BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of Prairie City School District 4	)	FINDINGS OF FACT,
	)	CONCLUSIONS,
	)	AND FINAL ORDER
	)	Case No. 25-054-066

I. BACKGROUND

On October 17, 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 Prairie City School District 4 (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 October 21, 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 November 5, 2025.

The District submitted a *Response* on November 5, 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, dated 11/05/25
2. Evaluation Report, 09/15/25
3. Comprehensive Report, 11/30/23-01/09/24
4. 504 Accommodation Plan, 01/23/25
5. Statement of Eligibility for Special Education - Other Health Impairment (80), 09/17/25
6. IEP Meeting Notes - Eligibility Meeting, 09/17/25
7. Meeting Summary - Evaluation Planning Meeting, 09/09/25
8. Individualized Education Program, 09/17/25
9. Special Education Placement Determination, 09/17/25
10. IEP Attendance Excusal Form, 09/17/25

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

11. Prior Written Notice, 09/17/25
12. Notice of Team Meeting, 09/10/25
13. Meeting Notes, 10/08/25
14. Communication Log, 09/17/25-10/10/25
15. [The Student's] Proposed Daily Schedule, no date
16. Suspension Letter, 09/05/25
17. Period Student Attendance Profile, 10/21/24-01/21/25
18. Period Student Attendance Profile, 09/02/25-10/16/25
19. Quarter 1 Report Card, 2024-25 School Year
20. Behavior Safety Assessment Team - Level 2 Summary, 09/11/25
21. Notice of Referral, 09/09/25
22. Notice of Team Meeting, 09/09/25
23. Parent/Guardian Consent for Individual Evaluation, 09/09/25
24. Discipline Record, 2025-26 School Year
25. District Letter, re: Enrollment Status for [the Student], 10/09/25
26. Period Student Attendance Profile, 2025-26 School Year
27. Emails between the parties, 09/03/25 through 11/12/25

The Parent submitted documents on November 6, 2025. The Parent submitted the following relevant items:

1. Screenshot of Email, 01/21/25
2. Email, re: Introduction and Scheduling for Complaint Investigation - Case ODE 25-054-066, 10/21/25-11/12/25
3. Letter, re: Additional Information Regarding my Complaint, no date
4. Counseling Report, 09/04/25
5. Neurologist Letter, 09/22/25

The Complaint Investigator interviewed the Parent on November 17, 2025 and District personnel on November 18, 2025. 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 October 18, 2024, to the filing of this Complaint on October 17, 2025.

Allegations	Conclusions
Child Find The Complaint alleged the District violated the IDEA by not properly identifying and evaluating the Student to determine if the Student was a child with a disability requiring special education and related services. (OAR 581-015-2080; 34 CFR § 300.111)	**Substantiated** The District had prior knowledge of a disability and failed to evaluate to determine if the Student was a child with a disability requiring special education and related services.
Evaluation The Complaint alleged the District violated the IDEA by not conducting a timely evaluation upon the Parent's request after October 18, 2024. (OAR 581-015-2105; 34 CFR §§ 300.301, 300.303, 300.305(a-d))	**Not Substantiated** The District conducted a timely evaluation.
Content of the Individualized Education Program (IEP) The Complaint alleged the District violated the IDEA by providing inadequate and insufficient services after finding the Student eligible for an IEP on or about September 17, 2025. (OAR 581-015-2200; 34 CFR § 300.320)	**Not Substantiated** The District offered an IEP with services that comprehensively addressed the Student's needs.
Least Restrictive Environment (LRE) The Complaint alleged the District violated the IDEA after finding the Student eligible for an IEP on or about September 17, 2025, by requiring the Student to receive instruction in a home-based setting. (OAR 581-015-2240; 34 CFR § 300.114(a))	**Not Substantiated** The District offered the LRE for the Student's needs at the time the IEP was developed.
Opportunity to Examine Records The Complaint alleged the District violated the IDEA by not providing the Parent an opportunity to review requested educational records. (OAR 581-015-2300; 34 CFR § 300.501(a))	**Not Substantiated** The District provided the Parent with records within the required timelines.
Free Appropriate Public Education (FAPE)	**Substantiated**

Allegations	Conclusions
The Complaint alleged the District violated the IDEA provision of a FAPE by not determining the Student was a Student who needed special education and related services, by not conducting a timely evaluation on or after October 18, 2024, and by not providing an appropriate IEP after the Student was found eligible for an IEP on or about September 17, 2025. (OAR 581-015-2040; 34 CFR §§ 300.101, 300.17)	The District did not conduct a timely evaluation despite being aware that the Student had a disability.

