private areas. Despite being on a one-on-one support plan and engaging with other supported peers during academic blocks, the Student consistently resisted directions and challenging work, refusing many work options.

- 7. A text message dated October 4, 2024, from the Classroom Teacher to the Parent indicated the Student had been unsafe, hitting adults, and spent the last hour of the school day in a

break space, continuing to be unsafe. The Classroom Teacher was letting the Parent know in case the Parent wanted to change their plans to take the Student to their martial arts belt test later. The Parent responded that they would inform the martial arts instructor and let them decide.

8. A text message dated October 11, 2024 from the Classroom Teacher to the Parent noted that the Student was in a break space, yelling and struggling to regulate their emotions. When they boarded the bus, they continued to yell and make threats, then aggressively threw their backpack at the bus driver. The bus driver refused to transport the Student due to safety concerns. The Student was removed from the bus and remained in a break space, escalating, yelling, and threatening to hit staff, stating, "I could've done a lot worse." The Parent was requested to pick them up from school. The Parent asked who the Student was being physically aggressive toward and wrote that the Student would be writing apology letters all weekend.
9. A Notice of Team Meeting dated November 4, 2024, indicated the Parent was invited to attend an annual IEP meeting on November 12, 2024 at 2:00 p.m.
10. A November 4, 2024 text message from the Classroom Teacher to the Parent indicated the annual IEP was due on November 19, 2024. The Classroom Teacher asked if Tuesday, November 12, or Monday, November 18, 2024 would work for the Parent to be available to meet. The Parent confirmed that November 12, 2024 at 2:00 p.m. worked for them and asked if the Student's mentor from the Outside Agency could attend. The Classroom Teacher responded that the mentor from the Outside Agency could be invited and encouraged the Parent to forward the meeting link to them, as they did not have their email address.
11. Relevant items from the IEP dated November 12, 2024 indicated the following:
 - a. The Student was eligible for services with a Developmental Delay.
 - b. The re-evaluation for the Student was due on June 12, 2025.
 - c. The Parent was contacted on November 4, 2024 in an attempt to schedule an annual IEP meeting, and the Parent confirmed a meeting on November 12, 2024 at 2:00 p.m.
 - d. The Parent was listed as "present" for the IEP meeting.
 - e. Student strengths: "Confident, creative, smart, bold, dapper, helpful, sweet, caring, loves to learn and loves to teach back the knowledge that [the Student] learns."
 - f. Parent concerns: "Regarding [the Student's] transition back to a public school, [the Parent] does not want [the Student] returning to public school and wants resources on other placements. [The Special Programs Director] advised [the Parent] that they could discuss this further when a transition period was approaching."
 - g. Academic information: "[The Student] is competing [*sic*] grade level work in both math and reading. [The Student] often struggles to complete [their] work on time and be a part of the full classroom group due to oppositional behavior. Not due to lack of understanding or lagging academic skills."
 - h. Present level of developmental and functional performance: "The Student is working to follow classroom expectations and directions. The Student often argues or questions directions from staff. The Student is working towards completing work on time, and trying

all activities before refusing. The Student is working towards taking breaks independently when frustrated rather than interrupting the classroom and other students. When the Student is on task and focused, the Student is able to work for sustained periods of time and complete assignments in a timely manner, but often chooses to sit without working. The Student is able to write a five-sentence paragraph with sentence starters in their reading and writing groups.”

- i. Disability impact: “[The Student’s] social[-]emotional and behavioral needs affect [their] ability to fully participate in the general education setting.”
- j. Special factors: The Student exhibited behavior that impeded their learning or the learning of others, and their behavior was addressed through IEP goals and a behavior support plan.
- k. Goals:
 - i. Adaptive skills: “By November 2025, [the Student] will accurately follow multi-step directions with 80% accuracy in 4 out of 5 opportunities during classroom activities as measured by teacher observations and data collection.”
 - ii. Behavior skills: “By November 2025, [the Student] will independently follow a series of three-step directions to completion with 80% accuracy in 4 out of 5 opportunities during structured classroom activities, as measured by teacher observations and documentation.”
 - iii. Behavior skills: “By November 2025, [the Student] will demonstrate the ability to accept and appropriately respond to feedback and directions from staff with 80% accuracy in 4 out of 5 opportunities during classroom activities, as measured by teacher observations and data collection.”
 - iv. Behavior skills: “By November 2025, [the Student] will demonstrate appropriate and safe interactions with peers and staff members in school settings, achieving this in 4 out of 5 observed opportunities, as measured by teacher observations and behavior tracking.”
 - v. Academic readiness: “By November 2025, [the Student] will complete assigned classroom tasks and homework with 80% accuracy and within the given time frame in 4 out of 5 opportunities, as measured by teacher observations and work samples.”
 - vi. Social skills: “By November 2025, [the Student] will independently identify when they are upset and take appropriate breaks to regulate their emotions in 4 out of 5 instances during classroom activities, as measured by teacher observations and self-monitoring logs.”
- l. The service summary beginning on November 12, 2024 and ending on November 11, 2025, included:
 - i. Behavior Skills provided by the ESD by the Special Education Teacher in the General Education Classroom for 150 minutes a week.
 - ii. Related services for transportation to and from school every day.
- m. Supplementary aids, services, and accommodations starting November 12, 2024, and ending November 11, 2025, included:
 - i. Sensory breaks provided by the ESD Special Education Teacher in the resource room for 360 minutes per day.

- ii. A quiet, safe place to self-compose or decompress provided by the ESD Special Education Teacher in the resource room for 360 minutes per day.
- iii. Breaks provided by the ESD Special Education Teacher at all school sites for 360 minutes per day.
- iv. A positive reward schedule provided by the Local Educational Agency (LEA) and the Special Education Teacher at all school sites for 360 minutes per day.
- v. A behavior plan provided by the LEA and the Special Education Teacher at all school sites for 360 minutes per day.
- n. Supplementary aids, services, and modifications included a "1:1 [a]dult [a]ssistant" provided by the LEA Case Manager at all school sites for 150 minutes per day.
- o. Supports for school personnel included:
 - i. Behavioral consultation provided by the LEA Case Manager, 180 minutes per year.
- p. The Non-Participation justification statement included:
 - i. Removal from participating with non-disabled students in order to receive specially designed instruction, related services, and supplementary aids or services.
 - ii. Removal from the regular classroom entailed 1,745 minutes of instruction per week. The Student "will be removed for 3% of the time per week from the general education setting as compared to a typical [Public School] student."
 - iii. The explanation and justification for the removal stated, "The day treatment placement provides intensive individualized social, emotional, behavioral, and academic instruction with integrated therapeutic support in a small group setting designed to support meeting individualized goals."
- q. Special Education Placement Determination with the Parent in attendance included:
 - i. Options considered: Day treatment for 80% or more of the day.
 - ii. Benefits for the Student:
 - 1. Receiving specific behavior monitoring.
 - 2. Receiving small-group or individualized instruction.
 - 3. Being included in all classroom activities.
 - iii. Possible harmful effects:
 - 1. Removal from the neighborhood school.
 - 2. Limited social interaction with typically developing peers.
 - iv. Modifications or supplementary aids and services considered to maintain the Student in a less restrictive option:
 - 1. Reduce or modify assignments.
 - 2. Schedule around content area classes or instruction.
 - v. Rationale: "The team determined that a placement with integrated therapeutic supports and intensive social[-]emotional behavioral instruction best met the Student's needs."

12. A PWN dated November 12, 2024 indicated the team met for the Student's annual IEP to update goals and discuss progress. A file review, observations, point card data, parent input, and teacher input were used as a basis for the proposed action. A description of relevant factors included a consultation with a therapeutic and interdisciplinary treatment team.

