BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of Gladstone School District 115	)	FINDINGS OF FACT,
	)	CONCLUSIONS,
	)	AND FINAL ORDER
	)	Case No. 25-054-046

I. BACKGROUND

On June 20, 2025, the Oregon Department of Education (Department) received a written request for a special education complaint investigation from the parents (Parents) of a student (Student) residing in the Gladstone School District 115 (District). The Parents 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 Parents and the District agree to the extension in order to engage in mediation or local resolution, or for exceptional circumstances related to the complaint.[2]

On June 26, 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 July 11, 2025.

The District submitted a *Response* on July 11, 2025, denying the allegations, providing an explanation, and submitting documents to support its position. The District submitted the following relevant items:

1. District's Written *Response* to Complaint, no date (*sent on 07/11/25*)
2. Relevant Emails dated 11/05/24 through 06/10/25
3. [Antecedent, Behavior, Consequence (]ABC[)] Data Collection sheets, 01/31-05/23/25
4. Individualized Education Program (IEP) Amendment, 04/28/25
5. IEP, 01/31/25
6. Extended School Year (ESY) Determination, no date
7. Meeting Notes, 06/06/25
8. IEP Draft, 02/26/25
9. PWN, 06/05/25
10. IEP, 03/18/24

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

11. PWN, 03/21/25
12. IEP Progress Report, 06/16/25
13. Meeting Notes, 05/28/25

The Parents did not submit a *Reply*, but did submit additional documents on July 18, 2025. The Parents submitted the following relevant items:

1. ABC Data Collection sheets, 01/31-05/23/25
2. Progress Monitoring, 04/01-05/26, no year

The Parties agreed to engage in mediation on July 25, 2025. Mediation was discontinued, and the Complaint Investigation resumed on September 17, 2025.

The Complaint Investigator interviewed the Parents on September 19, 2025. On July 16 and October 1, 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 Parents' allegations and the Department's conclusions are set out in the chart below. The conclusions are based on the Findings of Fact in Section III and the Discussion in Section IV. This Complaint covers the one-year period from June 21, 2024, to the filing of this Complaint on June 20, 2025.

Allegations	Conclusions
Extended School Year (ESY) Services The Complaint alleged the District did not adequately collect data on the Student's performance before and after instructional breaks and violated the IDEA by not providing the Student with ESY services. (OAR 581-015-2065; 34 CFR §300.106)	**Not Substantiated** The District adequately collected data on the Student's performance before and after instructional breaks and did not violate the IDEA by not providing the Student with ESY services.

REQUESTED CORRECTIVE ACTION
● Provide the Student with ESY services for the summer of 2025.

III. FINDINGS OF FACT

IDEA regulations limit complaint investigation to alleged violations occurring no more than one year before the Department's receipt of the special education complaint. This Complaint Investigation did not consider any IDEA violations alleged to have occurred before June 21, 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 eighteen years old and attends a high school in the District. The Student is eligible for special education services under the category of Autism Spectrum Disorder (ASD). The Student was described as having "boundless energy" and an "infectious smile." The Student enjoys long walks and watching preferred videos.

2. The IEP, dated March 18, 2024, listed a Transfer IEP date of November 1, 2024, and described the following:
   a. The Student was attending school at a "[District] Outside Placement."
   b. The annual review was listed as March 17, 2025, and the reevaluation was due on March 16, 2028.
   c. The Student's goals were written in the areas of communication, academic readiness, adaptive self/management, behavior, life skills, and transition.
   d. Specially Designed Instruction (SDI) in all goal areas was provided daily from March 18, 2024 through March 17, 2025.
      i. Regarding ESY, a "checkmark" indicated "a decision has not been reached and the district will continue to collect ESY data," with an anticipated meeting date listed as April 25, 2025.
   e. Accommodations, modifications, and supports for school personnel were listed.

3. The IEP, dated January 31, 2025, described the following:
   a. The Student was attending a high school in the District.
   b. The annual review date was listed as January 30, 2026, and the reevaluation date was listed as March 16, 2028.
   c. The Student's present levels were noted as a summary from another district.
   d. Transition planning goals were listed.
   e. Special factors indicated the Student's behavior impeded their learning or the learning of others and was addressed with a behavior goal and a behavior support plan. Communication needs were identified as a special factor and were addressed with a communication goal. Additionally, the Student had access to augmented communication systems to meet their requirement for assistive technology.
   f. Anticipated progress report dates were listed as: March 12, 2025, June 17, 2025, and November 21, 2025.
   g. The following goals were described:
      i. Adaptive Self/Management:
         (1) "By January 2026, [the Student] will independently pick up items from the floor or ground and place them in the trash or recycling, without putting them in [their] mouth, with 70% accuracy, as documented by teacher logs."

