BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of Springfield School District 19	)	FINDINGS OF FACT, CONCLUSIONS, AND FINAL ORDER Case No. 25-054-056

I. BACKGROUND

On August 26, 2025, the Oregon Department of Education (Department) received a written request for a special education complaint investigation from the parent (Parent) of a student (Student) residing in the Springfield School District 19 (District). 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 August 29, 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 September 12, 2025.

The District submitted a *Response* on September 12, 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, no date
2. Individualized Education Program, 02/26/24
3. Eligibility Summary Statement, 02/26/24
4. Prior Written Notice, 04/04/24, 02/10/25, 01/13/25
5. Special Education Placement Determination, 04/02/24
6. Individualized Education Program AMENDMENT, 02/26/24
7. Prior Written Notice, 12/13/24
8. Safety and Support Plan, 10/16/24
9. Meeting Notes, 10/21/24, 11/26/24, 12/16/24
10. Behavior Support Plan (BSP), 12/12/24

[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. Admission Determination for Day Treatment: Notice of Denial, 12/16/24
12. Individualized Education Program, 02/10/25
13. Parent/Guardian Consent for Individual Evaluation, 02/14/25
14. Special Education Placement Determination, 02/10/25
15. Email, re: OT Evaluation Consent, 02/20/25
16. Individualized Education Program AMENDMENT, 02/10/25
17. Occupational Therapy Evaluation Report, 03/13/25
18. Individualized Education Program (IEP) Progress Report - Annual Goal, 06/09/25
19. IEP/Placement Meeting Notes, 08/27/25-08/29/25
20. Prior Written Notice, 11/27/24
21. Emails from 8/29/24 through 9/04/25
22. Text Messages from 8/29/24 through 9/03/25
23. Attendance with Notes, 09/04/25-06/12/25
24. Hourly Attendance, 09/04/25-06/12/25
25. Observation Scoring and Notes, 09/28/24-04/05/25
26. Accident/Incident Analysis, 11/19/24, 11/06/24, 9/18/24, 9/25/24, 10/24/24, 5/05/25, 5/28/25

The Parent submitted a *Reply* on September 19, 2025, providing an explanation and rebuttal and documents in support of the Parent's position. The Parent submitted the following relevant items:

1. Email, re: [no subject], 9/12/25

The Complaint Investigator interviewed the Parent on September 30, 2025. Also, on September 30, 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 August 27, 2024, to the filing of this Complaint on August 26, 2025.

Allegations	Conclusions
Determination of Eligibility The Complaint alleged the District violated the IDEA by misrepresenting the Student's needs by refusing to qualify the Student for an educational diagnosis of Autism Spectrum Disorder (ASD) and a Communication Disorder	**No Determination Made** The most recent eligibility process for the Student began at the end of 2023 and concluded in February 2024,

Allegations	Conclusions
(CD), and instead qualified the Student for special education services under the categories of Emotional Disturbance (ED) and Other Health Impairment (OHI). (OAR 581-015-2120; OAR 581-015-2130; OAR 581-015-2135; OAR 581-015-2145; OAR 581-015-2165; 34 CFR §§ 300.306; 300.8)	when the OHI and Emotional Behavior Disability (EBD) eligibility were determined. This process occurred outside of the complaint period range.
IEP Content The Complaint alleged the District violated the IDEA by developing an IEP that did not include specially designed instruction (SDI) for reading or math, transportation, and a behavior support plan (BSP) that was based on a functional behavior assessment (FBA). Further, speech and occupational therapy (OT) services were not increased when the Student was in need of such services, and medical information provided by the Parent was not considered or included in the IEP. (OAR 581-015-2200; 34 CFR § 300.320)	**Not Substantiated** The IEPs in place included SDI in reading, math, and speech, related OT services, and a BSP and safety protocols. The services and plans were either present in the IEPs or were added/modified in response to the Student's changing needs. Further, the District did consider medical information provided by the Parent.
Least Restrictive Environment (LRE) The Complaint alleged the District violated the IDEA by offering only one hour of "extensive tutoring" at an off-site location and not at the Student's neighborhood school. (OAR 581-015-2240; 34 CFR § 300.114(a))	**Not Substantiated** The Student did not attend their neighborhood school during the 2024-25 school year. While in their alternative placement, the Student was placed on a more restrictive, hybrid in-person and online schedule, however, the District's decision was a justifiable safety response to the Student's frequently escalated behavior. Proper notification was given to the Parent.
Manifestation Determination Review (MDR) and Placement of the Child The Complaint alleged the District violated the IDEA by unilaterally removing the Student from their neighborhood school without conducting an MDR before changing the Student's placement.	**Not Substantiated** The Student was placed in an alternative program outside of their neighborhood school during the 2023-24 school year,

Allegations	Conclusions
(OAR 581-015-2420; OAR 581-015-2250; 34 CFR §§ 300.530(e)(f), 300.327)	as evidenced in interview information and the IEP dated February 26, 2024. This occurred outside of the complaint period range.
Free Appropriate Public Education (FAPE) The Complaint alleged the District violated the IDEA and denied the Student a FAPE by failing to provide SDI and related services to address the Student's specific learning needs. (OAR 581-015-2040; 34 CFR §§ 300.101; 300.17)	**Not Substantiated** The District did provide SDI and related services to address the Student's specific learning needs. The severity and intensity of the Student's behavior, their high rate of absenteeism, and the Parent's refusal of online services impacted the Student's access to, and benefit from, appropriate services.

REQUESTED CORRECTIVE ACTION
● An MDR for the initial incident. ● "The immediate return of [the Student] to [their] neighborhood school with evidence-based, social-emotional support and a strategic plan to address the reality that [the Student] will likely have escalated moments, that include potential of aggression [*sic*] and elopement. [The Student] needs a safe and secure support plan that does not include [them] being penalized for [their] inability to express [their] frustrations and sensory overload that compromises [the Student's] ability to functionally and safely express [them]self using ongoing removals from school and suspensions [*sic*]." ● "The provision of all related services, including [speech therapy] ST and OT, as well as the supports necessary for [their] new [speech generating device] SGD." ● "The provision of specially designed instruction to address [the Student's] academic needs, including reading and math." ● "Compensatory education and services for the two years [the Student] was denied FAPE." ● "Reimbursement for all mileage and related transportation costs incurred by our family."

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 August 27,

2025. 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 nine years old and attends an elementary school in the District.

2. The Student was most recently evaluated and found eligible for special education services in the categories of OHI and EBD on February 26, 2024. At the same time, the Student was evaluated for ASD and was not found to meet disability criteria. (**D28**-**D29**)

3. The Student's IEP dated February 26, 2024 indicated the following:
   a. The Student's Attending School was an Intensive Tutoring Program (ITP) outside of the Resident School.
   b. The Parent was in attendance for the IEP meeting.
   c. Student's strengths: The Student was described as a creative, hands-on learner and logical thinker.
   d. Parent concerns: The Parent was "very concerned" about the Student's emotional and behavioral regulation levels and stated it was negatively impacting the family's functioning. The Parent also reported that due to the "aggression" that occurred when the Student was dysregulated, options for community support were limited. They wanted the Student to be able to stay regulated for longer periods of time so they could increase their time at school.
   e. Present levels of academic achievement:
      i. Literacy: The Student knew letter sounds and names, could answer "who, what, when, where, and why" questions about short stories, and was "quick to learn" sight words and was "building confidence" around their reading abilities.
      ii. Math: The Student could count to 100, skip count by 5s and 10s, add and subtract between 0-20 with manipulatives, understand "greater, equal, and less than," knew basic shapes (square, triangle, circle, heart, star, and diamond), and demonstrated emerging knowledge of place value (tens and ones).
   f. Present levels of developmental and functional performance:
      i. "At the start of the school year, [the Student] would run and hide when passing new people in the hallway or if [the Student] was going to a new location in the school. Notably, [the Student] wasn't running away from the adult, and [they] never attempted to leave the building. [The Student] is now able to stand by/behind a familiar adult or will stand just outside of the room [they are] anxious about entering."
      ii. Articulation, receptive, and expressive communication: The IEP team agreed to "discontinue" 120 minutes per month of SDI by the Speech Language Pathologist (SLP) because the Student had met the criteria for the goals written for communication on the 2022-23 IEP in the previous district. When the Student transferred to the District, the Student demonstrated "skills within the typical range" for articulation, receptive, and expressive language. An accommodation was added to address providing verbal and visual cues, modeling, and reinforcement for the correct production of specific speech sounds.

iii. It was noted that the Student was evaluated by the previous district in March 2022 and was found eligible for OHI. CD was not considered at that time. The current IEP team noted the Student was verbally communicating "at a significantly higher frequency" with educational staff when compared to their first few weeks at the Resident School. As the Student's verbal communication increased, concerns about their understanding and use of language decreased, and the Student's spoken language was estimated to be 100% intelligible.