13. A text message between the Classroom Teacher and the Parent dated November 12, 2024, reminded the Parent of the scheduled IEP meeting for that day. The Parent replied that they did not have the link and had just called. The Classroom Teacher re-sent the meeting link to the Parent.
14. Emergency Safety Intervention Notes with a date range of November 20, 2024 through February 24, 2025 documented incidents that required physical intervention by staff on the following dates:
 - a. November 20, 2024 in response to “serious aggression/aggravated assault,” and “serious threat.” The Student allegedly repeatedly used the wall for leverage to kick staff’s knees with significant force, both backward and forward.
 - b. February 24, 2025 in response to “serious aggression/aggravated assault (hitting, kicking, ramming, and groping female in a private area).”
15. In a November 25, 2024 text message, the Classroom Teacher notified the Parent that they were sending paperwork home for the Parent to sign. The Parent replied they had already signed it the previous week, and the Classroom Teacher let them know it was annual IEP paperwork they had signed, not the paperwork they now needed.
16. A text message between the Classroom Teacher and the Parent dated December 18, 2024, indicated the expectation was for the Student to work every day, as written in the notebook. The Student was asked to think about whether the Student “was going to be out of the breakspace in January.”
17. A text message dated January 6, 2025 between the Classroom Teacher and the Parent indicated the Classroom Teacher had tried removing reflection work as requested by the Parent, and providing the Student with academic work instead. “It seems that [the Student] refuses academic work as well. It is a classroom expectation for kids to complete reflection work while in treatment to reflect on behaviors.”
18. On January 10, 2025, the Intensive Treatment Services (ITS) Assistant Director emailed the Parent the following list of interventions and recommendations from the Center that would help the Student. The list included:
 - a. “Collaboration with the team regarding behavior plans at home.”
 - b. “Presenting a unified front, refraining from speaking negatively about staff.”
 - c. “Not promising a consequence or reward that can’t be followed through on.”
 - d. “Utilizing natural consequences.”
 - e. “Accepting program expectations.”
 - f. “Following through with medical recommendations.”
19. A January 29, 2025 email exchange between the Parent and the Center indicated the Parent wanted to discuss their insights into Pathological Demand Avoidance (PDA) and its impact on the Student’s behavior. The Parent stated, “To support [the Student] effectively, it would be beneficial for all [the Center] team members to understand and implement targeted

strategies tailored to [the Student's] needs." The Parent gave the Center team a few suggestions.

20. A January 31, 2025 case management meeting included notes that indicated a telehealth meeting occurred with the Parent and the Grandparent. During a discussion about the Student's lack of progress, the Grandparent questioned if the Center was "too rigid." The Intensive Treatment Services Assistant Director explained the varied approaches the staff used with the Student, emphasizing that the program was voluntary and inquiring if it remained the right fit, to which the Parent expressed uncertainty about available options. The ITS Assistant Director clarified that PDA was a behavioral description, not a diagnosis for additional support. They also noted that the Student's IEP accommodations were being met, with work offered in diverse ways despite sporadic engagement. The discussion addressed the family's consistent "pushback, disrespect, and disbelief of reports," highlighting its negative impact on the Student's progress and the potential for irreparable damage to trust. The family agreed to adjust their behavior and expressed openness to collaboration and home-based suggestions. A meeting with the Education Director was planned to discuss future educational options.
21. On February 7, 2025, according to case management notes, a telehealth meeting occurred between the Education Director, the Therapist, and the Parent. Discussions centered on the Student's lack of progress and recent safety concerns, including a crisis respite stay through the Residential Program. It was agreed that a different setting was needed due to the absence of progress, and the Parent consented to a Residential Program referral. Other educational options were explored, though the Parent expressed doubt about their suitability given previous school removals. Plans were made for an IEP meeting involving the resident district to further discuss options. The Parent voiced concerns that the Student's behaviors would worsen with age, noting a lack of accountability or remorse for recent unsafe actions, and conveyed feelings of overwhelm and apology for the Student's conduct. A transition plan was discussed for some time before spring break.
22. On February 28, 2025, text messages between the Classroom Teacher and the Parent indicated that the Classroom Teacher notified the Parent that the Student's medications at the Center needed to be transferred back to the Parent. The Parent responded, "So is [the Student] not returning to school now?" The Classroom Teacher replied, "No. The plan that was discussed during the meeting yesterday was that [the Student] will be moving to a home[-]based learning plan beginning Monday, 3/3/25. [The Student] was sent home with everything [they] will need. Including a computer and lesson plans. A longer term plan will be discussed further on Wednesday, 3/5/25, when you all will be meeting with the school district." The meeting referred to appears to be an informal meeting between the Parent and the Classroom Teacher. The Parent wrote that they would come to pick up the medication, the computer, and the lesson plans. The Classroom Teacher clarified that, except for the medication, those items had been sent home with the Student, and they would send meeting invites for virtual check-ins with the Center staff throughout the week.
23. Meeting notes from a March 5, 2025 planning meeting included:

- a. Introductions (the Parent, the Outside Agency support person, a representative from Developmental Disabilities Services (DDS), staff from the District, and staff from the resident District were in attendance)
 - b. Treatment and referral updates
 - c. Discharge and transition plan
 - d. Notes included:
 - i. The referral for the Residential Program was completed and submitted.
 - ii. The team was waiting for a medical certificate of need.
 - iii. A discharge date would be March 21, 2025, unless the Parent wanted to end service earlier. Home-based services would continue in the meantime.
 - iv. The Special Programs Director would schedule a placement meeting within the next two weeks and follow up on the Residential Program referral.
 - v. The representative from DDS inquired about placements in other districts, and it was explained that the level of service required was not available in other districts.
24. March 5, 2025 case management notes indicated that the Student had been moved to a distance learning plan due to “behavioral needs.” The Student and the Parent were present virtually for an educational check-in with the Classroom Teacher. They discussed the Student’s assignments and classroom work, and the Classroom Teacher reiterated the importance of the Student completing their schoolwork.
25. On March 7, 2025, the Parent emailed the ITS Assistant Director notifying them they were “ready to discharge [the Student] from [the Center].” The Parent also wrote that the Student’s assigned laptop could be picked up from the Parent’s office on the following Monday. The ITS Assistant Director replied that they would record the Student’s last day in the program at the Center as March 7, 2025. The ITS Assistant Director wrote, “We will notify the school district today so they are aware [the Student] will be unenrolled – they should be reaching out to you to set up an IEP if they have not already.” They also confirmed that they would complete additional documentation for the Residential Program and would inform the person managing the referral process moving forward of the Student’s discharge. The ITS Assistant Director also noted that the laptop needed to be dropped off by the Parent.
26. A Student Withdrawal Form indicated the Student was withdrawn from the Center on March 7, 2025, and would return to their resident school district. A Transfer Summary, dated the same day, outlined the Student’s interventions and progress while at the Center. It indicated the following:
- a. Behavioral characteristics and interventions: The Student’s behavior was often managed by a “thermometer” system that linked choices to consequences and movement; however, finding effective academic feedback or consequences proved consistently unsuccessful for both school staff and family.
 - b. Triggers and escalation cues: Common triggers for the Student’s escalation included work refusal, arguing, physical agitation, and resistance to challenging academics, reflection tasks, solitary work, perceived unfairness, or transitions from preferred activities.
 - c. Effective supports and reinforcers: Effective supports for the Student involved one-to-one assistance, disengagement from negative behaviors, minimal praise for compliance, and

firm expectations that encouraged problem-solving, with a focus on safety and limited dialogue during peak escalations; however, no consistent reinforcers for positive behaviors were identified across any setting.

- d. Preferred breaks and transitions: The Student consistently preferred going home for breaks, often reacting with unresponsiveness or aggression to other options. The staff and the Parent struggled to find effective strategies for smooth transitions.
- e. Problem behaviors and interventions: The Student's most significant and frequent problem behaviors included inappropriate sexual touching of staff, lasting for extended periods, alongside verbal threats, various forms of physical aggression (hitting, shoving, biting, kicking), and attempts to invade staff's personal space, all consistently requiring intervention.
- f. IEP goal progress: It was noted that at the time of discharge, the Student had not met criteria for any of their goals and had remained at or below "baseline functioning" throughout treatment and was "unable to meet minimal safety requirements."
- g. It was also noted that this was a planned discharge, but the Parent had "pulled" the Student from the program sooner than scheduled. Therefore, no new provider had been identified, but the Center had submitted referral paperwork for the Residential Program. Furthermore, the summary mentioned, "Attempts were made to have [the Student] engage in the program until [the] scheduled last date and until [the Student's] referral was secured for a higher level of care." The Parent reportedly independently decided to discontinue the Student's prescribed medication the week before removing them from the program and did not request further services through the psychiatry department.

27. A Progress Report from the Center for the 2024-25 School Year documented the following progress for September 4, 2024 through March 7, 2025:

- a. Performance key
 - i. 4: Advanced; consistently exceeds and extends grade-level standard.
 - ii. 3: Proficient; consistently demonstrates understanding and has met the grade-level standard.
 - iii. 2: Developing; making progress toward the grade-level standard.
 - iv. 1: Limited; working well below grade level and needs significant support to reach the standard.
 - v. Y: Not yet taught; this standard has not been taught and/or assessed.
 - vi. NB: No Baseline; there is no baseline to determine if the skills are present due to behavioral and treatment difficulties.
- b. Math
 - i. Operations and Algebraic Thinking
 - 1. Represents and solves word problems involving addition and subtraction within 100: fall and winter ratings were NB due to "refusal, disruptive behaviors, unsafe behaviors, and lack of participation in [the] therapeutic program."
 - 2. Fluently adds within 20: fall and winter ratings were 3, with no comments.
 - 3. Fluently subtracts within 20: fall and winter ratings were 1, with the comment, "[The Student] is not able to fluently subtract within 10. [They] need extra support or a number line in order to do this correctly."