(2) "By January 2026, [the Student] will independently complete [their] arrival and departure routines with minimal prompting, including taking off [their] coat, Hanging it up, placing both backpacks in the locker, and taking out [their] talker, with 80% accuracy across 4 out of 5 consecutive school days, as documented by teacher logs."

ii. Behavior: "By January 2026, [the Student] will reduce instances of physical hitting, defined as forceful contact beyond a light tap, and increase cooperative behaviors by 70%, as measured by interval data tracking records."

iii. Life Skills: "By January 2026, [the Student] will independently request to use the restroom using [their] communication device (bathroom button or talker) and complete the hand-washing routine independently with 80% accuracy, as measured by teacher observation and tracking."

iv. Communication: "By January 2026, [the Student] will independently use [their] communication device (iPad with [Picture Exchange Communication System] PECS and Proloquo2Go) to request basic needs and express preferences with 80% accuracy across 4 out of 5 consecutive school days."

h. SDI was described as being provided daily starting on February 3, 2025 and ending on February 2, 2026.

4. The IEP dated February 26, 2025 described the following:
   a. The annual review date was listed as February 25, 2026.
   b. The following goals were described:
      i. Adaptive Self/Management:
         (1) "By February 2026, [the Student] will independently pick up items from the floor or ground and place them in the trash or recycling, without putting them in [their] mouth, with 70% accuracy, as documented by teacher logs."
         (2) "By February 2026, [the Student] will independently complete [their] arrival and departure routines with minimal prompting, including taking off [their] coat, hanging it up, placing both backpacks in the locker, and taking out [their] talker, with 80% accuracy across 4 out of 5 consecutive school days, as documented by teacher logs."

      ii. Behavior: "By February 2026, [the Student] will reduce instances of physical hitting, defined as forceful contact beyond a light tap, and increase cooperative behaviors by 60%, as measured by interval data tracking records."

      iii. Life Skills: "By February 2026, [the Student] will independently request to use the restroom using [their] communication device (bathroom button or talker) and complete the hand-washing routine independently with 80% accuracy, as measured by teacher observation and tracking."

      iv. Communication: "By February 2026, [the Student] will independently use [their] communication device (iPad with PECS and Proloquo2Go) to request basic needs and express preferences with 80% accuracy across 4 out of 5 consecutive school days."

      v. SDI was described daily starting on February 27, 2025 and ending on February 26, 2026.

5. On March 13, 2025, the District and Parent agreed to amend the IEP, effective April 28, 2025, to include the following:
    a. The annual review date was listed as March 12, 2026.
    b. An Outside Agency was listed as the agency responsible for the Student's independent and daily living skills.
    c. The following goals were described:
        i. Adaptive Self/Management: "By March 2026, [the Student] will independently pick up items from the floor or ground and place them in the trash or recycling, without putting them in [their] mouth, with 70% accuracy, as documented by teacher logs."
        ii. Behavior: "By March 2026, [the Student] will reduce instances of physical hitting, defined as forceful contact beyond a light tap, and increase cooperative behaviors by 80%, as measured by interval data tracking records."
        iii. "By March 2026, [the Student] will independently request to use the restroom using [their] communication device (bathroom button or talker) and complete the hand-washing routine independently with 80% accuracy, as measured by teacher observation and tracking."
        iv. Communication: "By March 2026, [the Student] will independently use [their] communication device (iPad with PECS and Proloquo2Go) to request basic needs and express preferences with 80% accuracy across 4 out of 5 consecutive school days."
        v. Transition: "By March 2026, [the Student] will independently water the plants daily and fill soil in pots once a week with 90% accuracy and minimal verbal prompts (no more than 1 prompt), as measured by teacher observation and weekly tracking charts over a 4-week period to assess consistency and independence."
        vi. Regarding ESY, a decision had not been reached, and the anticipated meeting date was listed as May 23, 2025.
        vii. The Statement of Non-Participation Justification indicated the Student was removed from the regular classroom 100% of the day "to be instructed in the self-contained setting. [The Student] will leave the classroom for walks and to have access to the track and PE at certain times." The justification of the removal indicated that "[The Student] requires individualized instruction in a classroom equipped with sensory supports to address [their] overall needs. [The Student] benefits from a structured routine, instruction tailored to [their] level, and frequent opportunities to practice and reinforce [their] skills."