g. Disability impact: "[The Student] has a hard time transitioning from preferred to non-preferred activities, repeating [themselves], being around large groups of peers/adults, and perseverates when stressed. [The Student] has responded aggressively when faced with one or more of the aforementioned scenarios. When escalated, [the Student] requires adult support to remain safe to [themselves] and others. When escalated, it can take 20-30 minutes at a time for [the Student] to return to baseline. Additionally, [the Student] will sometimes re-escalate up to an hour later regarding the same issue from before. Therefore, [the Student] struggles to progress through the general education curriculum without additional adult support and instruction due to [their] anxiety and emotional/behavioral regulation. Signs of escalation [include] head down on desk, light moaning/groaning, muttering or unintelligible comments, yelling, kicking or pushing [their] desk/furniture, breaking or throwing nearby objects, and physical aggression."

h. Special factors: It was indicated the Student exhibited behavior that impeded their learning or the learning of others, which would be addressed with goals.

i. Goals:
   i. Behavior Skills:
      (1) "[The Student] will transition between preferred and non-preferred activities within 1 minute after a single verbal cue in 4 [out of] 5 opportunities as measured by [a] daily data sheet."
      (2) "[The Student] will utilize a calming strategy/coping skill (e.g., coloring at desk, break in a calm and quiet location, or checking in with an adult) when stressed in 4 [out of] 5 occurrences as measured by [a] daily data sheet."
   ii. Social Skills: "[The Student] will resolve peer conflicts with a safe body and appropriate words in 4 out of 5 opportunities as measured by [a] daily data sheet."
   iii. Reading: "In one year, [the Student] will identify vowel sounds (a,e,i,o,u), read cvcc words, and decode words with silent e."
   iv. Mathematics: "In one year, [the Student] will add and subtract [one-]digit [numbers] up to 20 [in] 4 [out of] 5 opportunities."

j. SDI provided by the regular education teacher in the self-contained and general education classroom from February 27, 2024 through February 25, 2025 as follows:
   i. Social skills for 75 minutes weekly;
   ii. Reading for 50 minutes weekly;
   iii. Mathematics for 50 minutes weekly; and
   iv. Behavior skills for 100 minutes weekly.

k. Accommodations provided by the regular education teacher in the self-contained and general education classroom from February 27, 2024 through February 25, 2025 as follows:

i. Option to use a preferred writing utensil (crayon, pen, pencil, or marker) for 10 minutes per session;
ii. Small group or individual academic instruction for 10 minutes per session;
iii. Breaks from non-preferred activities for 15 minutes per session;
iv. Access to an individual bathroom and a change of clean clothes for 15 minutes per session;
v. "Immediate access to adults" for 90 minutes per session;
vi. Incentives for 90 minutes per session;
vii. "Adult support during transitions" for 90 minutes per session;
viii. Break area to calm down with sensory tools and coloring supplies for 90 minutes per session; and
ix. "Access to preferred adults" for 90 minutes per session.

l. Support for school personnel from February 27, 2024 through February 25, 2025:
   i. Behavior and autism consultation provided by the case manager for 120 minutes per year; and
   ii. Special education consultation with the general education team provided by the case manager for 300 minutes per year.

m. Non-Participation Justification: "[The Student] will spend 100% of [their] school day in a specialized general education classroom supported [by] a special education teacher. [The Student] requires individualized instruction in social skills and behavior, and adult support to meet [their] IEP goals." (**D8-D20**)

n. A Special Education Placement Determination dated April 2, 2024 based on the February 26, 2024 IEP indicated the Student would be in a regular classroom less than 40% of the day with separate special education instruction. The Student would be included in all classroom activities, receive more intensive individualized instruction, and receive specific behavior monitoring. The rationale stated, "[The Student] is enrolled in a specialized program that provides a high level of adult support for emotional and behavioral regulation learning. The level of support is high. [The Student's] day is abbreviated and includes a step[-]up plan. [The Student] [is] building skills to regulate [their] emotions and [their] behavior and this level of support is what best meets [the Student's] needs at this time." The start date was April 3, 2024. A prior written notice (PWN) dated April 4, 2024 indicated the Student was on an abbreviated day. (**D98-D99, D97**)

o. IEP amendments indicated the following updates:
   i. September 24, 2024: An updated present level of developmental and functional performance statement stated, "[The Student's] time in school will be increased once [they are] consistently and predictable [*sic*] being safe with [their] body and words, completing academics, interacting appropriately with peers, and using coping skills to regulate [their] emotions. The criteria is to work towards a 5-minute or less length of escalation and re-engaging and participating in the teacher[-]directed activity within 15 minutes of the escalation for 20 school days." The team was to reconvene on October 21, 2024. (**D150**)
   ii. November 26, 2024: An updated present level of developmental and functional performance statement stated, "Due to several incidents of aggression towards staff and peers, [the Student] has been offered the equivalent minutes of a school day of

[their] same grade peers that consists of [one-to-one], in-person, and online instruction." The Student's schedule was listed, which showed online instruction from 8:20 a.m. to 11:00 a.m. and 1:20 p.m. to 2:45 p.m. In-person instruction was listed from 11:15 a.m. to 12:15 p.m. On early release days, online instruction was listed from 8:10 a.m. to 9:15 a.m. and 10:15 a.m. to 12:00 p.m. In-person instruction was listed from 9:30 a.m. to 10:00 a.m. It was noted that a plan to increase the Student's time in the building and for in-person instruction accompanied the BSP. (**D149**)

iii. December 2, 2024: An accommodation of a "Step In Plan" for in-person instruction in the building was added through February 25, 2025. (**D156**)

4. District behavior documentation from September 4, 2024 through June 12, 2025 showed the following:
   a. Data was collected on the Student's attendance, safety level, cooperation with adults, emotional regulation, social skills, crisis level, and transitions. There were also notes documenting the lengths of time the Student was escalated on various days, general notes about their progress during the day, and notes about attendance. Relevant information was as follows:
      i. Over the recorded 145 school days (September 2024–June 2025), the Student was absent on 51 days and suspended on seven days, totaling 58 days, or approximately 40% of the recorded days. Also notable were the following:
         (1) November 2024: The Student had eight days of absence, including four consecutive days after an aggressive incident on November 19, 2024.
         (2) March 2025: The Student was only present four out of 13 days due to parent-initiated crisis stays and medical issues.
         (3) May 2025: Attendance records showed a pattern of repeated absences following suspensions or major incidents even when the Student was not suspended or the suspension was over, as the Parent kept the Student at home.
         (4) Regarding safety, the Student was scored on a 1-5 scale with 1 being little to no effort, 2 being some effort, tried at times, 3 being minor effort; trying to get the things they want, 4 being good effort; cooperative and listening to the rules; minor limit pushing, and 5 being great effort; cooperative and listening to all rules and tried to follow rules. During periods of low safety scores (1 or 2, indicating little to some effort toward safety), the notes frequently documented aggression, including incidents where the Student punched staff in the face, threw objects and furniture at staff, and ran off campus. The Student's scores followed by their frequency for each month were as follows: (**D1045-D1059**)

Safety score frequency	Safety Score 1	Safety Score 2	Safety Score 3	Safety Score 4	Safety Score 5
September 2024	1	3	4	2	0
October 2024	1	4	3	2	3
November 2024	3	1	5	0	3
December 2024	0	0	2	2	7
January 2025	1	2	2	3	4
February 2025	1	0	1	1	10
March 2025	1	1	1	1	2
April 2025	0	1	0	2	7
May 2025	5	4	1	1	1

Emotional regulation score frequency	Emotional regulation Score 1	Emotional regulation Score 2	Emotional regulation Score 3	Emotional regulation Score 4	Emotional regulation Score 5
September 2024	0	4	4	1	1
October 2024	1	3	3	2	2
November 2024	2	0	5	0	3
December 2024	0	0	3	3	5
January 2025	1	3	2	1	5
February 2025	0	2	1	2	8
March 2025	1	1	1	1	2
April 2025	0	1	1	2	6
May 2025	0	0	0	0	0