4. Use repeated addition to gain foundations for multiplication: fall and winter ratings were NB due to “refusal, disruptive behaviors, unsafe behaviors, and lack of participation in [the] therapeutic program.”
- ii. Numbers and Operations in Base Ten
 1. Understands place value, uses place value understanding to add within 1,000, and subtract within 100: fall and winter ratings were NB due to “refusal, disruptive behaviors, unsafe behaviors, and lack of participation in [the] therapeutic program.”
- iii. Geometry
 1. Six standards: fall and winter ratings were NB due to “refusal, disruptive behaviors, unsafe behaviors, and lack of participation in [the] therapeutic program.”
- iv. Math assessment scores: 80th percentile in the fall, and 83rd percentile in the winter.
- c. Language Arts
 - i. Reading Foundational Skills
 1. Phonics and word recognition: Fall rating was 1 and winter rating was 2 with the comment, “[The Student] has been observed to read words with short vowels. There is no baseline for the rest of [their] competency.”
 2. Fluency: Fall and winter ratings were NB due to “refusal, disruptive behaviors, unsafe behaviors, and lack of participation in [the] therapeutic program.”
 - ii. Reading Literary Text and Reading Informational Text
 1. Key ideas and details, craft and structure, and integration of knowledge and ideas: Fall and winter ratings were NB due to “refusal, disruptive behaviors, unsafe behaviors, and lack of participation in [the] therapeutic program.”
 - iii. Writing
 1. Five standards: Fall and winter ratings were NB due to “refusal, disruptive behaviors, unsafe behaviors, and lack of participation in [the] therapeutic program.”
 - iv. Language
 1. Conventions and knowledge of language: Fall and winter ratings were NB due to “refusal, disruptive behaviors, unsafe behaviors, and lack of participation in [the] therapeutic program.”
 2. Vocabulary: Fall rating was 3, and there was no rating for winter with the comment, “[The Student] has a very large and robust vocabulary that [the Student] has acquired and uses.”
 - v. Speaking and Listening
 1. Comprehension and collaboration: fall and winter ratings were 1 with the comment, “[The Student] struggles to follow basic conversational rules. [The Student] has been observed to talk over others, interrupt, and argue. [The Student] has difficulty listening to [their] peers speak and is not able to participate in peer-facilitated discussions appropriately.”
 2. Presentation of knowledge and ideas: fall and winter ratings were 1 with the comment, “[The Student] has been observed to use a lot of monologuing languages

- [sic]. [The Student] has difficulty expressing complete ideas that are clear and concise.”
- vi. Reading assessment scores: 22nd percentile in the winter and 47th percentile in the spring.
- d. IEP Goals
- i. Accurately following multi-step directions: “[The Student] is not currently following any multistep directions from staff. [The Student] was observed to argue with staff, tell staff they were wrong, and intentionally ignore directions that staff gave.”
 - ii. Independently following a series of three-step directions to completion: “[The Student] is not currently following any three-step directions from staff. [The Student] was observed to argue with staff, tell staff they were wrong, and intentionally ignore directions that staff gave. When present at [the Center] [the Student] was provided with one-[to]-one staff due to significant behavioral difficulties.”
 - iii. Demonstrating the ability to accept and respond appropriately to feedback: “[The Student] is not currently able to accept or respond to feedback or directions from staff. When given feedback or directions from staff, the [Student] would shut down and/or become physically aggressive with staff (hitting, kicking, groping, choking). Staff have attempted to give non-direct, direct, verbal, and non-verbal feedback to [the Student], and each attempt was met with the consistent behaviors as stated above.”
 - iv. Demonstrating appropriate and safe interactions with peers and staff members in school settings: “[The Student] has had 12 instances of unsafe behaviors in [their] last 90-day report. The Student has had one emergency safety intervention, and twice [their] behaviors at school resulted in a SAFE stay with parent cooperation and permission. [The Student’s] first respite stay was 2/4-2/6, and [their] second respite stay was 2/25-2/26. [The Student] has also been observed to kick peers when [they] believed no one was looking, and get into peers’ space attempting to argue with them.”
 - v. Completing assigned classroom tasks and homework:
 - 1. No date: “[The Student] is not currently doing this. [The Student] is not currently participating in the classroom routines or activities. [The Student] has refused any attempts to engage [them] in conversations regarding emotions.”
 - 2. January 6, 2024 through March 7, 2024: “[The Student] is currently not completing assignments or tasks, [their] current work complete [sic] is at a 32.81%. [The Student] worked one-on-one with a staff [member] to complete alternative packets of [their] choice as advocated for by the family due to [the Student’s] lack of participation in the classroom.”
 - vi. Independently identifying when the Student is upset and taking appropriate breaks to regulate their emotions.
 - 1. No date: “[The Student] is not currently doing this. [The Student] is not currently participating in the classroom routines or activities. [The Student] has refused any attempts to engage [them] in conversations regarding emotions.”
 - 2. January 6, 2024 through March 7, 2024: “As advocated by the family, reflection work, behavioral work, and any work related to emotions was removed from [the

Student's] alternative work packets since [the Student's] first initial crisis stay (2/4-2/6) as family believed that this was what was contributing to [the Student's] behavioral outburst and lack of participation in the program."

- e. Behavior and Social Skills (corroborated by behavior log data from January 6, 2025 through March 7, 2025)
 - i. Attendance: fall term was 100%, and winter term was 74.42%.
 - ii. Unsafe behaviors: 12 in fall and 12 in winter.
 - iii. Off-task time: 6,627 minutes in fall and 4,190 minutes in winter with the comment, "[The Student] started on alternative assignments that did not pertain to classroom work as advocated for by families [sic]."
 - iv. Social skills: 31.51% in fall and 26.65% in winter.
 - v. Emotional regulation: 37.67% in fall and 32.81% in winter.
 - vi. Work completion: 38.01% in fall and 32.81% in winter.
 - vii. IEP goal: "No progress since starting in [the] Day Treatment Program."
- f. Additional comments
 - i. No date: Since November 20, 2024, the Student had rarely been in class, spending 20 out of 21 school days entirely outside the classroom on an extra support plan due to unsafe behaviors and work refusal. This plan provided one-to-one staff support for reflection and academics, but the Student consistently refused all attempts at re-engagement or returning to class. The Student regularly refused to participate in individual therapy, group therapy, and group skills, all of which were components of the therapeutic program. Even before the extra support plan, the Student regularly struggled with work refusal, unsafe behaviors, disruptions, and arguing with staff. Their lack of participation in classroom activities and extensive time spent out of class had resulted in "No Basis" evaluations for their academic progress. The Student was to remain on this plan until they could consistently demonstrate safe behavior and academic engagement for three full school days, a goal they had previously met.
 - ii. January 6, 2024 through March 7, 2025: The Student remained consistently out of the classroom. When staff attempted to integrate them, the Student became disruptive, exhibiting yelling, screaming, attempting to shove items off the floor, work refusal, and unsafe behaviors, including grabbing, groping, hitting, kicking, and attempting to scale staff and walls. These behaviors persisted until the treatment team and family decided upon a distance learning plan. The Student began this plan on March 3, 2025 with daily check-ins and interdisciplinary team time. They were present for two out of five of these check-ins before being withdrawn from the program by the Parent on March 7, 2025, at which point all communication ceased, and the resident district assumed educational duties.