REQUESTED CORRECTIVE ACTION
● Provide the Parent a copy of the threat assessment and all school records. ● "Do a Manifestation Determination, while taking into consideration what [the Student's] Neurologist and Neurosurgeon have to say about [the Student's] medical conditions along with [the Student's] mental health provider." ● Provide documentation of the meeting held with [the Student] on 9/4/2025 where [the Student] was left alone with the Superintendent, the Resource Officer and an outside therapist. ● Come up with an IEP plan that both parties agree upon because [the Student] has now missed over a month of education. ● Provide [the Student] with an appropriate IEP in the LRE as per IDEA laws. ● Provide a mediator to help resolve the IEP issues with the School, as all trust has been broken. ● The School to have epilepsy training and de-escalation training. ● The District] [n]eeds to implement and follow the IDEA laws by writing a realistic IEP plan for [the Student] that gives [the Student] access to education during the last half [of] the day when [the Student] is cognizant. ● Provide the entire school staff to [*sic*] epilepsy training and have the special education department get any additional training [the Department] feel [is] appropriate.

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 October 18, 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 14 years old and attends ninth grade in the District.

2. The Student is eligible for special education services under the category of Other Health Impairment (OHI).

3. The Student is described as "personable" and "pleasant to have a conversation with." The Student enjoys classes related to working and gaming on the computer. The Student's strongest academic area appears to be reading. The Student reportedly also demonstrates strengths in verbal expression, interest in technology topics, and a willingness to engage with trusted adults.

4. In a screenshot of text messages dated January 21, 2025 to an unknown recipient, the Parent noted, "I have been requesting a 504 meeting since the first day of school, but keep getting told that we should wait until after [the Student's] brain surgery. I keep explaining that I want to address where [the Student] is at now. A 504 meeting was finally set the day after I talked to a school board member about my concerns. Which [*sic*] was approximately [four] months after my original request. It's set for later this week. Unfortunately, we no longer feel that the school is able or willing to help [the Student]."

5. A 504 Plan dated January 23, 2025 indicated the Student was diagnosed with epilepsy and under the care of a doctor. Recent evaluations showed the Student was functioning below grade level in math and struggled with attendance due to their seizure activity, "often missing core instructional time at school." A handwritten note at the bottom of the plan said, "This plan was not finalized because [the Student] was pulled out of school before it could be." Classroom accommodations included:
    a. Reading directions and assignments to the Student.
    b. Frequent checks for understanding.
    c. Frequent adult assistance.
    d. Extended time on assignments if allotted time was used "wisely."

6. A 2024-25 school year report card documented the following grades and attendance for the Student's first quarter classes:
    a. Science: F with 22 absences;
    b. Physical education and health: D with 21 absences;
    c. Language arts: D with 25 absences;
    d. Math: F with 26 absences;
    e. History: D with 7 absences;
    f. Art: D+ with 6 absences; and
    g. Typing/computers: F with 7 absences.

7. A written description from the Parent regarding an incident involving the Student on September 4, 2025 included the following relevant information:
    a. The Student was accused of saying, "This is why schools [*sic*] get shot up." The Parent explained the Student was having trouble concentrating and sitting next to a "known bully" who taunted them.
    b. According to the Parent, the Student stabbed their arm with a pencil "in distress" and asked for a break. After taking a break, they returned to the classroom to find the door locked. The teacher reportedly saw the Student and closed their computer. The School Resource Officer (SRO) found the Student crying in the hall and took them to

the Superintendent's office. The Parent confirmed receiving a phone call from the Superintendent, who "downplayed the situation" and said they were creating a safety plan. The Parent reported feeling "relieved, thinking they were finally addressing [the Student's] needs."

c. The next day, the Student was suspended pending a threat assessment.
d. According to the Parent, the Counselor's risk assessment summary indicated the following:
    i. Presenting danger of suicide: none
    ii. Presenting danger of other harm to self: action/behavior
    iii. Presenting danger of harm to others: none
    iv. Presenting danger of harm to property: none
    v. The Student's mood was described as "cooperative" and "neutral." The Parent noted, "Yet the school suspended [the Student] and assembled a threat assessment team – whose members remain unidentified."

8. A Community Counseling Solutions report from the Counselor dated September 4, 2025 confirmed what the Parent stated about the risk assessment and also included the following additional information:
    a. Referral information: The SRO reported the Student became upset in class after hearing a comment from a classmate and left the classroom. According to the SRO, they "became worried" about remarks the Student was making, about the Student stabbing themselves in the arm twice, and about the Student making a remark about "being better off dead." In response, the SRO called crisis personnel for help.
    b. The Counselor met with the Student in the Superintendent's office. It was noted the Student "was calm" and willingly described the situation. The Counselor talked with the Student to develop a safety plan (contact the SRO and three friends if needed and distract themselves with listening to music, drawing pictures, and talking to friends if needed). The Counselor also interviewed the Superintendent and the SRO.
    c. There were no previous suicide attempts.
    d. Today's suicide risk potential was noted as low.
    e. It was noted, "There doesn't seem to be a need for a higher level of care."
    f. Follow-up plan: The Student was already enrolled in mental health counseling. The Counselor would contact the Student the following week. The Superintendent would contact the Parent to develop a safety plan. The SRO would contact the Student on September 5, 2025. The Student remained in the community. The Student did not need a referral to stabilization services.

