BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of David Douglas School District 40	)	FINDINGS OF FACT,
	)	CONCLUSIONS,
	)	AND FINAL ORDER
	)	Case No. 25-054-048

I. BACKGROUND

On July 2, 2025, the Oregon Department of Education (Department) received a written request for a special education complaint investigation from the Attorney for the Parents (Attorney for the Parents) of a student (Student) residing in the David Douglas School District (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 July 14, 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 28, 2025.

The District submitted a *Response* on July 28, 2025, denying the allegations, providing an explanation, and submitting documents supporting the District's position. The District submitted the following relevant items:

1. Re-Evaluation, 04/07/25
2. Eligibility Summary, 04/07/25
3. Individualized Education Program (IEP) Amendment, 04/07/25
4. IEP, 04/16/2024
5. Email, re: SPED Bus, 05/06/25-05/07/25
6. Screenshot of Map, no date
7. Specialized Transportation Guidelines for Students with IEPs, 08/xx/24
8. Portland Crime Map Screenshots, 07/01/24-06/30/25

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

The District submitted additional documents on August 8 and August 11, 2025:

1. Note from Parent, 05/05/25
2. Email, re: Bus Numbers Follow Up, 08/11/25

The Complaint Investigator interviewed the Parents, the Attorney for the Parents, and the Advocate on August 11, 2025. On August 4, 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 July 3, 2024, to the filing of this Complaint on July 2, 2025.

Allegations	Conclusions
Content of the IEP The Complaint alleged the District violated the IDEA by not providing special transportation because "of the dangers the Student would face walking to and from the bus stop." (OAR 581-015-2200; 34 CFR §300.320; OAR 581-015-2000(29); 34 CFR §300.34(c)(16))	**Not Substantiated** The District developed an IEP that included transportation as a related service.

REQUESTED CORRECTIVE ACTION
• The Student must be picked up and dropped off at their front door each school day, as the Student is unable, and it is unsafe, to walk to or from home, due to their disability.

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 July 3, 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 12 years old and attends a "self-contained classroom that focuses on functional skills" at a middle school in the District.

2. The Student's eligibility was "Intellectual Disability" and "Deaf or Hard of Hearing." The Student has Down Syndrome.

3. The Student is "good at following directions and participating in small groups, as well as whole group instruction." The Student enjoys art, watching coloring tutorials, playing games, and reading about dinosaurs, Star Wars, and Disney.

4. The Student's April 7, 2025 IEP included the following relevant information in the "present level of developmental and functional performance" section:
   a. "With adult or peer support, [the Student] is able to navigate the school to go to and from the bathroom and [their] various classes."
   b. "[The Student] requires special transportation because of the dangers [they] would face walking to and from a bus stop, such as making sure a driver stops when [the Student] is crossing at a crosswalk or getting help when someone with adverse intentions confronts [them]."

   The following relevant information was in the "related services" section:
   c. Transportation was listed as a service provided by the LEA, with the role responsible listed as "District Representative." The anticipated location was "bus," and this service was to be provided for 30 minutes per day.

5. The Student's April 16, 2024 IEP, which was in effect at the beginning of the Complaint period, included the following relevant information in the "related services" section:
   a. Transportation was listed as a service provided by the LEA, with the role responsible listed as "District Representative." The anticipated location was "bus," and this service was to be provided for 30 minutes per day.

6. On May 6, 2025, one of the Parents wrote a note to the School requesting, "I need [the Student] to be picked up from my house and dropped [off] at my house."

7. In a May 6, 2025 email to the Transportation Routing Dispatcher, the Case Manager stated, "[The Student] used to get picked up and dropped off right in front of [their] house, but [the Parents] report that it is now 3 blocks from [their] house. [The Parents] said when [they] talked to the driver about it, the driver said the street isn't wide enough; however, [the Parents] say the bus fits just fine because [they have] seen them come all the way to [their] house for years. The [Parents] and I are concerned for the Student's safety because [they don't] know how to refuse someone who might take advantage of [them]. Would you be able to talk to that driver?"