28. A Functional Behavioral Assessment (FBA), dated March 24, 2025, was completed by a Behavior Consultation Agency outside of the District after the Student was discharged from the Center. It indicated:

- a. Student strengths: The Student is "innovative, funny, creative," and "very smart." The Student can also be "very kind."
- b. Student dislikes:

- i. The Student does not “enjoy participating in requested tasks when the Student is perseverating on [their] own specific task or activity.”
 - ii. The Student responds with an immediate mood shift and emotional escalation when an abrupt change in their routine occurs. The Student can become anxious and frustrated, sometimes yelling or engaging in a “power struggle.”
 - iii. The Parent shared that the Student can enjoy doing “just about anything if [the Student] is in the right mindset.”
- b. Student preferences:
 - i. Structured schedules and following a known routine;
 - ii. Viewing their daily schedule and writing it on their whiteboard; and
 - iii. Daily play time.
- c. Calming strategies:
 - i. Offering details around the routine change;
 - ii. Offering verbal redirection toward a preferred activity;
 - iii. Offering opportunities for collaboration and problem solving; and
 - iv. Changing what was asked of the Student, and sitting and talking with them.
- d. Environmental impact factors:
 - i. Hyper-stimulation.
 - ii. Specific supervision requirements are needed when the Student is in a community setting, which includes visual supervision.
- e. Relationships disliked by the Student:
 - i. The Student dislikes anyone who oversees the Student’s weekday schoolwork because the Student does not like schoolwork.
- f. Police intervention:
 - i. The police had to be called when the Student ran away from the Parent when the Student could not be found in a local store. According to the Parent, the Student does not understand safe boundaries when in public.
 - ii. The Parent mentioned putting a tracking device on the Student.
- g. The Diagnosis Summary included:
 - i. Obsessive Compulsive Disorder;
 - ii. Tourette Syndrome; and
 - iii. Attention Deficit Hyperactivity Disorder.
- h. Challenging behaviors:
 - i. When experiencing heightened emotions, the Student will verbalize socially unkind statements to express frustration.
 - ii. Challenging behaviors occur at home and at school.
 - iii. The challenging behavior can last up to 45 minutes to one hour and is of high intensity.
- i. Behavior interventions included:
 - i. Offering consistent routines and predictable daily schedules;
 - ii. Offering breaks within the Student’s daily scholastic tasks;
 - iii. Step-by-step instructions; and
 - iv. Verbal redirections toward preferred activities.
- j. Behavioral Assessment Summary included:

- i. “Due to [the Student’s] diagnosis and history of trauma, it has been reported and observed that [the Student] presents with challenging behaviors of verbal intimidation, leaving supervised settings, inappropriate social interactions, and specific risks within multiple environments, as a response to various requests and/or stimuli. [The Student] would benefit from a Behavior Support Plan.”
- k. Potential functions of the challenging behaviors included:
 - i. Expressed/gained a physical outlet for emotions;
 - ii. Gained a desired object, area of interest, or item;
 - iii. Expressed personal choice and autonomy;
 - iv. Expressed emotion;
 - v. Expressed attention seeking; and
 - vi. Avoiding non-preferred activities or activities with non-preferred individuals.

29. On May 7, 2025, the Parent filed this Complaint.

30. On May 13, 2025, the Student was found eligible for special education services under the category of EBD. The Student was originally found eligible for special education services under the category of Developmental Delay on June 13, 2022.

31. According to an undated document from the Parent titled “Subject: Request for Enhanced Support and Educational Planning for the Student,” the Parent indicated that the Student had been out of school since February 21, 2025. The Parent requested enrollment in a Virtual Academy or a Charter Academy; however, the enrollment had not been completed. The Parent also requested increased oversight and accountability regarding the Student’s educational program, a comprehensive FBA, and an IEP review every six months.

32. During an interview with the Complaint Investigator, the Parent explained that they had voluntarily placed the Student at the Center due to the Student’s elopement issues at previous schools, seeking a safer environment. They understood that the Center had gated property and the ability to restrain students, offering two main options: the Residential Program or the Center itself. Despite hearing positive things about the Center, the Parent ultimately regretted this decision, calling it “very bad” and stating they would never recommend the school to anyone. The Parent also explained that they did not opt out of in-home therapy. They stated that in-home therapy was discussed in August or September 2024, before the Student started school at the Center, but it was “never offered.” They added that the Center said they were going to offer family therapy and counseling, but the Parent was invited twice and there was one home visit, and then “nothing ever became of it.”

33. The Parent also did not recall “ever having an IEP meeting” at the Center or receiving an “alleged IEP” from November 2024. They said, “I never signed anything. We never went over anything.” Furthermore, they claimed they never received documentation when the Student was removed from the general classroom. They reported that the Student was primarily kept in the break space and denied access to the general classroom because they refused to complete daily or weekly reflections. Despite claims that the Student did not want to participate, the Parent felt the Student was not given the opportunity to try, and was

excluded the “majority of the time.” The Student was allegedly secluded for “months on end because [the Student] wouldn’t do reflections for five months.”

34. The Parent claimed the Student attended the Center for “just under six months,” and then was “kicked out.” The Parent reported that they were called one day to pick the Student up, and the Student was sent home with a bag of paperwork and a laptop. The Center reportedly informed them that the Student was being homeschooled or attending school virtually, but could no longer physically attend the Center. The Parent recounted that the communication about picking up the Student stemmed from the Student’s refusal to engage with the work assigned to them, specifically reflections. The Student was reportedly frustrated with the staff’s methods, feeling that the Student’s efforts were not meeting the staff’s “perfection level” due to issues like spelling and grammar errors, even though the Student was only seven or eight years old at the time. The Parent believed this experience significantly increased the Student’s anxiety about schoolwork, making the Student afraid of making mistakes, and ultimately hindered rather than helped them.
35. When asked about an agency completing an FBA, the Parent explained that the FBA that was completed was initiated by DDS, had “nothing to do with the school,” and was completed after the Student was already out of school and being homeschooled.
36. The Parent described the therapy review meetings as frequent but unproductive. They recalled that the staff primarily focused on the Student’s misbehavior, offering a “long list of everything that [the Student] wasn’t doing” rather than providing solutions or positive feedback. The Parent felt that the staff conveyed that the Student was “a lot” to handle and required significant supervision, but they failed to offer any helpful strategies to address the Student’s challenges. The Parent ultimately found the meetings unhelpful.
37. The Parent reported that the Center denied access to a support person from the Outside Agency, citing “HIPAA Laws” and “overlapping services.” The Parent believed these reasons were fabricated to prevent the support person from observing the Student at the Center. This denial raised concerns for the Parent about the Student’s treatment at the Center, especially since the Student perceived staff’s dislike and mistreatment. The support person, a mentor to the Student for nearly two years, typically spent time with the Student both in and out of school, and had been permitted at the Student’s previous school, where the Student’s behavior improved with their presence. However, the Center consistently refused access despite repeated requests.
38. The Parent recalled discussing a referral for the Residential Program for the Student at a February 7, 2025 case management meeting. They understood the Center was experiencing difficulties with the Student and was leaning towards this option, but the Parent reported they did not fully grasp the reasoning or what it entailed, perceiving it as a potential temporary solution. After the Student stopped attending the Center, the initial educational support consisted of brief, 30 to 45-minute virtual sessions and academic software computer work, which the Parent felt did not meet the Student’s educational needs. Consequently, they transitioned the Student to a virtual school due to a lack of other available options.

39. During an interview with the Complaint Investigator, the Classroom Teacher, a licensed special education teacher, explained that they were primarily responsible for leading the classroom and ensuring the Student's IEP was followed. The Classroom Teacher also reportedly collaborated with the behavior and therapeutic teams to develop additional accommodations and modifications for the Student, leveraging the program's flexibility. The Classroom Teacher also shared information about the following:
- a. One-to-one support: The Student reportedly received one-to-one support in all academic areas. This support was provided in various settings, including at a separate desk with an adult, next to the Classroom Teacher's or behavioral support staff's desks, and even at a separate desk outside the classroom when the Student refused to work in the classroom. The Student typically had two-to-one support due to safety concerns and significant behaviors.
 - b. Written assignments and engagement: For the first month to a month and a half, the Student participated in class, raised a hand for breaks, and wrote three to five sentences independently with some spelling support. After this period, the Student ceased doing work, verbalizing a desire not to be at the Center or do schoolwork. Various accommodations, such as writing on a whiteboard for copying or using highlighters for tracing, were offered, but the Student would not engage, often shutting down by pushing items off the desk, putting their head down, or getting under the desk. According to the Classroom Teacher, the team was unable to find an effective accommodation.
 - c. Home-to-school notebook: The Center used a home-to-school notebook daily to provide fact-based updates on the Student's day, including successes and struggles, and to capture any significant behaviors from home. The Classroom Teacher shared that the Parent utilized the notebook, but their responses were often perceived as "defensive or attacking." The Parent also allegedly read the entries to the Student, despite being asked not to, as the notebooks were intended solely for parents. The Center felt the Parent did not appreciate the notebook and viewed it as a shaming tool.
 - d. Behavior plans and reward systems: The Student's behavior plan included a classroom-wide level system where daily performance earned "school money" for weekly spending. Break stars were also provided for students to use as needed. Specifically for the Student, due to unsafe and significant behaviors, two staff members were typically present at all times. The Student had a "penguin plan" that used non-verbal cards to indicate behavior status, and a "thermometer plan" (red, yellow, green) that simplified the level system. Additional accommodations included a rocking chair, a wiggle seat, and a rubber band on the seat.