Social skills score frequency	Social skills Score 1	Social skills Score 2	Social skills Score 3	Social skills Score 4	Social skills Score 5
September 2024	0	2	1	1	6
October 2024	0	3	1	2	7
November 2024	0	1	4	1	4
December 2024	0	0	2	3	6
January 2025	1	2	3	2	4
February 2025	0	1	0	1	11
March 2025	0	0	1	0	5
April 2025	0	0	1	2	7
May 2025	5	1	1	2	0

b. Additional documentation provided by the District showed data entries into a separate spreadsheet by the Parent, who was documenting behavior incidents. The entries included the highest behavior escalation rating demonstrated by the Student during the day, the amount of time spent escalated, notes describing the behavior, and the response to the behavior incident. This data showed 12 entries between September 27, 2024 and April 5, 2025. There were ten level 5 ratings, which meant the Student's behavior had the potential to cause harm to themselves, others, or the environment. There were two level 4 ratings, which meant the Student's behaviors were "frightening or very upsetting to others" and included minor property damage. The Parent also mentioned calling for crisis support eight times regarding the Student's behavior at home. (**D1068-D1075**)
c. There were ten Accident/Incident Analysis reports from September 18, 2024 through May 28, 205, documenting physical injuries received by various staff members from the Student. (**D1159-D1168**)

5. A Safety and Support Plan dated October 16, 2024 for the Student indicated the following:
   a. The plan was created through the collaboration of an unnamed school psychologist, general education teacher, special education teacher, and principal.
   b. Student information and behaviors:
      i. The Student was described as creative, caring, a hands-on learner, who responds well to praise and student mentors.
      ii. The primary behavior of concern was elopement, defined as running outside of the classroom or school building without supervision.

iii. Several triggers for the behavior were listed, including the Student having to repeat themselves, being misunderstood, making a mistake on assignments, being unexpectedly touched, and being told "no."

c. Strategies and response plans:
   i. To help prevent elopement, the plan suggested offering the Student preferential seating, checking in with the Student, offering breaks, and using distractions such as talking about preferred topics. Staff were also to avoid making the Student feel as if they were in a competition.
   ii. If the Student left the classroom, the staff were to notify the front office and call for support. The plan outlined Mandt-approved methods to ensure safety and de-escalate the situation, giving the Student 10-20 minutes of space with limited, calming language such as, "I'm here to help you."
   iii. If the Student left the building, the staff were to call administrators "immediately" and follow the Student, but not chase them "up to one block from the school." The staff were to use a radio to communicate the Student's direction and street, and if the Student traveled further than one block, the School Resource Officer (SRO) was to be called. The plan also listed three contacts, including the Parent to call.
   iv. The plan included an incentive system with a coin reward system and playing outside.
   v. The plan listed several people available to support the Student, including Teacher 1, Teacher 2, the Special Education Case Manager, and the Principal.
   vi. It was noted the plan could be revised as many times as needed. (**D161-D162**)

6. An Individual Student Escalation Plan dated October 17, 2024, written by Teacher 1, Teacher 2, and Educational Assistant 2, detailed a multi-phase approach to managing the Student's behavior, with a focus on de-escalation and safety. It outlined the following:
   a. Behavioral triggers, as outlined in the aforementioned Safety and Support Plan, along with a five-phase escalation model with signs for calm, agitation, acceleration, peak, and de-escalation.
   b. An elopement protocol, as outlined in the aforementioned Safety and Support Plan.
   c. Re-engagement and support routines, including offering verbal praise for safe behavior, reviewing expectations for the next activity, and teaching coping strategies. (**D163-D166**)

7. October 21, 2024 unattributed meeting notes indicated the following relevant information:
   a. Meeting attendees included the Parent, Teacher 1, the Special Education Case Manager, the Developmental Disability Services (DDS) Case Manager, and the Principal.
   b. The Parent asked about speech services. Teacher 1 stated the Student "receives consult," and that Teacher 1 "checks in with [the SLP] often." The Special Education Case Manager indicated they would "follow up" with the SLP. Teacher 1 indicated they thought the SLP did an evaluation, and the Student only qualified for consultation. Teacher 1 also mentioned the Student did not have a problem with articulation. The Parent indicated they thought the Student did have a problem with articulation. (**D167**)

8. Meeting Notes dated November 26, 2024, detailed a conference between the Parent, Teacher 1, Teacher 2, the Principal, the Special Education Case Manager, the School Psychologist, and the Direct Support Professional (DSP) to discuss the Student's academic and behavioral progress. Relevant information included the following:
    a. Out of 16 days between October 21, 2024 and November 21, 2024, the Student had two "appropriate" days and two "almost appropriate" days. The other 12 days involved escalations, showing a "downward trend" in their behavior.
    b. To address the behavior, the Attending School implemented these interventions:
        i. A new point-and-scale system to match what was used at home, access to sensory tools and breaks, and one-to-one staff support due to safety concerns for other students.
        ii. External collaboration with an outside therapist, the Psychiatric Nurse, and the Community Behavior Support Provider.
        iii. Referrals were made by the Attending School to the Day Treatment Facility the previous year and again this year.
    c. The meeting primarily focused on a new proposed schedule, which included an online learning component. The Principal proposed two options. The Parent rejected both proposals, stating they did not want the Student attending school online. The Attending School team explained the plan was a necessary measure to ensure the safety of the Student, other students, and staff.
    d. The Parent asked the Attending School to consider other placements and if there was an alternative program where the Student could get "full access to education." The team agreed to submit a referral for the Behavior Support Public School and the Day Treatment Facility. The Principal also offered to help the Parent initiate a parent-led referral to the Mental Health Center.
    e. The Parent shared that the Student received "intensive speech therapy" outside of school three times per week. However, during the last school-based evaluation, the Student did not qualify for speech services and was exited.
    f. The team also reviewed a "Step[-]Up Plan" to gradually increase the Student's time at school, but the Parent disagreed with the proposal to increase time in 15-minute increments. The Parent clarified they understood the safety concern and agreed with the goals, but not the criteria for increasing in-person time or the online instruction. The team explained this was to set the Student up for success, given the current behavioral challenges.
    g. A follow-up meeting was scheduled for January 13, 2025 and several action items were noted:
        i. The Principal would call the Parent for follow-up.
        ii. Alternative placement referrals would be submitted (updated as sent on November 27, 2024).
        iii. The SLP would contact the Parent to discuss social skills and possible services. (**D169-D171**)

9. A November 27, 2024 PWN stated, "The IEP team met due to a high frequency of aggressive behaviors that have resulted in significant staff injury and student suspensions. [The Student] has been attending [ITP] for 3 hours and 45 [minutes] in person with peers. Due to

the intensity, frequency, and duration of the aggressive behavior, the team is proposing … 1 hour in person with [one] teacher and no peers and 225 minutes online (lunch [and] recess [for] 1 hour, and two 15[-]minute breaks) for a total of 285 minutes of access to instruction from staff per day." The PWN also indicated the following:

a. The Student's schedule would include: 8:30 a.m. to 11:00 a.m. and 1:30 p.m. to 2:45 p.m. for online instruction, and 11:15 a.m. to 12:15 p.m. for in-person instruction. Early release day schedule was 8:10 a.m. to 9:15 a.m. and 10:15 a.m. to 12:00 p.m. for online instruction, and 9:30 a.m. to 10:00 a.m. for in-person instruction.
b. A "step in plan" was being offered along with the "school day plan." The details were attached to the BSP.
c. The District was submitting referrals to outside placements for day treatment services.
d. The District proposed the change to keep the Student, peers, and staff safe.
e. The decision was based on daily academic and behavioral data, staff observations, staff reports, staff injury reports, damaged classroom items, damaged windows, suspension records, attempted intervention data, and shared information with other providers.
f. The BSP from the Community Behavior Support Provider included a physical restraint plan for when the Student reached crisis-level escalation.
g. An option was considered to maintain the Student's schedule, but was rejected because of the frequency, intensity, and duration of the Student's unsafe behaviors.
h. "The full[-]day option was considered and rejected by [the Parent]. [The Parent] opted for the [one-to-one] in[-]person hour and 1.25 [hours] online."
i. It was noted that, in the 38 days since the beginning of the school year, the Student had 24 unsafe days.
j. The proposed decision was to be implemented on December 2, 2024. (**D255-D256**)
k. An additional PWN dated December 13, 2024 with an implementation date of December 12, 2024, stated the same things verbatim except for the schedule: 8:20 a.m. to 11:00 a.m. and 1:20 p.m. to 2:45 p.m. for online instruction, and 11:30 a.m. to 12:15 p.m. for in-person instruction. Early release day schedule was 8:10 a.m. to 9:15 a.m. and 10:10 a.m. to 12:00 p.m. for online instruction, and 9:30 a.m. to 10:00 a.m. for in-person instruction. (**D159-D160**)

10. In a December 4, 2024 email exchange with the Principal and the Special Education Case Manager, the Parent stated they reviewed the data and found instances where they believed the Student's progress was misrepresented and, therefore, did not show the progress the Student was actually making. According to their calculations, the Student had only four out of 16 days that were a level three or below (four or five was meeting the safety criteria). The Parent proposed to "meet in the middle" and suggested decreasing the Student's in-person school time, but not down to the one hour proposed by the District. The Parent proposed the Student would attend in-person from 11:15 a.m. to 1:30 p.m. and "then possibly" one hour of "online schooling" afterwards. The Special Education Case Manager clarified the data was based on the "crisis level", the metric used to assess safety, and offered to find a more preferable way to measure, but did not respond to the Parent's proposed schedule for instruction. (**D683-D684**)