9. An undated District letter notified the Parent the Student was suspended from the District on September 5, 2025 due to "multiple threatening comments made toward staff and other students." Additional relevant information included:
    a. The Student's suspension would remain in effect "pending the completion of a behavioral safety assessment and an IEP eligibility meeting."
    b. A Behavioral Safety Assessment Team (BSAT) conducted Level 1 and Level 2 threat assessments. Recommendations from the Level 2 team included the following:
        i. "Educational placement at home."

ii. "Instruction in social skills along with academics."
iii. "No access to school campus at this time (including sports fields and buildings)."
iv. "Follow directives by Law Enforcement and/or Juvenile Department."

c. An IEP eligibility meeting was scheduled for September 17, 2025 via phone in the Superintendent's office.
d. Moving forward, the Student was "not permitted on school district property for any reason. [The Student] [was] also not allowed to attend classes in person, or participate in any school-related activities until further notice."

10. A Notice of Referral dated September 9, 2025 indicated the evaluation team had received a referral for a possible comprehensive evaluation of the Student. It noted the Student had a history of epilepsy, previously supported by a 504 plan. However, upon the Student's return to school after a half year of absence, the Student "presented with new escalated behaviors that had not been observed in years past." As a result of these behaviors, the team wanted more evaluation to better assist the Student in their education.
    a. A September 9, 2025 Notice of Team Meeting indicated an initial evaluation planning meeting to review information and decide whether the Student should be evaluated for special education eligibility was to occur the same day at 3:30 p.m. It was noted one of the Parents confirmed the meeting on September 5, 2025.
    b. A Parent/Guardian Consent for Individual Evaluation dated September 9, 2025 requested consent to conduct a special education evaluation of the Student with assessments to include the following:
        i. Standardized tests of achievement to assess academic skills.
        ii. Standardized tests of cognitive abilities.
        iii. Comprehensive behavior rating scale to evaluate behavioral, social-emotional, and attention-related concerns across settings.
        iv. Classroom observation to gather information about the Student's engagement, behavior, and interactions in the natural learning environment.
        v. File review to examine educational, developmental, and medical history.
        vi. Autism rating scales to assess autism-related characteristics and "symptom severity."
        vii. Additional standardized behavior assessment to evaluate social-emotional functioning, adaptive skills, and behavioral concerns from multiple perspectives.
    c. The Parent granted consent for the evaluation and provided their signature with the date of September 9, 2025.

11. Meeting Notes dated September 9, 2025 documented an evaluation planning meeting involving the Case Manager, the Superintendent, the Principal, the School Counselor, the Therapist, and the Parent. The notes included the following relevant information:
    a. Background: The Student had a history of epilepsy and was supported in school by an existing Section 504 plan, which provided accommodations for curriculum access and health management. However, the Student's behavior "escalated significantly during the current school year, prompting increased concern" from school staff. The team

sought additional information through a comprehensive evaluation to better understand the underlying factors contributing to these changes and to guide appropriate supports and interventions.

b. Purpose: To develop a comprehensive evaluation plan to better understand the Student's academic, cognitive, behavioral, and developmental profile.
c. The assessments on the consent form were reviewed.
d. It was noted the Parent reviewed the proposed evaluation plan and provided signed consent for the listed assessments to be administered.

12. A September 10, 2025 Notice of Team Meeting indicated a meeting to determine eligibility and develop an IEP was scheduled for September 17, 2025 and confirmed by the Parent via phone on September 10, 2025.

13. A BSAT Level 2 Summary report dated September 11, 2025 documented the assessment found the Student to be at "high risk for incidents of reactive aggression" toward others and themselves, with statements also suggesting a potential intent to engage in targeted aggression. This finding was based on numerous detailed reported incidents both before and during the first week of school (September 2 through September 4, 2025), which included verbally aggressive behavior toward peers, community members, and staff, use of profanity and slurs, and threats such as miming a school shooting, stating a desire to "shoot you in your f*** face," and saying they would bring a "nuclear bomb" to the School. The Student also engaged in self-injurious behavior, specifically stabbing themselves with a pencil, and later stated they hurt themselves because they were "not allowed to hurt others."

    The Student's motivation appeared to stem from retaliation for perceived bullying or "injustice," "feelings of hopelessness," a "desire for control," and "suicidal ideation" (including a history of such ideation and reportedly contemplating suicide on September 8, 2025, according to the Parent). The Student displayed impulsivity, "reactive aggression," a lack of social skills, and frequently struggled to connect their behavior to resulting consequences or social rejection. Although the Parents were reportedly supportive and did not believe the Student posed a threat to others, they were "highly concerned" the Student may harm themselves. Peers and staff reportedly expressed "significant" concern regarding "the potential for acted-out extreme aggression." Due to the seriousness of the threats, the SRO and a sheriff's deputy visited the School on September 5, 2025 to discuss the incidents and subsequently advised the Superintendent to immediately suspend the Student pending further assessment.