6. A Prior Written Notice (PWN), dated March 21, 2025, described the actions the District proposed, the basis for their proposal, options that were considered, and the relevant factors pertaining to their proposal.

7. Meeting Notes dated May 28, 2025 indicated the discussion revolved around the Student's eligibility for ESY. According to the notes, "[The Director of Special Services] explained ESY services are guided by the principle that extended breaks from school can lead to learning loss for many students. The primary purpose of ESY is to maintain previously acquired skills in students who demonstrate greater-than-typical regression or difficulty with recoupment following school breaks. [The Director of Special Services] emphasized that ESY is not intended for teaching new skills, but rather for maintaining current skills, particularly in areas

where data shows significant regression and challenges with recoupment. ESY services are determined based on the Student's individual needs and data collected over time."

"[The Director of Special Services] shared data collection sheets for [the Student's] five IEP goals. These documents were sent to the team the day before the meeting, with the intention of presenting a summary of the data during today's discussion. At the start of the meeting, [the Attorney for the Parents] requested to review the summary before proceeding. [The Director of Special Services] promptly distributed the summary to all team members before continuing with the meeting. [The Attorney for the Parents] requested the data sheets that were collected prior to Spring Break. [The Attorney for the Parents] recommended adjourning the meeting to allow the family time to review the data. [The Director of Special Services] stated that [they] would send the requested sheets as soon as possible. [The Director of Special Services] explained that the data collected prior to Spring Break consisted of ABC data, reflecting our focus on maintaining safety for both [the Student] and the staff. During this time, [the District] documented all instances of behavior and ingestion of non-food items."

8. On May 29, 2025, the Director of Special Services emailed the Parents and attached meeting notes from the May 28, 2025 meeting and "... ABC data logs from January through April."

9. On June 4, 2025, the Director of Special Services emailed the Parents, "Attached is our initial assessment regarding [ESY] services."

10. The Special Education Teacher documented ABC data on the following days, categorized by frequency:
    a. Four times a day for the following five days: January 31, 2025; February 3, 2025; February 20, 2025; February 24, 2025; and February 28, 2025.
    b. Three times a day for two days: February 25, 2025 and March 4, 2025.
    c. Two times a day for the following five days: February 4, 2025; February 18, 2025; March 17, 2025; March 20, 2025; and April 2, 2025.
    d. Once a day for the following nine days: February 19, 2025; March 7, 2025; March 10, 2025; March 11, 2025; March 19, 2025; March 21, 2025; May 14, 2025; May 16, 2025; and May 27, 2025.

11. Progress Monitoring Data Collection Tracking Sheets described progress toward each of the Student's goals:
    a. Communication: Between April 1, 2025 and May 23, 2025, data was recorded for 38 days. Every entry showed 100% accuracy, except for three dates where no score was provided.
    b. Behavior: Between April 1, 2025 and May 26, 2025, data was recorded for 38 days. Every entry showed 100% compliance, except for three dates where a 0% was recorded and three dates where no score was provided.
    c. Adaptive Self/Management: Between April 1, 2025 and May 26, 2025, the following data were recorded for 57 days:
        i. 12 days at 0% compliance; five days at 75% accuracy; and 30 days at 100% accuracy.
        ii. Seven days were marked N/O, and three days were marked "no school."

d. Life Skills: 294 data points were collected between April 1, 2025 and May 22, 2025. Of these, 8% showed compliance of 75% or below, while the rest were 87.5% or 100% accurate.
    i. Transition Services: From April 18, 2025 through April 28, 2025, the following data was collected for the goal's first objective, "By June 2025, [the Student] will independently water the plants daily with 70% accuracy, requiring no more than two verbal prompts, as measured by teacher observation and weekly tracking charts:"
        (1) The data shows that, on April 18, 2025, the Student independently watered the plans with 75% accuracy;
        (2) On April 21, 2025, their accuracy was 100%;
        (3) On April 24, 2025, it was 50%; and
        (4) On April 28, 2025, the Student demonstrated 75% accuracy.