The Transportation Routing Dispatcher replied, "Unfortunately, we do not take our buses in that area. We have had so many accidents in the area, we had to pull our buses from back there. It's been a few years."

8. On a screenshot of a map depicting the route from the Student's residence to the bus stop, it indicates it was a five minute walk, approximately three to four blocks, with the bus stop being located in a parking lot at a business.

9. The District's August, 2024 Specialized Transportation Guidelines for Students with IEPs document stated, "Transportation includes travel to and from school and between schools; travel in and around school buildings during school hours and outside of normal school hours if included on the child's IEP. … alternative pick-up/drop-off locations such as the curb, driveway, or front door if deemed appropriate. Specialized transportation does not automatically mean a small bus or door-to-door." It was also stated in these guidelines, "The IEP team must review transportation needs each time an IEP meeting is held on a case-by-case basis, to ensure there is no interruption of [a] FAPE."

   Considerations in these guidelines indicated a transportation request form should be completed, and there should be a description in the IEP for any student who qualifies for specialized transportation services. The guidelines reiterated to "refrain from using the term door-to-door" and if the student has mobility barriers, "describe these [transportation needs] in the present levels [on the IEP] and on the transportation form."

10. Portland Maps Crime statistics indicated the area directly surrounding the bus stop along SE Division Street (including surrounding area) experienced 60 "property crimes" and 24 "person crimes" from July 1, 2024 to June 30, 2025. The area directly surrounding the Student's home (including surrounding area) experienced 6 "property crimes" and 11 "person crimes" for the same time period.

11. In an August 11, 2025 email to the Complaint Investigator, the Director of Student Services followed up on some bus information and stated, "There are 50 plus students who wait to get on the big bus, and there are three students who wait at the stop with IEPs to get on the small bus."

12. In an interview with the Complaint Investigator, the Case Manager was asked about their conversations with the Parents. They responded that the usual form of communication was through written notes and stated they had received a note reading, "I need [the Student] to be able to be picked up at our door instead of down the street." They added that this was the only note they had received from the Parents in regards to this issue. The Case Manager could not recall when they received this note.

13. The Case Manager recalled calling the Parent and sharing the information they received from the transportation department, "... there were too many accidents on that street and [they] weren't sending buses down their street anymore." The Case Manager recalled that the Parent's response was, "... thank you for checking."

14. When asked if there were any communications prior to May 2025 from the Parents about transportation being an issue, the Case Manager responded "No."

15. When asked if they would have filled out a transportation request form if they had only worked with the Student for a year, the Case Manager responded, "I don't think so. I believe the district did it. It's changed in different years, but this year the district took care of it."

16. In regard to the Student's special needs around transportation, the Case Manager stated, "[The Student] does struggle with transitions and knowing where to go and remembering where to go, so I think [they] would struggle with going to a bus stop." They added that the Student could be fine if escorted, but would not be able to do it independently.

17. When asked if the Student was escorted during the school day, the Case Manager stated that the Student is escorted to lunch and electives and that it is not due to safety, but rather because the Student would not remember or know where they were going and would just sit down.

18. When asked if the Student was being supervised while they walked from their house to the bus stop, the Case Manager was unable to answer. The Director of Student Services responded, "No." They stated that the IEP did not have any transportation specific accommodations marked that would indicate that the Student needed specialized support. The IEP did state that the Student required transportation.

19. When asked if there were any accommodations on the IEP that indicated the Student required adult assistance or adult support for transitions, the Case Manager stated that they were unaware if there was anything listed.

20. The Case Manager stated they were unaware the bus was not going straight to the Student's house.

21. The Case Manager was asked whether the Parents ever brought up transportation at an IEP meeting or had the Parents ever requested an IEP be scheduled to discuss transportation, and they responded "No." They were asked if, prior to the Complaint, there were any concerns about the pick-up location for the Student. They responded with, "Not for [the Student], no."