In terms of positive reward systems, color spots were given for following rules and completing work, leading to an instant prize at the end of the day. The Center also attempted other individual motivators for the Student, such as earning toys, treats, outside time, or time with preferred staff, but found it difficult to identify something that truly motivated the Student.

- e. March 5, 2025 virtual meeting and distance learning: The Classroom Teacher recalled a March 5, 2025 virtual IEP meeting with the Student's resident school district, where it was determined that the Center's program was not working for the Student or their family,

who seemed very unhappy. During this IEP meeting, the resident school district decided to place the Student on distance learning, a decision the Parent reportedly opposed. The Center agreed to continue distance learning with the Student until the family and the resident district could devise a new plan. The Center had reportedly planned three weeks of home-based instruction, intended to provide time for the Parent and the resident school district to determine future placement. The Student attended two or three of these scheduled meetings. After the third scheduled meeting, the Parent decided to withdraw the Student from the Center's program. The Education Director was allegedly responsible for handling documentation for this home-based instruction.

40. During an interview with the Complaint Investigator, the Education Director explained that the Center was a nonprofit mental health day treatment center operated under the Department's long-term care and treatment programs with oversight from the District. They described their role as overseeing classrooms, managing paperwork, and conducting training, similar to a school principal. The Education Director also shared the following information:
- a. The Student's work outside the classroom: The Education Director clarified that the Student often completed work outside the classroom, likely in designated break spaces or communal areas equipped with desks and sensory materials, as staff offices were not used for students. The Student would often choose not to work in the classroom and would go to these break spaces, sometimes eloping there. The frequency of the Student's time in the break space increased over the months. While the Student spent more time in the classroom initially, by November 2024, they appeared overwhelmed and frequently requested to work outside. By January 2025, it became clear the Center's level of support might be insufficient, leading to discussions about whether the Center was the right fit for the Student. By March 2025, the Student was primarily outside the classroom, often just sitting or playing with sensory materials in the break spaces.
 - b. Access to break spaces: The Education Director reported that the Student's IEP allowed for access to break spaces as an accommodation, along with additional adult support. The Center honored the Student's requests for these breaks, especially since disruptive behaviors sometimes preceded the Student's exit from the classroom. Re-entry attempts involved various seating arrangements and locations within the small classrooms, with increased staff support and different types of work. By the end of their time at the Center, the Student spent less than 10% of the day in the classroom, often heading directly to a break space upon arrival.
 - c. Access to an outside support person: According to the Education Director, The Center has partnered with the Outside Agency for students, including the Student, allowing for observations and participation in child family team meetings. However, the Center did not allow the Outside Agency to provide additional support within the classroom, as the Center's own skills providers offered these services. The family reportedly sought out this external partnership, and it was not a required or guaranteed service.
 - d. Safety concerns and discharge: According to the Education Director, an increase in the Student's unsafe behaviors, including inappropriate touching of staff, led to intervention from the crisis team. Due to these behaviors, the Student was recommended for a three-day respite stay at the Residential Program. The Student was then reportedly discharged from the Center because the Center determined it was no longer therapeutically

beneficial and was potentially causing more harm than good due to the escalating and unsafe behaviors. The Education Director emphasized that the Center, while providing education, was primarily a treatment center, and Students were placed there based on meeting treatment criteria. The Center informed the Parent of the decision to discharge the Student and offered in-home support and services while a plan for a residential referral was developed.

The Education Director confirmed a March 5, 2025 virtual meeting involving the resident school district and a “wrap team,” aimed to present all available options to the Parent regarding the Student’s educational and therapeutic future, including in-home support or district options. The Parent reportedly did not decide on that day, but later that week, informed the Center via email that the following Friday would be the Student’s last day and withdrew the Student from the program entirely.

41. During an interview with the Complaint Investigator, the Special Programs Director shared the following information:
 - a. The Student’s placement and transition: The Special Programs Director explained that they had no role in the Student’s initial entry into the Center. Placement in the Center, a day treatment facility, was determined by a treatment team’s recommendation and health insurance coverage. The Student’s enrollment at the Center meant they became a District student. The treatment team continuously evaluated the Student’s progress through regular reports to the insurance company. If a higher level of care, such as residential placement, was deemed necessary, the Student could remain at the Center while on a waiting list or transition to outpatient therapy. According to the Special Programs Director, the District’s responsibility for the Student’s education ceased when the Student was withdrawn from the Center. The Special Programs Director, in their oversight role of the educational program, generally had zero involvement in these transitions unless the student was a resident of their district.
 - b. Distance learning/home-based services: The Special Programs Director shared that they learned from the Education Director that the Parent chose to continue in-home services and outpatient therapy through the Center after the Student’s withdrawal. This continuation of services was outside the Special Programs Director’s obligation to provide education, as the Center also operated as a private organization offering various services, including the Student’s outpatient therapy, beyond its state-approved long-term care and treatment school component.
 - c. The Residential Program referral: The Special Programs Director clarified that the referral to the Residential Program did not originate from the District, but from the Student’s resident school district after the Student was no longer enrolled at the Center.
42. During an interview with the Complaint Investigator, the ITS Assistant Director shared the following information:
 - a. Break spaces and work areas outside of the classroom: The ITS Assistant Director explained that the Center did not typically send students to staff offices to complete work. Instead, they utilized break spaces and hallway areas around the classrooms. These spaces served multiple purposes: sensory breaks, play therapy, de-escalation for

aggressive students, and alternative workspaces. Sometimes, if a student was disruptive or unsafe in the classroom, one of these rooms or the hallway would be set up as a workspace for one-to-one or small group work.

The Student's frequency of using these spaces varied; sometimes they had good weeks in the classroom, and at other times, they refused to work and escalated. When unsafe or disruptive, staff would try to encourage working in the hallway, which offered more one-on-one support with less disruption. However, the Student often insisted on going to the break space when they did not want to work, which was generally not a productive space for them and often led to increased unsafe behaviors. When the Student retreated to a break space, typically due to work refusal, the re-entry process involved offering simple tasks and attempting to transition the Student back to a desk in the classroom, often sitting one-to-one with staff. The goal was primarily to achieve a safe presence in the classroom, even if it meant limited work completion. The Student was informed of the simple expectations for returning, but consistently re-entering the classroom safely remained challenging.

Additionally, the ITS Assistant Director noted that the Student appeared aware of "tension" regarding their assignments and reports. It was believed that negative feedback the Student heard at home, such as assignments being "dumb" or unnecessary, contributed to this tension and affected their willingness to cooperate at the Center. The ITS Assistant Director reportedly discussed this with the Parent, emphasizing the importance of a unified message to avoid reinforcing the Student's resistance.

- b. The Student's last day and discharge from the Center: The ITS Assistant Director reported that on the Student's last physical day, the Student became highly escalated in the parking lot. The ITS Assistant Director and other staff intervened, and a meeting with the Parent followed. The ITS Assistant Director said they informed the Parent that the program was not working and they might need to move to a home-based learning plan. The ITS Assistant Director explained to the Parent that in the meantime, they could potentially be required to pick up the Student if behaviors escalated further. Later that day, the Student escalated again, and despite initial reluctance from the Parent due to work, another individual picked up the Student. This led to the implementation of the home-based learning plan.

The ITS Assistant Director shared that the primary reasons for the Student's discharge were physical aggression and a lack of therapeutic progress. While staff were trained in physical intervention, the Center was not equipped for its regular application, indicating a need for a higher level of care. The Student's behaviors escalated over time rather than de-escalating. Despite being a treatment program, the Student showed zero progress in their mental health goals related to emotional regulation, social skills, work completion, classroom behaviors, and safety over six months. The Student's inability or unwillingness to participate in the program was also a significant factor. The ITS Assistant Director had previously discussed the voluntary nature of the program and the lack of progress with the Parent, noting that the situation continued to decline.

IV. DISCUSSION

Content of the IEP

The Parent alleged that the District violated the IDEA by not providing: the support needed for the Student to complete written “weekly reflections”; positive behavioral interventions and supports, including a functional behavior assessment and behavior intervention plan; and parent training.