11. On December 7, 2024, the Principal emailed the Parent and expressed concern regarding emotional regulation and safety, and stated the current schedule was due to the Student not being in control of their emotions or safe, which led to "significantly injuring a staff member." They clarified the behavior data presented at a previous meeting was not incorrect, but used an alternative scale that was not used in the home environment, which caused confusion. The Principal confirmed the Attending School team switched to the scale used at home to make it less confusing. (**D687**)

12. On December 10, 2024, the Special Programs Director and Parent exchanged emails regarding the Student's placement.
    a. The Parent stated they disagreed with the placement option for the Student. They said, "I have repeatedly voiced this concern to [the Student's] entire school team that I disagree with the placement and schedule that was forced upon [the Student] … . I have continued to ask the school for help with supports and alternative placements for over a year, including asking them to hire more help to provide [one-to-one] … and have even asked for referrals to be sent out to find a more therapeutic setting."
    b. The Special Programs Director explained they had submitted referrals again to the same agencies that had denied the Student enrollment the previous school year. They also reiterated the current "offer of a school day is 1-hour in-person, and the remainder of the school day online with a staff member available (online) throughout the day." (**D651**)
    c. The Parent argued that one hour of in-person and one hour of online instruction was not a full school day. The Parent also claimed they had gotten the Short-Term Crisis Center to do a 30-day stabilization stay, which took "[four] re-evaluations," including a psychiatrist evaluation. The Parent also claimed they put the Student in "outside intensive speech services" three times per week, "skill building" one time per week, "intensive mental health" appointments three times per week, and had the Student's "behavioral professional" provide a positive BSP. The Parent also shared that the Community Behavior Support Provider would agree the Student needed in-person instruction and the Short-Term Crisis Center told the Parent their services stopped for the Student once they were discharged from their 30-day stay and refused to accept the Student for day treatment due to the Student's "developmental delay." (**D649-D650**)

13. On December 11, 2024, the Special Programs Director emailed the Parent with an attached PWN and stated, "This is our current offer of a full school day. As it says in the PWN, the online instruction will be supported by an adult during the full morning and afternoon sessions. The 1-hour of in-person instruction should be taking place with [Teacher 1] … . Again, I realize that this is not ideal, but we are doing our best to put together an individualized, 1:1 program that best supports [the Student], in the long-term." The Special Programs Director also stated it was their understanding the Parent elected not to have the Student in the morning online sessions. The Parent responded the Student "struggles online," and they were not "going to start [the] day off like that. Also, the Parent said the Student was attending school from 11:15 a.m. to 3:00 p.m. because the Attending School initially said they no longer took elementary students before 11:15 a.m. Therefore, at the time, that was considered a full day for the Attending School. Therefore, the Parent started

scheduling appointments for the Student in the morning before 11:15 a.m. and could not keep rearranging the Student's schedule. (**D648**)

14. The Student's BSP dated December 12, 2024 indicated the following:
    a. Team members included Teacher 1, Teacher 2, the Special Education Case Manager, and the Principal.
    b. Behavior triggers were outlined as previously mentioned in related documents, with the addition of "overstimulating environments or being tired and hungry." It was also noted that the Student's primary "problem behaviors" were work refusal, which escalated to physical aggression and property destruction. The plan noted the function of these behaviors was to avoid a stressor or task.
    c. Intervention strategies:
        i. Prevention: Proactive measures to manage triggers such as morning check-ins, offering snacks, and reminding the Student of choices for the day.
        ii. Manipulating antecedents: Strategies aimed at directly modifying triggers such as preparing materials in advance, offering choice of work order, modifying work expectations, and using first/then language or "yes, after…" statements instead of "no."
        iii. Altering consequences: Reinforcing positive behavior with things such as adult praise and a visible reinforcement system on a point card for taking breaks. Minimizing the "payoff" for problem behavior by offering limited adult interaction during breaks, using minimal language, ignoring hurtful comments, and providing space during escalated behavior events. The plan specified not focusing on consequences during a problem behavior to avoid re-escalating the Student.
    d. Goals and evaluation:
        i. Short-term goal: By January 7, 2025, "[The Student] will maintain an emotional regulation level of 3 or higher on a 1-5 scale."
        ii. Long-term goal: By September 19, 2025, "[The Student] will use coping strategies to regulate [their] emotions and get [their] needs met during a two-hour session with peers and staff."
        iii. The plan would be evaluated by collecting data on its implementation and its effectiveness by comparing previous data from the last 30 days. A review meeting was scheduled for September 19, 2025. (**D172-D175**)

15. A formal letter, dated December 16, 2024, from the Day Treatment Facility, notified the District the Student was not accepted to the Day Treatment Program for the following reasons: "Unfortunately, [the Day Treatment Facility] is not a match for [the Student's] ongoing treatment. It appears that [the Student] would be best supported by residential services that focus on developmental disability support and interventions, behavioral management, and one-on-one or two-on-one care." It also noted that it was the District's responsibility to notify the Parent of the decision. (**D176**)
    a. On December 19, 2024, the Principal emailed the Parent to inform them the Day Treatment Facility referral for the Student was "not a match" for the Student's ongoing treatment. (**D605**)

16. Meeting Notes from a virtual meeting held on December 16, 2024 involving the Parent, Attending School staff, and outside providers, included the following relevant information:
    a. The meeting's focus was on increasing in-person instructional time for the Student, which was currently limited to one hour per day. In order to increase time in 15-minute increments, the Student needed to meet safety criteria for 15 consecutive days. The team agreed to focus only on the safety category of their data collection instead of emotional regulation. The Parent suggested an increase of 30-minute increments to integrate the Student faster. The Parent also clarified that they declined the Attending School's initial proposal for online instruction in the morning due to pre-existing appointments.
    b. The data showed the Student had met safety criteria for eight consecutive days out of the 15 required.
    c. A meeting would be scheduled in January 2025 to review data, get updates from outside agencies, and continue discussing the criteria for increasing in-person instruction. (**D177-D181**)

17. In an email exchange between December 18, 2024, and December 24, 2024, the Community Behavior Support Provider made suggestions to the Special Education Case Manager regarding the Student's school point criteria based on their review of school documentation and previous recommendations. They intended to provide a framework that would promote consistency in evaluating the Student's behavior across different environments. The scale included:
    a. "Not demonstrated";
    b. "Minimally demonstrated";
    c. "Somewhat demonstrated";
    d. "Mostly demonstrated"; and
    e. "Fully demonstrated."(**D578**)

18. On January 13, 2025, the Assigned IEP Facilitator emailed the Student's IEP team summarizing the agreed-upon outcomes from the January 10, 2025, IEP meeting. The outcomes indicated were:
    a. "Speech services have been re-instituted."
    b. "[The Student] is enjoying their academics."
        i. "Generally at 2nd grade level."
        ii. "Some 3rd[-]grade assessments being done."
    c. "For safety reasons and optimal support for [the Student], transfer to a different placement is recommended."
    d. "[The Short-Term Crisis Center] and [the Day Treatment Facility] are not available options."
    e. "[The Special Programs Director] will make a referral to [the Specialized School, expected by Thursday or Wednesday of this week."
    f. "If [the Specialized School] has a spot for [the Student]":
        i. "The understanding is that [the Specialized School] is a good place for addressing social progress more than academic progress."
        ii. "The goal will be to return from [the Specialized School] as soon as possible."

iii. "Transfer to [the Specialized School] will take three weeks or so, during which [the Student] will continue at [the] current one hour and fifteen minutes [of in-person instruction], with [an] added 15 minutes each week that [the Student's] point system is 2 or better."
iv. "During this time, [the] communication plan and its implementation will be improved."

g. "If [the Specialized School] does not have a spot for [the Student] at present":
   i. "[The Special Programs Director] will find out how long the wait list is anticipated to be."
   ii. "[The] IEP team will meet on January 27th at 3:15 to discuss."
h. "[The Student's] annual IEP team meeting is scheduled for February 10th at 3:15 [p.m.]" (**D541**)

19. On January 13, 2025, the Special Programs Director emailed the Parent confirming the referral to the Specialized School had been completed. (**D548**)

20. A PWN dated January 13, 2025 documented the following:
    a. The District was "offering" the Student "the equivalent minutes as their same age and grade peers." It stated the Student's day consisted of a combination of synchronous online and in-person minutes with a daily schedule of 8:00 a.m. to 11:00 a.m. and 1:00 p.m. to 3:05 p.m. for online instruction, and 11:15 a.m. to 12:30 p.m. for in-person instruction. On early release Fridays, the schedule was 8:30 a.m. to 9:15 a.m. and 10:15 to 12:35 p.m. for online instruction, and 9:30 a.m. to 10:00 a.m. for in-person instruction.
    b. This PWN appeared to be correcting a previous error in which the District "miscalculated the elementary minutes." (**D201**)