12. The ESY Determination - Regression and Recoupment document for the Student described the following:
    a. Target Behavior: Eating from the Floor
        i. IEP Goal: "By June 2026, [the Student] will independently pick up items from the floor and place them in the trash or recycling without putting them in [their] mouth, with 50% accuracy (as documented by teacher logs)."
        ii. The data described the following:
            (1) Before the snow week, the behavior occurred once every 2.2 days. After the snow week, it occurred once every 2.7 days.
            (2) Before Spring Break, the behavior occurred once every 2.4 days. After Spring Break, the behavior occurred once every 3.2 days.
                (a) The analysis indicated that there was "No evidence of regression after Snow Week or Spring Break. Behavior improved after both breaks. Recoupment was not necessary."
                (b) The District concluded "[The Student] does not meet the criteria for ESY services based on regression and recoupment for this behavior."
    b. Target Behavior: Physical Aggression (Hitting) & Cooperative Behavior
        i. IEP Goal: "By June 2025, [the Student] will reduce physical aggression by 60% and increase cooperative behaviors by 20% during structured activities."
        ii. The data indicated the following:
            (1) Before the snow week, the behavior occurred once every 5.5 days. After the snow week, it occurred once every 8.3 days.
            (2) Before Spring Break, the behavior occurred once every 7.8 days. After Spring Break, the behavior occurred once every 12 days.
                (a) The analysis indicated that "Aggressive behavior declined after both breaks. Cooperative behavior increased by ~50% (exceeding [the] goal). No signs of regression; behavior improved consistently."
                (b) The District concluded "[The Student] does not meet the criteria for ESY services in this area."
    c. Target Skill: Toileting Independence
        i. IEP Goal: "By June 2025, [the Student] will independently request to use the restroom and complete handwashing with 60% accuracy."

ii. The data indicated the following:
(1) Before the snow week, the Student was independent for 79% of the time. After the snow week, the Student was independent for 82% of the time.
(2) Before Spring Break, the Student was independent 81% of the time. After Spring Break, the Student was independent 85% of the time.
(a) The District concluded "[The Student] does not meet the criteria for ESY services for toileting independence."

d. Target Skill: Functional Communication
i. IEP Goal: "By June 2026, [the Student] will independently use [their] communication device to request needs with 65% accuracy across 4 out of 5 consecutive days."
ii. The baseline data indicated the Student demonstrated over 60% accuracy for this skill. The Student's current performance was described as "consistently at 100% accuracy" using a variety of communication tools.
iii. The District concluded that "[The Student] has been using multiple modes of communication at 100%. [The Student] can effectively communicate [their] wants and needs using [their] devices, the visual schedule posted on the wall, and communication buttons. The District's initial professional judgment is that there is no evidence of significant regression or recoupment issues that would warrant the need for ESY services at this time."

e. Target Skill: Independent Task Completion (Greenhouse Activities)
i. IEP Goal: "By June 2025, [the Student] will independently water plants daily with 70% accuracy using no more than two verbal prompts."
ii. The baseline indicated the Student demonstrated 50% accuracy for this skill.
iii. The data indicated the following:
(1) On April 18, 2025, the Student demonstrated 75% accuracy for this skill.
(2) On April 21, 2025, the Student demonstrated 100% accuracy for this skill.
(3) On April 24, 2025, the Student demonstrated 50% accuracy for this skill.
(4) On April 28, 2025, the Student demonstrated 75% accuracy for this skill.
(a) The District described that there was "inconsistent engagement" and an "occasional refusal to participate. No evidence of regression from instructional breaks. Capable of meeting goals when motivated."
(b) The District concluded, "Based on these findings, the district's professional judgment is that [the Student] has not exhibited significant regression or lack of recoupment. Therefore, ESY services are not warranted at this time."

f. The District determined "[The Student] does not qualify for [ESY] services under regression and recoupment criteria. [The Student] has demonstrated maintenance and continued progress across all monitored areas, with no need for extended instruction to retain key IEP goals."

13. Meeting Notes, dated June 6, 2025, noted the following:
a. On May 29, 2025, the Director of Special Services sent the ABC data sheets to the Parents, and on June 5, 2025, they sent an ESY determination summary, which included five IEP goals, data from the ABC charts, progress monitoring, and earlier IEP meetings.
b. The notes indicated the District did not believe the Student qualified for ESY because the data analysis around school breaks showed no significant regression or difficulty regaining

skills. The District used professional judgment to determine ESY for the remaining goals: functional communication and task completion.