    The BSAT recommended a safety plan be designed and implemented, and the educational placement be homebound services. The plan also included that the Student was not to be on the District campus at all.

    The BSAT noted the Student had "no significant disciplinary record" prior to the 2025-26 school year, apart from a few "minor" infractions. The Superintendent confirmed this in an email to the Complaint Investigator saying, "I have no documentation of serious discipline issues in the [20]24-25 school year, in which [the Student] was enrolled from September

[2024] to January [2025]." The Complaint Investigator requested the Student's discipline profile and received a written narrative from the Superintendent of the behavior incidents from September 2 through September 4, 2025 as described in the BSAT report.

14. An Evaluation Report dated September 15, 2025, completed by the Special Education Director and Evaluator, indicated the Student was referred for a special education evaluation by the special education team to determine eligibility and services. Other relevant information included:
    a. The Student had attended school in the District since kindergarten.
    b. Due to a diagnosis of epilepsy, a 504 Plan was initiated when the Student enrolled in the District.
    c. The Student reportedly did not attend school consistently during seventh and eighth grade due to their medical condition, and attended online school for part of eighth grade.
        i. Attendance for the 2024-25 school year (eighth grade) was listed as 40.28%. Attendance for seventh grade was 63.04% and for sixth grade it was 59.48%.
            (1) An attendance profile for the 2024-25 school year listed 25 full-day excused absences and 7.5 full-day excused absences between September 3, 2024 and January 21, 2025.
    d. Assessments considered in the evaluation report included standardized cognitive testing completed on November 30, 2023, standardized academic achievement testing from January 9, 2024, and medical documentation from October 28, 2022, indicating diagnoses of epilepsy and Attention Deficit Hyperactivity Disorder (ADHD).
        i. According to the standardized cognitive testing conducted on November 30, 2023, the Student's overall intellectual ability was in the low average range (20th percentile).
        ii. According to standardized academic achievement testing conducted on January 9, 2024, the Student's general achievement was in the average range (30th percentile).

15. On September 16, 2025, the Student's various teachers emailed the Case Manager to provide input for the September 17, 2025 IEP meeting. Relevant information included the following:
    a. The English Teacher wrote the Student had not turned in any work, participated in activities, or completed testing this year. The Student was struggling to acclimate after being out most of the last school year. Disruptive behaviors were frequent, including inability to focus, intentionally steering the class off-topic, and quick anger. The Student's behaviors ranged from being "stone silent" to swearing, name-calling, and threatening bodily harm. The Student was also observed cutting themselves in class. The English Teacher observed the Student was not predictable or safe enough to remain in the standard academic classroom setting.
    b. The P.E. Teacher wrote they personally witnessed the Student's off-campus behaviors, including throwing children to the ground, stealing their basketballs, inciting fights, and verbally assaulting adults in the community. The P.E. Teacher expressed the belief that the School was safer without the Student and suggested the Parent should also be subject to a trespass order due to a perceived unwillingness to

accommodate the School's wishes by keeping the Student away. The P.E. Teacher noted the Student's behavior had not improved since the fifth grade and had grown increasingly worse. The P.E. Teacher also stated the Student had "threatened the livelihood of our school … ."

c. The History Teacher noted the Student was only in the class for the first day of school, during which time a confrontational interaction occurred. The Student directly asked the History Teacher, "Are you an aggressive person," to which the History Teacher reportedly responded, "Do you always ask stupid questions and be disrespectful?" After this exchange, the Student looked down and became silent. The History Teacher concluded the Student was "not in class to learn but to create a scene and make other students uncomfortable." Following the first day, the Student was never in the class again and never submitted any work.
d. The Science Teacher reported the Student had consistently shown poor self-control in class, with the most recent incident occurring in class during independent reading. The Student showed up late and, while working independently near an aide's station, abruptly broke a pencil in half and stared angrily at two students who had not engaged with the Student. When the other students did not respond, the Student abruptly left the room, cussing and telling the Science Teacher to "leave [them] the f%$# alone" when followed.