21. On January 17, 2025, the Special Education Case Manager updated the Student's IEP team and the Parent regarding a new plan to increase the Student's in-person school time. The Student's schedule would be increased by 15 minutes for every five consecutive days they attended with a "safety score" of 2 or better. (**D518**)

22. In a January 21, 2025, email exchange, the Principal sent the Parent the Student's adjusted schedule, which included online instruction from 8:00 a.m. to 11:00 a.m. and 1:00 p.m. to 3:05 p.m. It also included in-person instruction with Teacher 1 from 11:15 a.m. to 12:15 p.m. and with Educational Assistant 1 from 12:15 p.m. to 12:45 p.m. The Principal also confirmed there would be peer interaction during this time. The Parent responded the Student did not attend online instruction in the morning and requested online instruction to start at 1:20 p.m. to allow for transition time, and the Principal agreed. (**D515-D517**)

23. On January 24, 2025, the Special Education Case Manager emailed the IEP team a proposed meeting agenda. The agenda included discussions on a communication plan, a plan to increase in-person instruction, an online instructional update, considerations for the upcoming annual IEP on February 11, 2025, and the Specialized School referral. The Case Manager requested the team to propose additional agenda items. (**D505**)

24. The Student's IEP dated February 10, 2025 indicated the following:
    a. The Student's attending school was an ITP outside of the Resident School.
    b. The Parent was in attendance for the IEP meeting.
    c. Student strengths: The Student was described as a "jester, prankster, funny, sweet, curious, teller of stories, best big brother," and a resilient, hard worker.
    d. Parent Concerns: The Parent was concerned about the Student's behavior and emotional regulation levels and noted it was "negatively" impacting the family's functioning. The Parent also noted that options for community supports were limited due to the Student's dysregulation and "aggression." They wanted the Student to stay regulated for longer periods of time so they could increase their time in school.
    e. Present levels of academic achievement:
        i. Reading: The Student placed in the 10th percentile, read 35 correct words per minute, and did well with digraphs/blends. The Student's instructional level was at a 2nd-grade level in the 25th percentile.
        ii. Math: The Student was in the 9th percentile and missed multiplication. It was noted they had not been taught that yet.
        iii. Writing: The Student was working on finger spaces in between words.
    f. Present levels of developmental and functional performance:
        i. The Student's family had been offered a full-day equivalent school day as their peers with a hybrid schedule.
        ii. The Student appeared motivated by incentives and enjoyed completing worksheets quickly and competitively. However, they sometimes needed extra time and emotional regulation support to complete tasks. The Student was working on maintaining emotional control and making safe choices when upset.
        iii. It was noted the staff recognize these signs of dysregulation: "head down on desk, light moaning/groaning, muttering or unintelligible comments, yelling, kicking, or pushing [their] desk/furniture, breaking or throwing objects, and physical aggression."
        iv. Communication: The IEP team agreed to add speech and language services to the Student's IEP to address emotions and word retrieval.
        v. Disability Impact: "[The Student] has a hard time transitioning from preferred to non-preferred activities, repeating [themselves], being around large groups of peers/adults, and perseverates when stressed. [The Student] has responded aggressively when faced with one or more of the aforementioned scenarios. When escalated, [the Student] requires adult support to remain safe to [themselves] and others. When escalated, it can take 20-30 minutes at a time for [the Student] to return to baseline. Additionally, [the Student] will sometimes re-escalate up to an hour later regarding the same issue from before. Therefore, [the Student] struggles to progress through the general education curriculum without additional adult support and instruction due to [their] anxiety and emotional/behavioral regulation."
    g. Special factors: It was indicated the Student exhibited behavior that impeded their learning or the learning of others, which would be addressed with goals.
    h. Goals:

i. Behavior Skills:
    1. "By February 2026, [the Student] will transition between preferred and non-preferred activities within 1 minute after a single verbal cue 80% of the time in 4 [out of] 5 opportunities as measured by [a] daily data sheet."
    2. "[The Student] will utilize a calming strategy/coping skill (e.g., asking for a break, coloring at desk, break in a calm and quiet location, or checking in with an adult) when stressed 50% of the time in 4 [out of] 5 occurrences as measured by [a] daily data sheet."
ii. Social Skills: "By February 2026, [The Student] will resolve peer conflicts with a safe body and appropriate words 75% of the time in 4 out of 5 opportunities as measured by [a] daily data sheet."
iii. Reading: "By February 2026, [the Student] will identify 100% of [their] individual vowel sounds (a,e,i,o,u), read cvcc words, and decode words with silent e."
iv. Mathematics: "By February 2026, [the Student] will add and subtract [three] digit [numbers] with regrouping 80% of the time with [one] reminder in 4 [out of] 5 opportunities."
v. Speech:
    1. "By February 2026, when given direct instruction, modeling, and practice opportunities, [the Student] will identify complex emotions (e.g., frustration, disappointment, embarrassment), identify causes of these emotions and us[e] 1-2 appropriate self-regulation strategies 75% of the time in 4 out of 5 events."

i. A June 9, 2025 IEP progress report showed a "mastery level" score of 3 ("Progress has been made towards the goal, but the goal may not be met. Instructional strategies may need to be changed). It was noted the Student was able to identify emotions when engaged; however, this work seemed to trigger agitation. (**D250**)
j. "By February 2026, given visuals supports, cueing, and structured practice, [the Student] will increase word-finding skills using semantic strategies (e.g., describing attributes, providing synonyms/antonyms, using categorical associations) to retrieve target words in structured and conversational tasks with 80% accuracy in 4 out of 5 opportunities, as measured by clinician/teacher observation."
k. A June 9, 2025 IEP progress report showed a "mastery level" score of 4 ("Progress has been made towards the goal. It appears that the goal will be met by the next IEP review)." It was noted the Student had done "very well" with all word-finding activities, but did "struggle" with regulation during the majority of May and made no progress during that time. (**D250**)
l. SDI provided by the regular education teacher in a self-contained and general education classroom from February 11, 2025 through February 9, 2026 as follows:
    i. Social skills for 150 minutes weekly;
    ii. Reading for 100 minutes weekly;
    iii. Mathematics for 100 minutes weekly;
    iv. Behavior skills 150 minutes weekly; and
    v. Speech services provided by the SLP in the speech room for 150 minutes weekly.
m. Accommodations provided by the regular education teacher in the self-contained and general education classroom from February 11, 2025 through February 9, 2026 as follows:
    i. "Adult support during transitions" for 90 minutes per session;

ii. Break area to calm down with sensory tools and coloring supplies for 90 minutes per session;
iii. Option to use preferred writing utensil-crayon, pen, pencil, marker for ten minutes per session;
iv. Access to an individual bathroom and a change of clean clothes for 15 minutes per session;
v. Incentives for 90 minutes per session;
vi. "Step In plan (in[-] building[,] in[-]person instruction)" for 30 minutes per month provided by the case manager;
vii. "Immediate access to adults" for 90 minutes per session;
viii. Small group of individual academic instruction for ten minutes per session; and
ix. Breaks from non-preferred activities for 15 minutes per session.

n. Support for school personnel from February 11, 2025 through February 9, 2026, indicated special education consultation with the general education team provided by the case manager for 300 minutes per year.
o. Nonparticipation justification: "[The Student] will spend 100% of [their] school day (500 minutes a week) in a specialized general education classroom supported [by] the special education teacher. [The Student] requires individualized instruction in social skills and behavior, and adult support to meet [their] IEP goals." (**D182-D194)**
p. The Special Education Placement Determination indicated the Student would be in the regular classroom less than 40% of the day with separate special education instruction. It noted the Student would receive specific behavior monitoring, more intensive individualized instruction, and small group/individualized instruction. Additionally, it stated the Student would have exposure to the regular education curriculum in the online setting and as the in-person time increased, in the physical classroom. The start date was February 11, 2025. (**D200**)
q. An IEP amendment dated April 24, 2025 documented the addition of OT services. It stated, "Based on consultation with staff, student work samples, and standardized testing, [the Student] qualifies for OT in school." Related service in the area of OT provided by the OT in the self-contained setting for 180 minutes per year from April 24, 2025 through February 9, 2026 was added. The OT evaluation report indicated services would focus on providing tools and options to address sensory needs, including around the area of eating, as well as working directly with the Student to determine if they needed support with handwriting legibility or fine motor skills. (**D216, D218, D224, D228-231**)
r. An IEP progress report dated June 9, 2025 only documented progress for the Student's two speech goals as listed above. (**D249-D250**)