c. The Student consistently demonstrated 100% accuracy in communication, utilizing their device, visual schedules, and bus communication buttons. Due to the Student's sustained performance and lack of regression, ESY services were not warranted for this goal, and the District proposed revising it before the next school year.
d. On April 29, 2025, the District "amended the Student's IEP after noting that [the Student] was not participating in recycling activities due to persistent refusal. The goal was revised on April 28 to focus on tasks such as watering plants and filling pots with soil in the greenhouse adjacent to [the Student's] classroom. Initially, [the Student] was engaged in these activities; however, after four data points, [the Student] began to show refusal behaviors despite consistent staff support and encouragement. Based on professional judgment, this pattern does not indicate regression or a need for recoupment, but rather a refusal to participate. As such, ESY services are not warranted for this goal."
e. According to the notes, "[The Attorney for the Parents] stated that [the Student] has always qualified for ESY services. [The Director of Special Services] responded that ESY eligibility is determined on an annual basis and is not guaranteed based on prior qualification. [The Attorney for the District] added that ESY can be considered for students even if they have not qualified in previous years. [One of the Parents] expressed concern about [the Student's] regression … ."

14. PWN dated June 6, 2025 described the following:
    a. The District met with the family for the second ESY discussion on June 5, 2025. The District proposed, based on data and professional judgment, that the Student did not meet the criteria for ESY services.
    b. The District explained its refusal to provide ESY, citing data and professional judgment.
    c. The District described the data sources used to justify its refusal to provide ESY.
    d. The District considered its regression and recoupment analysis for goals 1-3, current performance levels for goal 4, and behavior patterns for goal 5. It was noted that "Where formal data was limited or not applicable (Goals 4 and 5), the [D]istrict relied on input from service providers and staff familiar with [the Student's] day-to-day performance and needs. Their professional judgment supported the conclusion that ESY services were not necessary at this time. Despite these findings, the family and their attorney expressed disagreement with the [D]istrict's determination. They maintained that [the Student] would benefit from continued services over the summer and believed the [D]istrict's evaluation did not fully reflect [the Student's] needs or potential for regression. While the [D]istrict considered the concerns raised by the family and their attorney, the final decision was based on objective data, observed performance, and application of ESY eligibility criteria as defined by state and federal guidelines."

15. On June 10, 2025, the Director of Special Services emailed the following attachments to the Parents: ESY Meeting Notes, PWN, IEP ESY Consideration, and the Parent Rights for Special Education."

16. The June 16, 2025 IEP Progress Report described the following:

a. For the Adaptive Self/Management goal, the Student received a "4," which indicated "progress has been made towards the goal. It appears that the goal will be met by the next IEP review."
b. The Student received a "4" for the behavior goal.
c. For the Life Skills goal, the Student received a "3," which indicated "progress has been made towards the goal, but the goal may not be met. Instructional strategies may need to be changed."
d. For the Communication goal, the Student received a "5," which indicated "performance is at or above what is required to meet the goal by the next review." Comments were "[the Student] has met this goal. [The] [g]oal is in discussion to be changed."
e. The Student received a "3" for the transition goal.

17. On June 20, 2025, the Parents filed this Complaint.

18. In an interview with the Complaint Investigator, the New Director of Special Education noted, "At the June 5, [2025] meeting, the team presented a document that consisted of five goals for [the Student]. And [the team] went through and determined whether or not there was significant regression and used professional judgment to determine if [they were] eligible for ESY for any of those goals." They went on to explain that professional judgement is used by the District to "determine if there is a significant regression, or in this case, there were two goals that the team did not feel demonstrated regression. They were newly adjusted or amended goals, so they felt that the data wasn't necessary to, or there wasn't a time to demonstrate regression at that point."

19. The New Director of Special Education pointed out that it is typical practice to collect data before and after a break, and the District has the right to determine the methodology and when to collect data.

20. The New Director of Special Education added that it appeared the Parents wanted to "have it matched specifically the amount of time collected prior to the break, and they were looking at that being equivalent." They went on to reiterate that it is up to the discretion of the District to determine the methodology used for data collection and demonstration of significant regression.