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. The IEP must also include a statement of measurable annual goals, including academic and functional goals (and, for children with disabilities who take alternate assessments aligned to alternate achievement standards, a description of short-term objectives) designed to meet the child’s needs that result from the child’s disability to enable the child to be involved in and make progress in the general education curriculum; and meet each of the child’s other educational needs that result from the child’s disability.³

The IEP must also include 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 and 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 and/or be involved and progress in the general education curriculum and to participate in extracurricular and other nonacademic activities and to be educated and participate with other children with disabilities and children without disabilities.⁴

Further required are the projected dates for initiation of services and modifications, and the anticipated frequency, amount, location, and duration of the services and modifications. An explanation of the extent, if any, to which the child will not participate with children without disabilities in the regular class and activities is to be documented.⁵

According to the Parent, the Center mandated a weekly “reflections” writing assignment for all students, including the Student. This assignment required students to write two sentences about their weekly successes, two about their shortcomings, and one about future improvements. The Student, however, consistently struggled to complete these reflections. The Parent described the Center’s approach as “punitive rather than supportive,” asserting that it intensified the Student’s behavioral challenges instead of resolving them constructively. The

³ OAR 581-015-2200 (1) (a) (b); 34 CFR § 300.320

⁴ OAR 581-015-2200 (1)(c)(d)(A)(B)(C); 34 CFR § 300.320

⁵ OAR 581-015-2200(1)(e)(f)(g); 34 CFR § 300.320

Parent also claimed there was no evidence that a comprehensive FBA or appropriate BIP was in place to address the Student's behavioral needs and that family therapy and counseling were discussed before the Student started at the Center, but were never offered.

According to the District, the Student received one-to-one support, sentence starters, and a template for written language assignments, including weekly reflections. While initially completing the work satisfactorily for about a month, the Student's refusal increased with escalating behavioral incidents. The team continued to require written task completion with support in various settings. Additionally, the Student was reportedly provided with a BIP that complemented their therapeutic treatment plan and the Center's foundational structures. Finally, the District claimed that the Parent participated in bi-weekly therapy and received communication via the home-to-school notebook. However, they opted out of in-home visits.

Based on the District interviews and the evidence provided, the Center required all students, including the Student, to complete weekly reflections every Friday. These reflections also followed significant negative behaviors to connect choices with consequences. The staff pre-taught expectations and provided clear instructions, expecting independent completion; they even suggested thinking about them at home on Thursday nights to help the Student.

Despite these efforts, the Student consistently struggled with the reflections, often refusing, becoming defiant, or dysregulated, leading to yelling, throwing work, blaming staff, or physical aggression. The Student sometimes claimed the work was "too hard" or pretended not to know how to read to avoid it, and frequently refused accountability. The Parent told the Center that the reflections significantly increased the Student's anxiety about schoolwork and ultimately hindered their progress. Consequently, the Classroom Teacher attempted to replace reflection work with academic activities, but the Student reportedly refused that work as well. Also, from February 4, 2025, through March 7, 2024, reflection and emotional work were removed from the Student's alternative work packets.

Based on the evidence provided, the Student's November 12, 2024 IEP included specific behavior skills goals, which aimed for the Student to independently follow three-step directions, accept and appropriately respond to feedback, demonstrate appropriate and safe interactions with peers and staff, and independently identify emotions and take breaks to self-regulate. To support these goals, the IEP allocated 150 minutes per week for instruction in behavioral skills. Additionally, the IEP outlined supplementary aids and services, including a positive reward schedule, a comprehensive behavior plan, sensory breaks, regular breaks, and a quiet space to decompress or self-regulate, all of which were implemented for 360 minutes daily. Behavioral consultation for school personnel was also listed for 180 minutes per year. Furthermore, the IEP placement determination that the Parent participated in indicated that the Student was removed from general education to a day treatment setting, which offered intensive, individualized social, emotional, behavioral, and academic support, as well as therapeutic support in a small group, to best meet the Student's needs.

Beyond the IEP, the Center staff reported employing various strategies, including consistent expectations, positive reinforcement, and designated break spaces, often making privileges contingent upon behavior and work completion. The Student's individual behavior plan

featured a classroom-wide level system for earning “school money” and “break stars.” Due to safety concerns, the Student typically received two-to-one staff support. Other specific plans included a “penguin plan” using non-verbal cards, a “thermometer plan” (red, yellow, green) to simplify behavior status, and “color spots” to earn instant prizes for work completion and following rules. While attempts were made to motivate the Student with rewards like toys, treats, and preferred staff time, identifying consistent motivators proved challenging. The home-to-school notebook, behavior reports, and progress reports also detailed these strategies and the Student’s responses to them.

Regarding parent training, in January 2025, the ITS Assistant Director emailed the Parent a list of recommendations, including collaborating on home behavior plans, presenting a unified front, following through on consequences or rewards, using natural consequences, accepting program expectations, and adhering to medical recommendations. Also, during a telehealth meeting with the Parent, the ITS Assistant Director addressed the family’s “consistent pushback, disrespect, and disbelief of reports,” explaining its negative impact on the Student’s progress and trust. The family subsequently agreed to adjust their behavior and expressed openness to collaboration and home-based suggestions. Additionally, strategies and recommendations, including information for a crisis helpline that the Parent accessed more than once, were shared by the Center in the home-to-school notebook. Finally, when the Center decided to discharge the Student, they offered in-home support and services while developing a residential referral plan.

In reviewing and revising the IEP for a child, a district must consider special factors, including whether the child’s behavior impedes their learning or that of others. When it is determined that the child’s behavior does impede their learning or that of others, the district must consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior.⁶ In this instance, the Student’s behavior clearly impeded their learning and the learning of others. The Center responded by outlining specific behavioral goals and dedicating significant resources (staff support, supplementary aids, behavior plans like the level system, penguin plan, thermometer plan, and color spots) to address that behavior. A FBA is only explicitly required when a manifestation determination is held and the child’s behavior is determined to be a manifestation of the child’s disability, but no FBA was completed before the behavior that prompted the disciplinary action resulting in the manifestation determination. While a FBA may have informed additional behavioral strategies, it is unlikely as the results of a FBA completed after the Student left the Center made recommendations comparable to the information already included in the Student’s IEP. The District’s efforts clearly demonstrated their ongoing attempts to address the Student’s challenging behaviors, consistent with the requirements of the IDEA.

The consistent struggle with the weekly reflections assignment highlighted an area where a specific intervention, despite provided support, proved counterproductive. The key issues centered on the effectiveness of specific interventions (like reflections) and the ongoing challenges in identifying consistent motivators and finding successful ways for the Student to accept accountability, rather than a fundamental lack of behavioral support planning or

⁶ 34 CFR 300.324; OAR 581-015-2205

information gathering by the District. The provided evidence indicated that the implemented behavioral supports were reasonably calculated to provide educational benefit.

Regarding parent training, while the Parent's desired format of family therapy might not have been fully met, the District did engage in consistent communication, provided recommendations, and offered support, including crisis resources and, later, in-home services. This indicated an effort to involve and support the Parent, even if it did not align exactly with the Parent's expectations.

The Department does not substantiate this allegation.

When IEPs Must Be in Effect

The Parent alleged that the District violated the IDEA by not providing the Parent with IEP progress reports September 2023 to June 2024. Further, the Parent alleged the Student was frequently sent to the "break space", homework was not sent home as "promised", and access to the support person from the Outside Agency was "denied."

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. The 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.⁷

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.⁸

Regarding IEP progress reports not being provided to the Parent from September 2023 through June 2024, it was clarified with the Parent by the Complaint Investigator at the start of this investigation that the Student was not enrolled in the District named as a party in this investigation during that time period. The Student began receiving services from the Center in the District on September 4, 2024. The District's obligation to provide IEP progress reports is directly tied to its responsibility for educating and providing services to an enrolled student. Based on these findings, the allegation regarding the District's failure to provide IEP progress reports for this timeframe cannot be substantiated against the named District.

⁷ OAR 581-015-2220 (2)(a)(b)(2)(a)(b); 34 CFR § 300.323

⁸ OAR 581-015-2220 3(a)(b); 34 CFR § 300.323

Regarding the use of break spaces, the Parent's position was that the Student spent most of their time in the break space from mid-October 2024 onward and was denied general classroom access for months due to refusal to complete written reflections. The Parent described the break space as a small, isolated room and claimed that the use of isolation "seemed excessive and inappropriate for a child with disabilities, yet it was a common practice."