25. A PWN dated February 10, 2025 indicated the following:
    a. At the IEP meeting on February 10, 2025, the District proposed adding speech therapy as a service to address language and to review and update accommodations, as the team determined.
    b. Speech and language services were recommended to help the Student regulate their emotions because they demonstrated unsafe behavior when upset and struggled to communicate their feelings and needs to staff when upset. (**D195**)

26. On February 14, 2025, a Consent for Individual Evaluation proposed an evaluation for fine motor skills associated with school-related tasks and direct observations of the Student's interactions with their school environment. There was no visible signature from the Parent, but the "date received" indicated February 14, 2025. On February 20, 2025 the Special Education Case Manager emailed the OT evaluation consent form to the Parent, and said, "You can give permission by replying to this email or printing and sending it with [the Student] today." The Parent replied, "I give my permission for [the Student] to have an OT eval[uation]." (**D197-D198, D215**)

27. On March 3, 2025, the Parent texted Teacher 1 and said, "We spent last night in the psychiatric unit … Unfortunately, they were no help because [the Student] wasn't hurting [themselves]." The Parent also said the Student's "psych" said the Student should be better by Monday, but the Parent did not "want to put anyone in danger and something [was] wrong with [the Student]." They had not yet decided if the Student would go to school that day. The Parent followed up, stating the Student had already done a 24-hour stay at the Short-Term Crisis Center before going to the psychiatric unit. (**D808, D810**)

28. In a March 6, 2025, email exchange, the Special Education Case Manager reached out to the Community Behavior Support Provider, indicating they were aware that a team meeting, excluding the Attending School's team, had occurred the previous day with the Mental Health Care Manager regarding decisions about the Student's Care. The Special Education Case Manager stated the Attending School's support team would like to be included in meetings in order to provide the "most effective and consistent support." They also noted the benefits of sharing relevant information and being unified in strategy to best support the Student. The Community Behavior Support Provider clarified the meeting was called as an emergency response to a sudden increase in crisis-level behaviors in the home. Since it did not appear to them to be school-related, and no educational decisions were being made, they did not think it was relevant to include the Attending School team. (**D481-D482**)

29. In another March 6, 2025 email, the Principal explained to the Parent they had reached out to the Special Programs Director regarding other intensive treatment options for the Student, and the Special Programs Director only knew of ones outside the area. (**D481**)

30. On March 6, 2025, the Parent texted Teacher 1 that the Student would be absent for two days due to a 48-hour hold at the Short-Term Crisis Center. (**D803**)

31. On Monday, March 10, 2025, the Parent texted Teacher 1 that the Student had been at the Short-Term Crisis Center since the previous Wednesday, and after three days of being safe, they were going to pick them up. The Parent also mentioned having a referral into an alternative program, and inquiring about another, but said there was a waitlist and "apparently no other resources available" for the Student's age and need. (**D803**)

32. On March 11, 2025, the Mental Health Care Manager emailed the Parent and Psychiatric Nurse, indicating the Student was denied Intensive In-Home Behavioral Health Treatment (IIBHT). No reason was indicated. (**D474**)

33. On April 3, 2025, the Parent texted Teacher 1 and said, "I am not sure what to do. We are just surviving and trying to get through the day safely. Thankfully, we are on day 4 of being safe, so I'm hoping we are getting through the worst of it. I'm just terrified to send [the Student] to school and place more demands on [them]. Something is wrong. [The Student] is not metabolizing [their] medications and has been acting like a toddler with almost a complete loss … of communication skills when [they get] agitated." (**D998**)

34. In emails exchanged between May 10, 2025 and May 19, 2025, the Community Behavior Support Provider initiated a conversation by asking the Principal for school data on the Student's behavior and for an update on any recent incidents. The Community Behavior Support Provider also noted that it had been a while since a full team meeting had taken place to discuss the Student's progress and placement options. The Principal responded that the Student was unable to be around peers due to safety concerns and that they were focusing on preferred activities and some academics with one-to-one support. The Principal expressed concern that the recent increase in the Student's in-person instruction may have been "too much, too soon." The Principal agreed that a team meeting would be helpful and that the Special Programs Director should be included to provide an update on placement options. (**D422-D423**)

35. On May 12, 2025, the Special Education Case Manager emailed the Parent and stated the Student had engaged in unsafe behaviors that led to suspensions and limited access to peers. The Attending School's approach included providing preferred activities, low academic demands, and familiar adults. It was noted the frequency of the Student's escalations increased after the time demand was increased, despite them meeting their safety goal to increase time. (**D425**)

36. On March 18, 2025, the Parent texted Teacher 1 informing them the Student was on a 24-hour hold at the Short-Term Crisis Center. (**D795**)

37. On June 2, 2025, the Principal sent an email to the Student's IEP team, stating the Parent agreed, as noted during a meeting, with the Psychiatric Nurse's recommendation of the Student being finished with school for the rest of the school year. (**D359**)

38. In an email exchange dated July 2, 2025 the Specialized School Executive Director and the Parent discussed placement processes at the Specialized School. The Parent emailed to check on the status of the Student's placement at the Specialized School so they would know if the Student was starting next school year there or returning to their current placement. The Specialized School Executive Director said they could not "guarantee" a placement at that time, and as soon as they had an opening for the Student, they would communicate directly with the District. The Parent said, "We ended up taking [the Student]

out of [their] school and waiting for [their] placement with [the Specialized School]." (**D284-D286**)

39. In an email exchange between August 22, 2025, and August 25, 2025, the Parent and the Special Programs Director communicated about the Student's placement and the decisions surrounding it.
    a. August 22, 2025: The Special Programs Director said they received a forwarded email from the Parent inquiring why the Student's enrollment appeared in the District's online parent information system as "online elementary." The Special Programs Director stated their plan was for the Student to continue their spring programming, which was full-day, online services based on the Psychiatric Nurse's recommendations for the end of the previous school year. (**D292**)
    b. August 23, 2025: The Parent replied, "No, this will not be the plan. … [The Student] will be returning to [the Resident School] where [they] will be allowed to access [their] education with supports in place in the least restrictive environment. [The Student] will not be continuing with online school and lack of supports through [the Attending School]." They also stated the Psychiatric Nurse's recommendations were only for the end of the previous school year, not intended to be continued.
        i. Additionally, the Parent referenced an incident that occurred two years previously, during which the Student hit the principal with a stick, which led to a change in the Student's placement from the Resident School to an off-campus program (the Attending School). The Parent asserted the District should have immediately conducted a MDR at that time, completed a FBA, and created a Behavior Intervention Plan (BIP). (**D292**)
    c. August 25, 2025: The Special Programs Director informed the Parent that a potential placement at the Specialized School would not happen because they were "not willing to" take the Student. The Parent responded with frustration, stating they were never told the Specialized School had denied the Student and were led to believe they were just waiting for an open spot. The Parent stated the Student was making progress over the summer, but was "tremendously behind from missing so much school." The Student was also refusing to return to the Attending School, a placement that had been temporary but was now in its third year. The Parent explained they did not want to force the Student to return as it would risk undoing their progress, and the Student was motivated to return to the Resident School to be with their peers. The Parent requested a transfer and a meeting to prepare the Student's Resident School for their arrival. (**D289-D292**)

40. On August 26, 2025, the Parent filed this Complaint.

41. An IEP Placement meeting was held on August 27 and continued on August 29, 2025. The Parent requested the Student be returned to the Resident School. The Special Programs Director emphasized the need for data-driven decision-making and safety. They cited past incidents where the Student struggled with in-person instruction and an instance where Teacher 1 was injured. Additionally, the Special Programs Director expressed concerns about placing the Student in a less restrictive environment without current data to support a

successful transition, and suggested an initial plan of online instruction and data collection. The Parent repeated their refusal to have the Student continue at the Attending School. The second part of the Meeting on August 29, 2025 led to a plan facilitated by the Special Programs Director that included the following:

a. The Student would begin with one week of online instruction for data collection.
b. Following the one online week, the Student would have a transitional placement in the special education setting at the Resident School.
c. Teacher 2 would meet with the Student and the Parent at the Resident School to collect behavioral data in a controlled, safe environment before any full-time placement began.
d. The Parent committed to being present for the initial five days of transition.
e. The team would work to set up a designated safe space and break area for the Student at the Resident School.
f. A follow-up meeting would be scheduled in October 2025. (**D251-D254**)