   The Science Teacher also mentioned, "In past experiences, I have taken [the Student] to the counselor for drawing murder and/or suicide pictures on assignments, witnessed [the Student] threatening to stab other students and quite frequently cuss other students out. … [The Student] would constantly flip off other students in class and when they would retaliate by telling the teacher or returning the gesture, [the Student] would blurt out that [they were] being bullied. Students have expressed to me that they do not feel safe around [the Student] because [the Student] has made threatening (stabbing, shooting) remarks to them, and losing [*sic*] [their] temper very quickly. [The Student's] temper and quick to violence actions frightens me as well. I have never seen any student bully [the Student]."
e. The Math Teacher stated the Student's attendance had been minimal over multiple years, estimated at less than 5% of enrollment time, and the Student had completed "essentially zero" academic work in or out of class. The Math Teacher expressed empathy for the Student's physical conditions but believed the Student had learned to use the condition as an excuse to avoid academic and social norms. The Student's "erratic," "violent," and "volatile" behavior was described as a "huge distraction" that had put the student body on edge. The Math Teacher reported the Student's conversations were "very combative," and the Student had "incited violent speech" on multiple occasions, leading the Math Teacher to believe the District was unsafe with the Student on the premises. Attempts to assist the Student academically over the years had been met with no reciprocation, leading the Math Teacher to conclude, "I cannot see a future in which [the Student] functions positively within the social and academic realm."
f. The Careers Teacher described the Student as "very volatile" and "looking for a fight" with both peers and adults, consistently initiating negative contact and trying to

provoke a negative response. The Student was reportedly disrespectful and confrontational with staff members. The Student made violent comments that scared peers, including a reported incident where the Student told a peer's mother, "I am going to assassinate your son."

On the first day of the Careers class, the Student angrily blurted out to the Careers Teacher, "Why you lookin' at me when you say that?," during a general class discussion about grades. The Careers Teacher attempted to redirect and then ignored the Student, recognizing an attempt to initiate a confrontation. They stated, "[The Student] has been angry and confrontational since [they were] young here at the school. [The Student] hasn't been able to form positive relationships with [their] peers because of this."

Academically, the Careers Teacher reported the Student demonstrated a lack of desire to complete coursework both currently and in the past, putting forth very little effort for assignments, including in art class. The Student rarely returned finished work that was sent home and did not attend optional extra help sessions. The Careers Teacher, with 18 years of teaching experience, considered the Student one of the most concerning due to their behavior and expressed concern for the safety of both students and staff.

16. A Statement of Eligibility for Special Education for OHI dated September 17, 2025, indicated standardized cognitive and academic assessment data from January 3, 2019, November 30, 2023, and January 9, 2024 were used to determine eligibility.
    a. The District explained in their *Response* that on September 17, 2025, the District convened an IEP team meeting to consider whether eligibility for special education could be established based on the information the District had at the time, pending the outcome of the evaluations planned during a September 9, 2025 evaluation planning meeting. Based on a file review including previous evaluations, new information provided by the Parent, a doctor's note, and new behaviors exhibited by the Student, the District found the Student eligible, while the additional planned evaluations were still underway.

17. An IEP dated September 17, 2025 documented the following for the Student:
    a. The Superintendent called the Parent on September 11, 2025 and set a meeting date and time. There was no signature from the Parent on the IEP signature page or indication they had participated by alternative means.
    b. The Student's medical condition (epilepsy) resulted in frequent and prolonged absences from school due to seizures, medical appointments, and recovery periods, which, in turn, caused significant disruptions to their academic progress and functional development.
    c. The Parent input was listed as concerns about ADHD affecting the Student's ability, and concerns about the Student's ability to complete multi-step problem-solving.
    d. Present levels of academic achievement and functional performance: Upon returning to the District for the 2025-26 school year, the Student "exhibited several aggressive behaviors that were unsafe." Additionally, the Student was "exhibiting significant

social-emotional and behavioral concerns," which had "escalated" to include incidents of "physical aggression," "verbal outbursts," and "an inability to regulate [their] emotions in response to academic or social stressors." It was also noted the Student struggled to navigate peer and adult relationships, and became "easily dysregulated" when routines were disrupted or when presented with tasks that were perceived as difficult, unpreferred, or unfamiliar.

e. Goals:
    i. Social-Emotional/Behavioral: "By 9/16/2026, [g]iven direct instruction and guided practice, [the Student] will demonstrate appropriate social interactions (e.g., turn-taking, conversation, conflict resolution) in structured settings in 4 out of 5 opportunities, as measured by social skills data tracking and teacher observation."
        (1) Present level: "[The Student] currently struggles with conflicts between [themselves] and peers. [The Student] reacts to situations with inappropriate behavior and disrupts the classroom."
    ii. Social-Emotional/Behavioral: "By 9/16/2026, [the Student] will identify, practice, and independently use at least three calming strategies (e.g., deep breathing, requesting a break, using a calm-down space) to appropriately manage emotional responses during conflict or redirection from adults, decreasing reactive behaviors (e.g., yelling, shutting down, walking away without permission) by 40%, as measured by staff observation and recorded data.
        (1) Present level: "When [the Student] is redirected from adults or corrected, [they] will escalate and react in an inappropriate behavior."
    iii. Math: "By 9/16/2026, [g]iven grade-level math tasks and targeted intervention, [the Student] will improve [their] problem-solving and number sense skills by correctly completing multi-step problems with 80% accuracy in 4 out of 5 opportunities, as measured by teacher data and curriculum-based assessments.
        (1) Present level: "[The Student] struggles to comprehend math topics without repetition and guidance."
    iv. Organizational/Study Skills: "By 9/16/2026, [w]ith adult support and visual aids, [the Student] will initiate and complete classroom tasks (academic or daily routines) independently in 4 out of 5 opportunities, as measured by work samples and observation logs.
        (1) Present level: "Currently [the Student] struggles to initiate tasks on [the Student's] own and creates a distraction for other students."
f. SDI from September 22, 2025 through September 16, 2025 provided by the Special Education Teacher in the special education setting as follows:
    i. Study/organizational skills: 30 minutes per week;
    ii. Math: 60 minutes per week; and
    iii. Behavior/social skills: 90 minutes per week.
g. Accommodations to be provided by the general education teachers in the general education setting from September 22, 2025 through September 16, 2026 as follows:
    i. Visual behavior cues or prompts for 15 minutes weekly.