According to the evidence provided, the Student was frequently in a break space at the Center, with usage increasing in frequency and duration from November 2024 onwards, sometimes for the remainder of the school day. This was often due to dysregulation, work refusal, and aggressive or unsafe behaviors, as documented in the home-to-school notebook, point card reports, and text messages. The Student also often chose to go there when unwilling to work. The Student's IEP included a social skills goal for which the Student was working on independently identifying when they were upset, and taking appropriate breaks to regulate their emotions. The IEP accommodations and additional services included sensory breaks, a quiet place to decompress or self-compose, regular breaks throughout the day, and one-to-one adult support. Furthermore, part of the Student's placement determination included receiving small-group or individualized instruction.

The District staff interviews corroborated that the Center honored the Student's requests for breaks, especially since disruptive behaviors sometimes preceded the Student's exit from the classroom. Additionally, the District staff clarified that the break spaces were located in various areas, including communal workspaces, hallway areas around the classrooms, and individual student workspaces that served multiple purposes, such as providing sensory breaks, de-escalation, and alternative workspaces as part of their therapeutic and instructional programming. The objective was often to provide a setting where the Student could receive one-to-one support with less disruption when classroom integration was challenging due to escalating behaviors. When the Student spent time in the break spaces or alternative workspaces, it was communicated in the home-to-school notebook and addressed in periodic therapy review meetings with the Parent.

While the Parent viewed the use of the break space as excessive isolation, the evidence indicated that the Center's use of these spaces, along with one-to-one support, was consistent with the accommodations and goals outlined in the Student's IEP. The Student's documented behavioral challenges and their frequent refusal to engage in academic tasks often reasonably led to their use of these areas. This suggests that the use of these spaces was a response to the Student's immediate needs and behavioral presentation or self-directed requests, rather than an arbitrary denial of general classroom access.

Regarding the Parent's allegation that homework was not provided "as promised," the District explained that no homework was provided for any student at the Center in grades kindergarten through fifth grade. Additionally, there was no evidence provided that indicated any discussions or promises made regarding homework. The Parent also claimed that despite approval, the Center "denied access" to a support person from the Outside Agency, citing HIPAA regulations.

The Parent expressed belief that these reasons were fabricated to prevent the support person from observing the Student at the Center.

According to District interviews and the evidence provided, although this external partnership was sought out by the family and was not a required or guaranteed service, the Parent was encouraged to invite the support person from the Outside Agency to the IEP meeting. The support person was also reportedly involved in “wraparound” meetings for the Student and was permitted to observe the Student in the classroom. However, the Center did not allow the support person to provide additional support within the classroom, as the Center’s own skills providers offered these services as part of the therapeutic nature of the program. Concerns with interfering with prescribed therapy were the main factor in not allowing someone from outside the Center to provide support within the classroom.

While the IDEA outlines the services a district must provide, it does not explicitly require a district to permit external, non-IEP-mandated support personnel to provide direct services within the school environment. The decision to allow or disallow such external support falls within the purview of school policy and the need to ensure the consistency and integrity of the student’s prescribed educational and therapeutic program. Furthermore, the Center demonstrated a willingness to collaborate by allowing the support person to attend meetings and observe, which indicated that the denial was specific to the provision of direct services within the classroom, rather than a blanket refusal of all access or an attempt to conceal information, as alleged by the Parent. Finally, the Center’s rationale for denying the outside support person direct in-classroom access was reasonable. As a specialized therapeutic program, introducing an external person to provide direct services could disrupt the Center’s structured interventions, create inconsistencies in behavior management, and undermine the integrated, comprehensive approach of its trained staff.

The Department does not substantiate this allegation.

Supplementary Aids and Services

The Parent alleged that the District violated the IDEA by sending the Student to the office to complete schoolwork with an adult.

School districts must ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services. The continuum must make provision for supplementary aids and services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.⁹

It was determined during the investigation that the specific allegation about the Student being sent to the office was based on activity that occurred at a previous school in a different district. Therefore, the District named in this investigation had no jurisdiction or responsibility for actions that took place in another district. The Parent also raised similar allegations about the Student frequently being sent to break spaces, which were addressed under an earlier

⁹ OAR 581-015-2245 (2); 34 CFR § 300.42

discussion (When IEPs Must be in Effect). Based on these findings, this allegation cannot be substantiated because the activity forming the basis of this specific allegation occurred at a previous school in a different district, thereby placing it outside the purview and responsibility of the current District under investigation.

The Department does not substantiate this allegation.

Prior Written Notice

The Parent alleged that the District violated the IDEA by failing to notify the Parent that the Student was being sent to the office. Further, the Parent alleged they did not receive notice prior to the Student's day being shortened and home-based instruction.

Prior written notice must be given to the Parent of a child, and to the adult student after rights have transferred, within a reasonable period of time before a school district proposes to initiate or change, the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education (FAPE) to the child; or refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child.¹⁰

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. Also required is 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 and a description of other options that the IEP Team considered and the reasons why those options were rejected. Lastly, it should also include a description of other factors that are relevant to the agency's proposal or refusal.¹¹

The prior notice must be written in language understandable to the general public and provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the school district must take steps to ensure that the notice is translated orally or by other means to the parent in the parent's native language or other mode of communication that the parent understands the content of the notice. There must be written evidence that the requirements have been met.¹²

According to the Parent, the Student was "sent home on February 28, 2025 with a non-functioning laptop and a large amount of paperwork, with no prior agreement or official

¹⁰ OAR 581-051-2310 (2)(a)(b); 34 CFR § 300.503

¹¹ OAR 581-015-2310(3)(a)(b)(c)(d)(e)(f)(g); 34 CFR § 300.503

¹² OAR 581-015-2310(4)(a)(b); 34 CFR §300.503

documentation.” The Parent also claimed, “There was no consent or signature on any documents approving a reduced school day or home-based instruction.”

According to the District, the Student was considered to be placed on an abbreviated school day program because the Center had a shorter school day than the typical elementary school in the District. However, the Student was provided services for the fully scheduled school day that the Center provided from the beginning of the school year until February 28, 2025. The Student was discharged on March 7, 2025, but their day was not shortened while enrolled in the program.

Regarding the Student being sent to the office, it was determined in this investigation that these incidents involved a previous school in a different district, not the Center or the District relevant to this complaint. Furthermore, the regular use of a general education office, or even a designated break space as an accommodation, does not typically necessitate a PWN under the IDEA. The Student’s IEP explicitly allowed for the use of such spaces as a support strategy.

Regarding a shortened day, evidence showed that on September 16, 2024, the Classroom Teacher informed the Parent via text that the Center operated on an abbreviated school day, which would be documented in the Student’s IEP and require additional paperwork; the Parent agreed. The Parent confirmed that regular meetings were held for this, where they signed consent paperwork. According to this paperwork, the Parent was given the option to return the Student to their resident district. The District staff verified the Center’s day was about five minutes shorter (a 3% reduction), documented in the IEP, but this did not change the Student’s daily schedule or presence with other students. The home-to-school notebook, used daily for communication from September 2024 to February 2025, showed no instances of the Student being sent home early, and the Parent regularly responded to entries. Other than the Center’s daily schedule being shorter than other schools within the District, which all enrolled students experienced, there was no other evidence of a shortened school day specifically for the Student.

Furthermore, the abbreviated school day program at the Center was handled in compliance with relevant regulations. Although the sections of Oregon Revised Statutes (ORS) that govern the use of abbreviated school day programs (ORS 343.321-ORS 343.333) is distinct from IDEA, both require proper consideration for students with IEPs. The Student’s IEP documented the abbreviated schedule, which was repeatedly discussed with the Parent. The Parent consistently signed informed and written consent, and was always given the option to transfer the Student back to their resident district. Additionally, this the Student’s day was not shortened to reduce their overall educational access at the Center, nor was a shortened day used as a disciplinary measure.

Regarding the change to home-based instruction, on Friday, February 28, 2025, the Student was sent home with a laptop and lesson plans, which prompted the Parent to seek clarification, asking if the Student was no longer returning to school. Via text messages on that date, the Classroom Teacher confirmed that the Student was transitioning to a home-based learning plan starting March 3, 2025, due to behavioral needs and had been sent home with the necessary

supplies. The Classroom Teacher also mentioned that this had been discussed in a meeting with the Parent the previous day, February 27, 2025 and that another meeting to discuss a longer-term plan was scheduled for March 5, 2025. The ITS Assistant Director also referenced a meeting with the Parent to discuss home-based learning on the Student's last in-person day (February 28, 2025) at the Center, for which there were informal notations. There were case management notes from February 7, 2025 that documented a discussion with the Parent about the program not meeting the Student's needs and the potential need for a different placement option. However, formal documentation of any discussions with the Parent about changing the Student's placement to home-based instruction was not provided. The Parent later discharged the Student from the Center on March 7, 2025.