42. On September 12, 2025, the Parent emailed the Complaint Investigator and explained that 2.5 years ago, when the Student was evaluated, before being "removed" from the Resident School, the Student was found eligible under the category of OHI and not ASD, as the Parent believed they should have been due to a medical diagnosis of ASD. The Parent also claimed the Resident School attributed the Student's issues to behavior rather than autism, despite medical records, and the Student's condition worsened, leading to the School offering only one hour of online services per day. The Parent stated they felt forced to stay in a setting that was not helping the Student, despite a psychologist's recommendation for the Student to return to the Resident School with a one-to-one assistant. (**P1**)
    a. Additionally, in an interview with the Complaint Investigator, the Parent stated the Student had been initially removed from the Resident School and placed at the Attending School during the 2023-24 school year. (**Parent Interview**, **P1, 01:13**)

43. The Parent also shared they have been trying to place the Student back in their Resident School since the initial removal. They stated, "We would come to an agreement in the meeting, and then at the last minute [the District] would kind of backtrack and be like, 'oh no, well, I think that first we need to do X, Y, and Z.' And [the District] would make it impossible for [the Student] to check these boxes to meet their criteria of what they wanted [the Student] to achieve to then be placed back in [the] home[-]school." The Parent stated they made it clear they are not in agreement with the various placement options the District has offered. (**Parent Interview, P2, 03:45**)

44. During the interview, the Parent recalled the Student received treatment at the Short-Term Crisis Center in the summer of 2024 and did well in the program. While at the Short-Term Crisis Center, the Student successfully completed full school days. However, according to the Parent, when the Student returned to the Attending School, the Student only received one hour of minimally supported in-person instruction per day due to staffing shortages. The Parent also stated the Attending School did not communicate with the Student's mental health providers. (**Parent Interview, P3, 06:15**)

45. The Parent stated they called a meeting with staff from the Resident and Attending Schools before the transition from the Short-Term Crisis Center (summer 2025) to the Attending School (fall 2025). The Parent requested one hour of instruction at each campus, with the goal of transitioning full-time to the Resident School. The Principal of the Resident School did not agree to the request and wanted more safety data. The Parent stated the Student was unable to meet the safety requirements for the Resident School because of a lack of support at the Attending School. (**Parent Interview, P3, 07:24**)

46. The Parent recalled the way in which online instruction was offered changed multiple times. They shared the educational assistant assigned to work with the Student was hard of hearing and not good with technology, which made it difficult for the Student to engage and learn. The Parent requested a different educational assistant, but was told another was not available. The District then offered instruction at 8:00 a.m., which interfered with the Student's various outside therapies. The Parent reported the Student had gotten used to going to school at 11:00 a.m.; therefore, they scheduled appointments before the school day. The Parent felt it would be unfair to the Student to change their routine given their disabilities. The Parent stated they tried to be "accommodating," but since the Student was "having a hard time" with the online instruction, they stopped participating. (**Parent Interview, P5, 12:46**)

47. The Parent stated the District did not document their requests for OT or skill building. They shared they were unaware of what a PWN was; therefore, they did not understand the documentation requirements. The Parent stated that, because of this lapse, they have no proof of previously requested services. (**Parent Interview, P7, 21:37**)

48. The Parent shared they have had frequent exchanges with the Special Programs Director. In a recent meeting, the Student's "mental health team" gave a consensus recommendation, and the Special Programs Director "took [the Student's] psychiatrist's recommendation very seriously and into consideration, and was willing to come to an agreement in the middle and do a trial basis back at [the Resident School]." The Parent described the trial as "a 20 day trial period of four phases," and the Student was "in the middle of phase three." The Parent reported the Student was presently doing well. (**Parent Interview, P8, 23:58**)

49. In an interview with the Complaint Investigator, the Special Education Case Manager recalled a discussion regarding speech services during an October 21, 2024 meeting. The Special Education Case Manager stated that after an initial speech evaluation, the Student did not qualify for "articulation services." The Parent continued to express concerns, so the SLP consulted with the Special Education Case Manager about strategies and further evaluations. Based on the consultation, the team considered adding pragmatic language services instead of articulation services. (**Special Education Case Manager Interview, P2, 02:57**)

50. The Special Education Case Manager shared that another evaluation was done between the October 21, 2024 meeting and the IEP meeting in "February or late January." They stated

the SLP reached out to the Parent, but was not able to reach them. (**Special Education Case Manager Interview, P2, 05:30**)

51. When asked about an FBA, the Special Education Case Manager was unable to recall specific dates but stated one was done by the School Psychologist after the IEP meeting. (**Special Education Case Manager Interview, P3, 06:09**) They also stated a BSP was created from that assessment while the Student was enrolled at the Attending School. (**Special Education Case Manager Interview, P4, 10:21**)

52. In an interview with the Complaint Investigator, the Special Programs Director stated that the purpose of online instruction was to provide a full day of instruction to the Student. They stated the Student "was engaging in really escalated behaviors, high frequency, really targeted type of aggression. … when [the Student] was on campus for a very short period of time, we were seeing really severe escalations. And so filling out the day in person was becoming more and more unrealistic." The Special Programs Director stated the offer of online school was related to the District's ability to properly and safely support the Student. (**Special Programs Director Interview, P1, 02:59**)

53. The Special Programs Director stated the online instruction was synchronous and available for the entire school day. They shared that the Student did not attend the synchronous times offered. Despite this, the District continued to offer synchronous online instruction and work with the Student and the Parent to increase physical time on campus. (**Special Programs Director Interview, P2, 05:39, 06:39, 07:01**)

54. The Special Programs Director described an incident where the Student injured a teacher. The teacher lost their hearing for a week and was out of school on a concussion protocol for a month. The Special Programs Director also described an incident where the Student choked the Direct Support Professional with a seatbelt, and an outside agency had to intervene. The Special Programs Director cited these incidents as examples of escalated behavior that were "unmanageable" in a physical learning environment. (**Special Programs Director Interview, P2, 07:01; P2, 09:32**)

55. The Special Programs Director shared the Student was currently at their Resident School and, after three weeks, was doing well. The Student was in a "trial period" and incrementally increasing the time they are physically on campus. A support team was formed, including two school psychologists and a special education teacher. The support team was refining the BSP, and the Student was showing improvement on new medication. (**Special Programs Director Interview, P3, 11:41**)

56. In an interview with the Complaint Investigator, the Principal shared that the purpose of the Attending School was a temporary support to help the Student either transition back to their Resident School or to an outside program. (**Principal Interview, P1, 01:01**) The Principal believed the Student began at the Attending School in the spring of 2023, but they were not involved in the placement process. (**Principal Interview, P2, 03:23**)

57. The Principal stated the Student started with one hour a day of in-person instruction at the Attending School. Attempts were made to increase in-school time to two hours, but according to the Principal's notes, it "didn't work out so well." The Attending School offered live online instruction to ensure a full day of school. The Principal stated the Student began partial online instruction, but the Parent stopped wanting to participate. (**Principal Interview, P1, 02:18**)

58. The Principal stated the District offered multiple options for support, but could not recall specifics. They recalled that the Parent disagreed with online instruction. (**Principal Interview, P3, 05:47**)

IV. DISCUSSION

Determination of Eligibility

The Complaint alleged the District violated the IDEA by misrepresenting the Student's needs by refusing to qualify the Student for an educational diagnosis of ASD and a CD, and instead qualified the Student for special education services under the categories of EBD and OHI.

The most recent eligibility process for the Student began at the end of 2023 and concluded in February 2024, when the OHI and EBD eligibility were determined. This process occurred outside of the complaint period range.

The Department does not make a determination with respect to this allegation as it is outside the complaint timeline.

Content of the IEP

The Complaint alleged the District violated the IDEA by developing an IEP that did not include SDI for reading or math, transportation, and a BSP that was based on an FBA. Further, speech and OT services were not increased when the Student needed such services, and medical information provided by the Parent was not considered or included in 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. It 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. These are designed to meet the child's needs resulting from their disability, enabling them to be involved in and make progress in the general education curriculum and meet their other educational needs. The IEP must also include a description of how the child's progress toward meeting these goals will be measured and when periodic reports on this progress will be provided. A statement of specific special education, related services, and supplementary aids and services, based on peer-reviewed research to the extent practicable,

must be included, along with a statement of the program modifications or supports for school personnel that will be provided for the child to advance toward their annual goals, be involved and progress in the general education curriculum, participate in extracurricular and other nonacademic activities, and be educated with other children with and without disabilities. The projected dates for the initiation of services and modifications and their anticipated frequency, amount, location, and duration are also required. Additionally, the IEP must explain the extent, if any, to which the child will not participate with children without disabilities in the regular class and activities.[3]

The IEP dated February 26, 2024, did include SDI for both reading and math (50 minutes weekly for each) and the IEP dated February 10, 2025 also included SDI for reading (100 minutes weekly) and math (100 minutes weekly). Records showed the Parent's participation in the development of the IEPs. Although the February 26, 2024 IEP discontinued speech services because the Student had met goals, services were subsequently reinstated in January 2025, and significantly increased in the February 10, 2025, IEP (150 minutes weekly) to address new needs, again with the Parent's input and participation. OT services were added via an amendment on April 24, 2025, following an evaluation. This demonstrated the District was responsive to the Student's evolving needs for related services during the complaint period. While the IEPs did not explicitly list transportation, the Parent's participation in both IEP meetings suggests an opportunity to raise the concern, and the record does not definitively establish a need for specialized transportation. Furthermore, the District claimed transportation was not part of the IEP because the Parent expressed that it was "inappropriate."