ii. Extended time on assignments and assessments for 30 minutes weekly.
iii. Access to breaks (scheduled and as needed) for 30 minutes weekly.
iv. Enrichment lab support provided by the special education teacher in the special education setting for 110 minutes weekly.
v. Repetition and rephrasing of directions for 10 minutes weekly.
vi. Reduced workload as needed for 10 minutes weekly.
vii. Use of manipulatives, visuals, and graphic organizers for 10 minutes weekly.
viii. Use of positive behavior supports and a reinforcement system for 10 minutes weekly.
ix. Option to test in a separate setting for 15 minutes weekly.
x. Social stories or scripts to teach appropriate responses for 15 minutes weekly.
xi. Weekly behavior tracking and communication with the Parent for 15 minutes weekly.

h. Supports for school personnel provided by a special education teacher from September 22, 2025 through September 16, 2026 as follows:
    i. Consultation with teaching staff for 10 minutes per quarter.
    ii. Consultation with the Parent for 10 minutes per quarter.
i. Non-Participation Justification: The IEP team determined the Student would be removed from participating with nondisabled peers as follows:
    i. From the regular classroom because the Student needs SDI in the areas of behavior, social, and classroom skills in order to make progress in self-managing behavior skills in order to access grade-level curriculum. The Student's behavior was "impeding [their] learning and the learning of others. [The Student] is becoming unsafe for [themselves] and others."
    ii. During extracurricular activities for the same reasons listed above, and additionally, the Student was placed on "homebound instruction" due to a safety plan in place that stated the Student was not allowed on campus or to participate in extracurricular activities.
    iii. During nonacademic activities, for all the same reasons listed above.
j. The line for the Parent to confirm they had received a copy of Parent Rights for Special Education was highlighted, but blank. The section titled, "IEP Revision without Meeting" was also highlighted for the Parent's signature and date, but was blank. The Case Manager signed and dated the document September 17, 2025 and marked that a copy of the document had been provided to the Parent.
k. The Special Education Placement Determination dated September 17, 2025 documented the following options were considered and either rejected or selected:
    i. Regular classroom for 80% of the day or more, which would be one class period in the resource room to receive SDI.
        (1) Benefits: Social interaction with typically developing peers, inclusion in all classroom activities, and small group/individualized instruction.
        (2) Possible harmful effects: Limited exposure to the general education curriculum and limited social interaction with typically developing peers.
        (3) Accommodations and modifications to continue according to the IEP.

(4) Rejected because "this placement does not meet the Student's needs at this time. Due to [the Student's] unsafe behaviors, [the Student] is not able to function appropriately in the general education classroom."

ii. Regular education 40-79% of the day, which would be two periods in the resource room to receive SDI.
   (1) Benefits: Small group/individualized instruction, exposure to the general education curriculum, and social interaction with typically developing peers.
   (2) Possible harmful effects: Limited exposure to the general education curriculum, limited social interaction with typically developing peers, and exclusion from some general education classroom activities.
   (3) Accommodations and modifications to continue according to the IEP.
   (4) Rejected because "this placement does not meet the student's needs at this time. Due to [the Student's] unsafe behaviors, [the Student] is not able to function appropriately in the general education classroom."

iii. Home instruction or homebound, which would mean the Student would remain at home for instruction and meet virtually with staff to receive SDI.
   (1) Benefits: Specific behavior monitoring, more intensive individualized instruction, and small group/individualized instruction.
   (2) Possible harmful effects: Limited exposure to the general education curriculum, limited social interaction with typically developing peers, and exclusion from some general education classroom activities.
   (3) Accommodations and modifications to continue according to the IEP.
   (4) Selected because "this placement best meets the student's needs at this time," based on the safety plan in place that resulted from recommendations from the BSAT Team and current behavior. "This placement best meets the supports and services detailed in [the Student's] IEP."

l. An IEP Attendance Excusal Form dated September 17, 2025 for the IEP meeting that same date, listed excused members with content area discussed as the Math Teacher, the English Teacher, the Science Teacher, the History Teacher, and the Careers Teacher. Excused members whose content was not discussed included the PE Teacher and the Technology Teacher. This form did not contain a signature or date from the Parent, but was signed by the Superintendent and dated September 17, 2025.