While the Center engaged in direct, albeit informal, communication (text messages and verbal discussions) with the Parent about the immediate change to home-based learning and provided initial materials, there is no evidence of a formal PWN being provided to the Parent before this change in placement became effective on March 3, 2025. This omission, despite verbal and text communications, constituted a procedural violation of IDEA requirements for a change in educational placement. The Parent's subsequent decision to withdraw the Student from the Center on March 7, 2025, indicated their disengagement from the Center's program, but this did not negate the procedural notice requirement for the initial change to home-based instruction.

Based on these findings, the allegations regarding a lack of PWN when the Student was sent to the office and for a shortened school day are not substantiated. However, the allegation regarding a lack of PWN for the home-based instruction is substantiated.

The Department substantiates this allegation in part.

Parent Participation

The Parent alleged that the District violated the IDEA by not providing the Parent with a copy of the Student's IEP.

School districts are required to ensure parents of a child with a disability are present at or have the opportunity to participate in each IEP or placement meeting by providing timely notification and scheduling at a mutually agreed-upon time and place.¹³

The school district must give the parent a copy of the IEP at no cost to the parent. If the parent does not attend the IEP meeting, the school district must ensure that a copy is provided to the parent.¹⁴

According to the Parent, the last IEP on file was from November 2023 and no updated IEP from the Center had been provided. During an interview, the Parent stated they did not recall ever

¹³ OAR 581-015-2195 (1); CFR § 300.322(a)

¹⁴ OAR 581-015-2195 (5); 34 CFR § 300.322(f)

having an IEP meeting at the Center or receiving an “alleged IEP” from November 2024, claiming they “never signed anything” and “never went over anything.” According to the District, the Parent was provided with a copy of the IEP.

According to the evidence provided, in September 2024, the Classroom Teacher messaged the Parent about needing to make IEP amendments, including transportation and placement. The Parent acknowledged the message via text. Then, in November 2024, the Parent was notified of an annual IEP meeting scheduled for November 12, 2024. Text messages confirmed the Parent’s availability and their request for the support person from the Outside Agency to attend. The Parent was listed as “present” for this IEP meeting, and a PWN from the same date confirmed the meeting occurred to update goals and discuss progress. The Classroom Teacher also re-sent the meeting link to the Parent on the day of the meeting at the Parent’s request. Later in November, the Classroom Teacher sent home paperwork for the Parent to sign. The Parent confirmed signing paperwork the previous week, which was clarified by the Classroom Teacher as being annual IEP documents.

The core allegation is that the District violated the IDEA by not providing the Parent with a copy of the Student’s IEP. However, OAR 581-015-2195 primarily focuses on ensuring parent participation in IEP meetings, including notification, scheduling, and alternative participation methods. It also states that the school district “must give the parent a copy of the IEP at no cost” and “if the parent does not attend the IEP meeting, the school district must ensure that a copy is provided to the parent.”

In this case, the Parent did attend the IEP meeting on November 12, 2024. This is supported by evidence already discussed. While the Parent later stated they did not recall attending the meeting or receiving the IEP, the documented communications and attendance record directly contradict this claim. The Parent’s subsequent acknowledgment in a November 25, 2024, text message of having signed “paperwork,” which was clarified as annual IEP paperwork, further demonstrates their engagement with the IEP documentation.

The OAR stipulates that if a parent does not attend the meeting, the district must ensure a copy is provided. Since the evidence confirms the Parent’s attendance, this specific condition for ensuring delivery of the IEP copy is not applicable in the same way it would be if the Parent were absent. The District’s primary obligation under the IDEA and OAR, in this context, was to ensure the Parent’s participation, which the evidence shows it did.

In conclusion, the District fulfilled its obligation to ensure Parent participation in the IEP meeting. Given the Parent’s documented attendance at the November 12, 2024, IEP meeting, the District met its requirements under the IDEA and OAR regarding parent involvement.

The Department does not substantiate this allegation.

Education Placement

The Parent alleged that the District violated the IDEA by placing the Student on home instruction without parent participation in the decision. The educational placement of a child

with a disability is determined by a group of persons, including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options.¹⁵

According to the Parent, they voluntarily placed the Student at the Center, a long-term care and treatment program, due to elopement issues at previous schools. On February 7, 2025, a telehealth meeting was held with the Parent, Education Director, and Therapist to discuss the Student's lack of progress and escalating unsafe behaviors, resulting in a consensus that a different setting was needed. The Parent consented to a referral for the Residential Program, and an IEP meeting was planned with the resident district to explore options.

On February 28, 2025, the Classroom Teacher informed the Parent via text that the Student would transition to a home-based learning plan starting March 3, 2025, with a computer and lesson plans provided. A longer-term plan would be discussed with the District and the resident district on March 5, 2025. The Parent acknowledged receiving these items.

A virtual meeting took place on March 5, 2025, with the Parent in attendance, to discuss treatment and referral updates, discharge, and a transition plan. Notes from this meeting confirmed that the Residential Program referral had been submitted, home-based services would continue until March 21, 2025 (the planned discharge date, unless the Parent ended services sooner), and a placement meeting would be scheduled. Case management notes from March 5, 2025, confirmed the Student's move to a distance learning plan due to behavioral needs, with the Parent and Student present for an educational check-in.

However, on March 7, 2025, the Parent emailed the ITS Assistant Director, requesting to discharge the Student from the Center, which became the Student's last day in the program. The Student was officially withdrawn and returned to their resident school district. The Center's Transfer Summary indicated it was a planned discharge, but the Parent had "pulled" the Student sooner than scheduled. The ITS Assistant Director stated that the primary reasons for discharge were the Student's physical aggression and lack of therapeutic progress, and the Center was not equipped for the regular application of physical interventions that had become necessary due to escalating behaviors.

The core of the Parent's allegation was a lack of participation in the decision to place the Student on home instruction. The facts demonstrated a collaborative process involving multiple meetings and communications where the Parent was informed, consulted, and actively participated in discussions regarding the Student's changing educational and therapeutic needs and the subsequent transition to a home-based learning plan as an interim step toward a more intensive placement. The Parent's consent to a residential program referral and their active participation in the March 5, 2025 meeting, which outlined the temporary home-based instruction and future planning, indicated their involvement in the decision. Ultimately, the Parent also independently decided to withdraw the Student from the Center.

¹⁵ OAR 518-015-2250 (1)(a); 34 CFR § 300.327

While the evidence demonstrates that there was collaboration between the parties, the formal processes for reaching such a decision do not appear to have been followed. The IEP was not amended to reflect this change in placement, nor was PWN provided.

The Department substantiates this allegation.

V. CORRECTIVE ACTION¹⁶
In the Matter of Springfield School District 19
Case No. 025-054-029


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

Action Required	Submissions	As Soon As Possible But No Later Than Due Date
<p>1. The District must prepare and provide the Parent with a PWN that should have been issued on or before February 28, 2025, detailing the change in the Student's educational placement to home-based instruction effective March 3, 2025. This retroactive PWN will include all required elements as outlined in 34 CFR § 300.503.</p> <p>A copy of this retroactive PWN, along with documentation of its delivery to the Parent, will be placed in the Student's educational file.</p>	<p>The District shall submit the following:</p> <p>Completed retroactive PWN.</p> <p>Documentation of delivery of the PWN to the Parent and placement in the Student's education file.</p>	<p>September 1, 2025</p> <p>September 18, 2025</p>
<p>2. The District must provide training to all relevant District/Center staff on the requirements for PWN under IDEA. The training will cover the content, timing, and documentation of PWN, with emphasis on situations that constitute a</p>	<p>Training agenda and materials.</p> <p>Sign-in sheet documenting attendance for the training.</p>	<p>September 13, 2025</p> <p>December 15, 2025</p>

¹⁶ 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)).

change in educational placement. Training should include practical exercises and scenarios to ensure staff can accurately identify situations requiring PWN and properly complete the necessary documentation.		
3. The District must review and revise current communication policies or protocols with parents, especially those involving significant decisions about a student's educational program. Emphasis should be placed on ensuring that informal communications (e.g., text messages, verbal discussions) are appropriately followed up with formal PWN when required, clearly distinguishing between preliminary discussions and official notice.	<p>A report documenting the completion of the communication protocol review and revision that includes:</p> <ul style="list-style-type: none"> • the date it was completed; • participants involved; • methodology; • key findings; • revisions made; • confirmation of alignment to PWN policies or procedures; • next steps or ongoing monitoring. 	September 13, 2025

Dated: this 1st Day of July 2025



Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing Date: July 1, 2025

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).)