22. In an interview with the Complaint Investigator, the Parents stated that three years ago the bus was picking up and dropping off the Student in front of their house. Then the District said the street where they live was dangerous and the bus could no longer go on their road because of accidents.

23. In the Parents' interview with the Complaint Investigator, the Attorney clarified that when the Parents reached out to the District to ask why the bus could not pick the Student up in front of their house, the District said they could not fit the bus in that area. The Attorney stated they have seen other school district buses pick up and drop off students in that area, along with observing garbage trucks go through that area.

24. When asked if the District ever had a smaller bus or van, the Parents stated they "already switch[ed] it to [a] van, so it's not an excuse to have [the Student] dropped off so far [away]."

Later, when asked if there was any conversation about a different size bus, the Parents said "no." When asked if the Student was riding a specialized bus or regular bus, the Parents stated it was a small one in the morning and a "van, like a sprinter van. [It] is smaller and tinier and they only drop off two kids out here on the corner."

25. When asked how the Student was getting to the bus stop recently, one of the Parents stated, "In the morning, I drop [the Student] off and then I come back home to get ready to work. And in the afternoon, [the Student's sibling or the other Parent] pick [the Student] up. Sometimes they have to be in a rush."

26. When asked how long the Student was waiting at the bus stop in the morning, the Parents said the timing was good and that was not a problem. They clarified that they stayed with the Student until the bus arrived in the morning and they arrived prior to the bus in the afternoon. The Attorney for the Parents added, "[The Student] cannot be left on the street. [They] are never left. [The Parents] are always waiting … [The Student] can't be left alone."

27. The Parents stated they went to talk to the District "two or three times," and they responded by letting the Parents know they would contact the bus drivers. When the District got back to the Parents, they said the bus could not go on the street because "it is too dangerous."

28. When asked about supervision for the Student while at school, the Parents recalled the IEP stating there was always somebody supervising the Student, "even on lunch."

29. The Attorney clarified that the IEP team agreed that the Student should be picked up and dropped off in front of the home, which was the usual pick up/ drop off location.

30. When asked if the District compensated them, would the Parents be willing to transport the Student to school, the Parents stated that, when they did this, it was difficult for them. The Attorney for the Parents further clarified that "they want [the Student] picked up and dropped off safely as is required."

31. When asked if any cost had been incurred due to having to take the Student to and from the bus stop, the Parents stated, "For the past three years, we changed a lot [of] things. I drive a tow truck and sometimes I don't get to that [work] in time because I have to go pick up [the Student] because I don't want [them] to walk." They went on to say it has changed their lives.

32. On July 2, 2025, the Attorney for the Parents filed this Complaint on their behalf.

IV. DISCUSSION

Content of the IEP

The Complaint alleged the District violated the IDEA by not providing special transportation because "of the dangers the Student would face walking to and from the bus stop," as required by the IEP.

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; and 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]

It will also include a description of how the child's progress toward meeting the annual goals will be measured and when periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided; 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; to 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]

Also required are the projected dates for initiation of services and modifications and the anticipated frequency, amount, location, and duration of the services and modifications, along with an explanation of the extent, if any, to which the child will not participate with children without disabilities in the regular class and activities. A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and district-wide assessments of student achievement that are needed for the child to participate in the assessment is to be included.[5]

Related services are defined as developmental, corrective, and other supportive services required to help a child with a disability benefit from special education. Some of the key services include transportation, speech-language pathology, audiology, psychological services, physical therapy, and occupational therapy. The determination of which related services a child needs is made by the IEP team. This team must review a child's needs on a case-by-case basis to ensure there is no interruption of a FAPE. School districts are responsible for providing all services specified in a student's IEP at no cost to the parents.[6]

Both of the Student's IEPs during the complaint period included transportation as a related service, to be provided by bus. The most recent IEP noted the Student needed adult or peer support to navigate the School, and the Student required special transportation due to safety concerns walking to and from a bus stop. The Case Manager also noted the Student struggled with transitions and needed an escort to get to places within the school.