18. Meeting Notes dated September 17, 2025 for an initial eligibility and IEP development meeting documented the following relevant information:
   a. The Parent participated in the meeting via phone. Other team members in attendance included the Case Manager, the Special Education Director and Evaluator, the Principal, and the Superintendent. All general education teachers were "excused with parental consent."
   b. The purpose of the meeting was to determine special education eligibility, review educational assessments and the BSAT results, and draft an IEP.
   c. Parent input included concerns about the Student's attention and focus, below-grade-level reading comprehension, and difficulty with multi-step math problems.

d. Teacher input indicated the Student had not been present in class consistently enough for teachers to assess academic performance. When in class, the Student's behavior was reported as "inappropriate," "combative," and "at times threatening." It was also noted, "several students have reported to teachers that [the Student's] behavior makes them feel uncomfortable."
e. The notes mentioned the Student's epilepsy diagnosis was impacting their educational performance, and there was a "recent presentation" of "severe behavioral concerns not observed in prior school years."
f. A draft IEP was developed that included placement determined as "homebound/tutoring with modified math curriculum, supported through [a virtual classroom], paper/pencil assignments, and video chat instruction."
g. It was written that the Parent agreed with the OHI eligibility determination and would sign consent for the initial provision of services.
h. It was also noted the Parent "verbally agreed" to excuse general education teachers, and "verbally agreed" to the goals, accommodations, and plans in the IEP. (**D36-D40**)
i. The Parent clarified in an email to the Complaint Investigator they were invited to attend the September 17, 2025 IEP meeting in person to first hear the results of the Student's threat assessment, and then participate in an IEP eligibility meeting. However, they explained after a public encounter with a stranger who "verbally attacked" them regarding "rumors" about the Student, and other negative community interactions, the Parent did not think meeting in person was "appropriate," and requested to participate via phone instead.
    i. The Parent also mentioned hearing threat assessment allegations during this meeting that were "completely incorrect" and concerning. Then they were told the Student was "permanently suspended," and the Parent said, "I was trying not to cry, and then we went straight into an IEP meeting."
    ii. Regarding the IEP, the Parent reported their understanding was they would work together to develop the plan, but instead, the School "read the completed IEP plan to me," and then sent only the signature pages home with their other child for them to sign. The Parent said, "The rest of the report that was explained in the phone IEP meeting was missing." The Parent continued, "A makeshift IEP plan was thrown together without meaningful parental input. Then they pressured me to immediately sign without even physically seeing the document. This deeply concerned me and made me suspicious of the School's intent. Did [the School] have [the Student's] best interest in mind or were they trying to cover their tracks by providing my disabled [child] the IEP, [they] should [have] had for years?"

19. A Prior Written Notice (PWN) dated September 17, 2025 documented the following relevant information:
    a. The IEP team found the Student eligible for special education services under the category of OHI based on a medical diagnosis of epilepsy and "associated socio-emotional challenges."
    b. The team proposed home instruction as the Student's educational placement, which was to remain in effect until the Student "demonstrated growth in executive

functioning and social-emotional/behavioral skills sufficient to support successful participation in a traditional brick-and-mortar school setting."

c. Explanation: The decision was made after reviewing evaluation data, medical documentation, teacher reports, parent input, and the BSAT recommendations. It was reported the BSAT "identified safety and readiness-to-learn concerns that support the need for an alternative setting while targeted interventions are provided." Other concerns were listed regarding self-regulation, peer interaction, and school participation. Home instruction was determined to be the LRE for the Student to make progress toward IEP goals while receiving appropriate support.
    i. General education with supports was considered, but rejected because the Student was "unable to safely and effectively access instruction in the general education environment due to health and socio-emotional barriers."
    ii. A specialized program in the School setting was also considered, but rejected because the Student required "additional skill-building in executive functioning and social-emotional regulation before being able to participate successfully in a school-based program."
d. Other information: The team considered not finding the Student eligible for special education with an educational disability, but decided that "would have been inconsistent with available information." Additionally, it was noted the team "considered the importance of ensuring access to education while prioritizing the Student's health and socio-emotional well-being. The team determined that beginning with a home placement provides a safe and structured environment where targeted interventions can be delivered. The long-term goal is reintegration into the brick-and-mortar school once sufficient skills are developed."
e. The decision was proposed to be implemented on September 22, 2025.

20. On September 18, 2025, the Parent emailed the Superintendent and requested "any past 504 plans" for the Student "throughout all of [their] school years." The Parent also requested any test results, "counselor records," "SRO reports," and "any other pertinent documents" relating to the Student throughout all of their school years. The Superintendent replied they would gather all the requested documents and stated, "It will be next week before I have it ready, but I will get it to you as soon as I can."