21. In an interview with the Complaint Investigator, the Parents described the May 28, 2025 IEP meeting where the District determined the Student was ineligible for ESY services. The Parents alleged the District's decision-making process was flawed for the following reasons:
    a. Predetermination: The Parents contended that the District had already decided to deny ESY before a full team discussion, stating they felt the District was "setting it up" for a denial.
    b. Lack of Staff: The Parents believed the District's decision to deny ESY was likely influenced by the Student's teachers not being available during the summer.
    c. Data Concerns: The Parents challenged the data the District used to justify the denial. They reported the District's data was not meaningful because it based on short breaks, that the data collection intervals were inconsistent, the data appeared "convenient",

and that measuring regression and recoupment is difficult for their child due to the nature and severity of their disability.

d. Inconsistent Justification: The Parents noted that, while the District's stated reason for denial was a lack of observed regression, the District had also stated it was still reviewing data for regression and recoupment.
e. Difference from Past Needs: The Parents noted the Student had consistently qualified for ESY prior placements due to the nature and severity of [their] disability.

22. In an interview with the Complaint Investigator, the Special Education Teacher indicated they used "data tracking sheets to specifically track [the Student's] IEP goals," and these sheets were "in place when I first started. … I was then presented with the IEP data trackers that we started in April, after we had a meeting in March. The April ones were just to track the specific IEP goals and the percentages [the Student] received on them. They were a daily tracker."

    When asked what the data on the tracking sheets revealed, they stated, "After the winter snowstorm and the spring break, [the Student] didn't show any loss or recruitment [*sic*] period necessary to retain the skills that we're working on."

IV. DISCUSSION

Extended School Year Services

The Complaint alleged that the District did not adequately collect data on the Student's performance before and after instructional breaks and violated the IDEA by not providing the Student with ESY services.

School districts must ensure that ESY services are available as necessary to provide a free appropriate public education (FAPE) to a child with a disability. ESY services must be provided only if the child's IEP team determines, on an individual basis, the services are necessary for the provision of FAPE to the child. A school district may not: limit ESY services to particular categories of disability; or unilaterally limit the type, amount, or duration of those services. The purpose of ESY services is the maintenance of the child's learning skills or behavior, not the teaching of new skills or behaviors. School districts must develop criteria for determining the need for ESY. Criteria must include regression – which means significant loss of skills or behaviors in any area specified on the IEP as a result of an interruption in education services – and recoupment, which means the recovery of skills or behaviors specified on the IEP to a level demonstrated before the interruption of education services. Regression and recoupment time are based on documented evidence or, if there is no documented evidence, on predictions according to the professional judgment of the team. Extended school year services means special education and related services that: are provided to a child with a disability beyond the normal school year of the school district; are in accordance with the child's IEP; are at no cost to the parents of the child; and meet the standards of the Department.[3]

[3] OAR 581-015-2065; 34 CFR §300.106

The District collected data on the Student's performance before and after instructional breaks, as required for ESY determination, though the Parents disputed the consistency and comprehensiveness of that data. The IEP, dated March 18, 2024, initially documented that "a decision has not been reached and the district will continue to collect ESY data," with a subsequent meeting anticipated on April 25, 2025. In fulfillment of this, the District collected ABC data from January through April and shared these logs with the Parents, along with Progress Monitoring Data Collection Tracking Sheets for the Student's goals from April through May, 2025. Specifically, the ESY determination document cited data collected before and after a "snow week" and "spring break" for three goals: eating from the floor, physical aggression/cooperative behavior, and toileting independence.

The District's subsequent denial of ESY services was based on this data collection, analysis, and professional judgment, concluding there was "no evidence of significant regression" for the three goals where regression/recoupment data was applied. For two other goals (functional communication and independent task completion), the District used professional judgment, concluding the Student's current 100% accuracy or refusal to participate (rather than regression) meant ESY was not warranted. The New Director of Special Education defended the methodology, stating the District has the right to "determine the methodology and when to collect data." Conversely, the Parents believed the District's data was flawed, noting the data set was small (as the Student wasn't in school for the entire first semester) and based only on short breaks rather than the longer, more significant winter break.

The District implemented a plan to collect the appropriate data. Based on its analysis of this collected evidence, the District officially concluded there was "no evidence of significant regression" for the relevant goals and the Student "demonstrated maintenance and continued progress," thus determining that ESY services were not necessary to provide a FAPE. While the Parents disagreed with the scope and interpretation of the data, the District followed the required procedural steps by collecting data across instructional breaks in which the Student was attending the School and applying the regression/recoupment criteria, thereby meeting its threshold obligation under federal and state law for determining ESY eligibility.

The Department does not substantiate this allegation.

V. CORRECTIVE ACTION[13]

In the Matter of Gladstone School District
Case No. 25-054-046

The Department does not order corrective action in this case.

Dated: this 8th Day of October 2025



Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing Date: October 8, 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).)