[3] OAR 581-015-2200; 34 CFR § 300.320
[4] OAR 581-015-2200; 34 CFR § 300.320
[5] OAR 581-015-2200; 34 CFR § 300.320
[6] OAR 581-015-2000(29); 34 CFR § 300.34(c)(16)

The Department does not substantiate this allegation.

Additional Finding: When IEPs Must Be in Effect

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. District must also 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.[7]

On May 6, 2025, one of the Parents requested that the Student be picked up and dropped off at home, noting that the bus stop was now three blocks away. The Parents were concerned because the Student, who requires supervision, would not know how to handle a confrontation and needed an adult escort to and from the stop. In an email, the Case Manager relayed the Parents' concerns to the Transportation Routing Dispatcher, who replied that buses no longer went into that area due to a history of accidents on the narrow and congested roads. The new bus stop was located in a business's parking lot, approximately a five-minute walk from the Student's residence.

The District's August 2024 Specialized Transportation Guidelines stated that IEP teams should review transportation needs case-by-case, and specialized transportation did not automatically mean door-to-door service. However, the Parents stated in an interview that the bus had previously provided at-home service and they or another family member now had to transport the Student to and from the bus stop, which had been disruptive to their work and personal schedules. They added that the Student is never left alone at the bus stop. Additionally, crime statistics showed the new bus stop area had a higher number of property and person crimes compared to the area around their home, which created a safety concern.

Based on the evidence, the District failed to provide special transportation as required by the IEP. The Student's IEP explicitly identified a need for special transportation due to the dangers associated with walking to and from a bus stop, citing the Student's inability to handle certain situations independently. The District's unilateral decision to move the bus stop three blocks away, citing safety concerns for the bus, created the very situation the IEP was designed to prevent. This change effectively transferred the responsibility for the Student's safety and transportation to the Parents, despite the Student's documented need for supervision and the IEP's provision for transportation as a related service. The District's failure to convene an IEP meeting to review this critical change and its impact on the Student's ability to receive a FAPE constitutes a procedural and substantive violation of IDEA.

[7] OAR 581-015-2220(1)(3); 34 CFR § 300.323

V. CORRECTIVE ACTION[8]

In the Matter of David Douglas School District 40 Case No. 25-054-048

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

Action Required	Submissions	As Soon As Possible But No Later Than Due Date
1. **Convene an IEP Team Meeting:** Schedule an IEP team meeting with the Parents to discuss the transportation issue and review the Student's needs. The purpose of this meeting would be to determine an appropriate and safe pick-up/drop-off location that meets the Student's needs as documented in the IEP. The team must consider all options, including alternative vehicles or routes, and must not prioritize the convenience of the bus route over the Student's safety.	The District shall submit the following to ODE: Documentation that appropriate changes have been made that are consistent with the Student's IEP.	**September 30, 2025**
2. **Transportation Needs Assessment:** Complete a transportation needs assessment to fully evaluate the Student's specific vulnerabilities and determine the precise type of transportation required. This assessment would provide a detailed, documented basis for the transportation plan, preventing future disputes. This can be done along with or separate from the IEP meeting.	Completed transportation needs assessment to ODE.	**September 30, 2025**
3. **Safety Plan**: A safety plan should be created (and added to the IEP) that outlines specific procedures for the Student's transportation, including drop-off and pick-up protocols, what to do if the bus is late, and who is responsible for supervision. This plan is to provide clear guidance to all parties involved, addressing the safety concerns noted in the Student's existing IEP. This can be done along with or separate from the IEP meeting.	Completed safety plan to ODE.	**September 30, 2025**

[8] 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)).

4. **Conduct Staff Training:** The District shall develop and conduct professional development related to When IEPs Must Be in Effect. All staff, and their supervisors, responsible for IEP implementation shall attend.	Training materials to ODE. Participant sign-in sheets.	**October 15, 2025** **December 15, 2025**

Dated: this 29 Day of August 2025



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Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing Date: August 29, 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).)