Regarding behavior support, the Special Education Case Manager recalled completing an FBA and resulting BSP with a school psychologist after an IEP meeting, although they could not recall a specific date. The record did not show evidence of an FBA specifically, however, all components that would be included in an FBA were evidenced in the behavior support documents that were written. There was a Safety and Support Plan and an Individual Student Escalation Plan written in October 2024, a BSP dated December 12, 2024, and extensive behavior data collection from both the School and the Parent throughout the 2024-25 school year. Additionally, there was evidence of multiple meetings and collaboration between the IEP team and the Student's outside mental health and behavior support providers regarding the Student's behavior and support provided at the School.

Regarding the medical information, the documentation shows the Parent shared medical/psychiatric information on multiple occasions, and the Principal and the Special Programs Director were willing to consider the Student's psychiatrist's recommendation, which led to collaboration regarding behavior support and an agreement for the Student to finish the 2024-25 school year early, indicating the medical information was taken into consideration.

The evidence demonstrates that the IEPs in place provided SDI in reading, math, and speech; the District provided appropriate related services for OT; and a BSP and safety protocols were implemented in a timely, responsive manner. The services and plans were either present in the

[3] OAR 581-015-2200; 34 CFR § 300.320

IEPs or were added or modified in response to the Student's changing needs or at the Parent's request. Further, the District did consider medical information provided by the Parent.

The Department does not substantiate this allegation.

Least Restrictive Environment (LRE)

The Complaint alleged the District violated the IDEA by offering only one hour of "extensive tutoring" at an off-site location and not at the Student's neighborhood school.

School districts must ensure that, to the maximum extent appropriate, children with disabilities, including those in public or private institutions or other care facilities, are educated with children who do not have a disability. Furthermore, special classes, separate schooling, or other removal of children with disabilities from the regular educational environment should only happen if the nature or severity of the disability is such that education in regular classes, even with the use of supplementary aids and services, cannot be achieved satisfactorily.[4]

At the beginning of the 2024-25 school year, the Student was already placed in the ITP outside of their neighborhood school and was receiving in-person instruction part of the day and synchronous online instruction the remainder of the day due to behavior and safety concerns. During a November 26, 2024 meeting, members of the IEP team discussed the Student's academic and behavioral progress with the Parent. It was noted that during 12 out of the last 16 school days (and 24 out of 38 total school days since the beginning of the year), the Student had demonstrated escalated behavior indicating a "downward trend" in their behavior and safety level. At that point, the District proposed service options to the Parent that included limited in-person instruction combined with synchronous online instruction. The Parent disagreed with any online instruction.

The District moved forward with their proposal and issued a PWN documenting one hour of in-person instruction and 225 minutes of online instruction due to the "intensity, frequency, and duration of the aggressive behavior." The District's decision-making process, as documented, strongly supports the position that the Student's removal from their previously determined environment and the resulting hybrid-online schedule was necessitated by unmanageable behavioral challenges and safety risks. District documentation from September 2024 to May 2025 showed the Student's behavior was not just disruptive but frequently rose to a "crisis" level, involving physical aggression (punching, kicking, throwing objects at staff), resulting in injuries and requiring crisis holds. Documentation included ten Accident/Incident Analysis reports detailing physical injuries to staff, including a concussion and temporary hearing loss, and seven suspensions and multiple absences due to crisis stays at psychiatric units or the Short-Term Crisis Center. The Student's demonstrated behaviors created the need for more restrictive conditions.

In response to the safety concerns that prevented a full in-person schedule, the District offered a full school day via a combination of one-to-one in-person time and synchronous online

[4] OAR 581-015-2240; 34 CFR § 300.114(a)

instruction. This demonstrated an effort to ensure the Student's meaningful access to the same number of hours of instruction and educational services as provided to the Student's non-disabled peers, through an alternative delivery method required for safety reasons. The Parent, while disagreeing with the online format, was involved in the decision-making process. The Parent actively chose not to have the Student participate in the full hours of synchronous online instruction offered by the District, citing pre-existing morning appointments and the Student's difficulty with the format. The District, however, maintained the offer of the full-day synchronous instruction.

Furthermore, the District fulfilled its procedural obligations by issuing PWN (e.g., November 27, 2024; December 13, 2024; January 13, 2025; February 10, 2025) explaining the placement change to the hybrid-online schedule and any subsequent changes in the schedule. This notice was based on daily academic and behavioral data, staff observations, and injury reports. Additionally, the District created a "Step-Up Plan" and consistently tied increases in in-person instructional time to the Student's ability to demonstrate safety criteria (e.g., meeting a safety score of 2 or better for five consecutive days), indicating a data-driven approach to gradually moving the Student back toward increased in person instruction as behaviors stabilized.

The District's decision to utilize a more restrictive, hybrid in-person and online schedule was a justifiable safety response to the Student's frequently escalated behavior. The IDEA allows for removal from the regular environment when the severity of the disability cannot be managed, even with the use of supplementary aids and services. The District met its obligations to inform the Parent and utilized objective safety data to drive placement decisions and plans for increasing in-person time.

The Department does not substantiate this allegation.

Free Appropriate Public Education (FAPE)

The Complaint alleged the District violated the IDEA and denied the Student a FAPE by failing to provide SDI and related services to address the Student's specific learning needs.

School districts are responsible for providing a FAPE to all school-age children with disabilities for whom the district is responsible. "School-age children" are children who have reached five years of age but have not yet reached 21 years of age on or before September 1 of the current school year. The requirements of this rule also apply to children with disabilities who have been suspended or expelled from school.[5]

The evidence indicates the District did identify the Student's primary needs and attempted to provide services, addressing the procedural aspect of FAPE. From the February 2024 IEP onward, the Student's primary educational needs were clearly identified as being in the categories of EBD and OHI. The IEPs consistently targeted the core areas of behavior skills (e.g., transition, utilizing calming strategies), social skills (e.g., resolving peer conflicts), and

[5] OAR 581-015-2040; 34 CFR §§ 300.101; 300.17

academics (reading and math) with SDI. Further, the IEPs included multiple accommodations reflecting the behavioral and anxiety needs, such as immediate and sustained access to adults and preferred adults, break area to calm down with sensory tools, and small group or individual academic instruction. Additionally, the evidence shows the District was responsive to the Parent's concerns regarding specific related services in the areas of speech and OT and evaluated and added services accordingly.

The essential challenge to the FAPE allegation is not in the documentation or identification of services, but in the actual consistent delivery of the prescribed SDI due to the severity of the Student's behaviors and the resultant placement limitations. The District's data shows the Student's behavior — frequent, high-intensity aggression, and staff injuries — made sustained instructional time unmanageable in the setting where peers were present. This led to a restrictive placement focused on safety and stabilization. To counter the safety risks, the District offered meaningful access to the same number of hours of instruction and educational services as the majority of students who were enrolled in the same grade in the District through a hybrid model (one hour of one-to-one in-person plus synchronous online instruction).

The purpose was to deliver the full instructional hours. However, the Parent rejected the majority of the offered synchronous online instruction, stating the Student struggled with it and that it conflicted with appointments. The in-person time was often documented as being focused on preferred activities and low academic demands with one-to-one support due to safety or escalated behavior concerns. The June 2025 progress report for the two newly added speech goals indicated the instructional work itself triggered agitation and the Student made no progress in May. This suggests that, even when appropriate services were added, the intensity of the Student's behavior made the SDI ineffective in the environment, hindering the Student's progress. Additionally, behavior data that was collected showed some progress, which reflected the focus on those skills, yet it still did not show an upward trending pattern over time.

The District asserted they provided education that was appropriate given the severe safety risks. The Student's inability to receive the full benefit of the offered SDI and related services was primarily a result of the unmanageable severity and intensity of their disability, which necessitated a restrictive, safety-focused placement, compounded by the Parent's decision to decline major components of the offered instructional time (synchronous online learning). Additionally, the Student's attendance was highly inconsistent, with 58 days of missed instruction due to absence or suspension (approx. 40% of recorded days). Given the circumstances, the District's actions were appropriate and did not constitute a denial of FAPE.

The Department does not substantiate this allegation.

V. CORRECTIVE ACTION

In the Matter of Springfield SD
Case No. 025-054-056

The Department does not order corrective action in this case.

Dated: this 24 Day of October 2025



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Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing Date: October 24, 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).)