21. Between September 22, 2025 and September 30, 2025, emails were exchanged between the Superintendent and the Parent regarding unidentified paperwork requested by the Parent.

    a. 3:58 p.m. on September 22, 2025: The Superintendent stated they had gathered all the paperwork the Parent had requested, except for information the previous school district still had. They also stated the previous school told the Superintendent they mailed paperwork the previous week, but it had not yet been received. The Superintendent mentioned having a schedule for the Student, along with a computer and charger. They asked the Parent if there was a time they could come to the home to help get the Student signed on to the computer, give the Student the paper/pencil portions of their work, and pick up District paperwork from the Parent.
    b. 5:36 p.m. on September 22, 2025: The Parent thanked the Superintendent for gathering the paperwork and informed them the Student was in another city with a

family member. The Parent stated, "We are having a hard time keeping [the Student] safe in [hometown]. I believe they will be back on Thursday [September 25, 2025]. I will confirm so we [c]an make a solid plan and move forward. I did not sign the IEP paperwork yet because it's incomplete. We don't have goals set for [the Student] and there are no accommodations listed. I am having it reviewed by professionals before signing and making additional requests in writing."

c. 7:45 p.m. on September 22, 2025: The Superintendent stated they would bring a full copy of the IEP when they visited the Parent, so they could review the goals and accommodations. They stated the packet of papers sent home only included signature pages to be signed and returned.
d. September 25, 2025: The Superintendent emailed the Parent asking to schedule a time to meet to "go over all the documentation and get [the Student's] plan moving forward." A handwritten note at the bottom of the printed email indicated a meeting had been scheduled for the same day at 4:00 p.m.
    i. In District notes, it was documented that the Case Manager and the Superintendent went to the Parent's home on September 25, 2025 to conduct "another IEP meeting" with the Parent, review all of the paperwork, and explain what everything meant.
e. September 30, 2025: The Parent stated they reviewed the Student's limited file they received from the Superintendent. They also reported contacting the former school district, which confirmed the Student's complete file had been sent to the District on August 29, 2025. The Parent requested all of the Student's documentation, including the full threat assessment they claimed they had requested multiple times. The Parent refuted a statement in a District letter that claimed absence from the September 17, 2025 IEP meeting was due to travel, clarifying that their absence was due to the perceived hostile environment and a desire to avoid the results of a threat assessment they did not participate in, immediately followed by an IEP meeting that the Parent had previously been told "for years was impossible to get [for the Student] based on [their] intellect and attendance." The Parent stated the first time they had seen the full proposed IEP was on September 25, 2025. The Parent objected to the drafted IEP after reviewing it with professionals, primarily because the plan placed the majority of the teaching burden on the Parent through general education packets, while the District proposed only two hours of remote instruction daily and failed to account for the Student's ADHD and epilepsy-related issues requiring a half-day schedule and in-person teacher interaction.

22. A letter dated September 22, 2025 from the Student's neurologist, which the Parent reportedly provided to the District, outlined information on the range of impacts of epilepsy. The key areas of impact were listed as:
    a. Cognitive functioning and memory:
        i. Impaired cognitive abilities in areas such as attention, processing speed, executive functioning, and memory.
        ii. Memory problems affecting short-term and long-term recall.
        iii. Negatively affected academic performance, daily tasks, and social interactions.

b. Mental health and emotional regulation:
    i. Anxiety, depression, and social withdrawal.
    ii. Emotional distress contributed to fear of public seizures, limitations imposed by the disorder, and the potential for social isolation.
    iii. Challenges with impulse control, emotional regulation, and behavior.
    iv. Behavioral issues exacerbated by seizures affecting the frontal lobe, medication side effects, or comorbid conditions.
    v. Sudden mood changes, irritability, or emotional outbursts.
c. Social and functional:
    i. Daily life disruptions.
    ii. Requirement for accommodations, support systems, and understanding in structured settings.

23. On October 1, 2025, the Superintendent emailed the Parent to address the Parent's concerns and clarify some information. The Superintendent stated the record noted the Parent's absence from the September 17, 2025 IEP meeting, and explained, "While you did not attend the meeting itself, I do want to emphasize that parents were included in the process through the parent interview, which is a key component of the threat assessment." The Superintendent also clarified the IEP was a draft plan, and it was "not intended to represent the full set of requirements or services typically provided to the other students." They also noted, "Our plan is to ease [the Student] into academics and to work with whatever [the Student] is able to produce in order to build confidence and momentum. Our intention has never been for you to shoulder the majority of [the] instruction at home." They concluded by explaining new assessments for the Student had not been completed yet, and when they were, the IEP team wanted to reconvene to review the results and "refine" the IEP.

24. Between October 2 and October 4, 2025, emails were exchanged between the Superintendent and the Parent regarding the Parent's concerns with the drafted IEP.
    a. October 2, 2025: The Superintendent stated they and the Case Manager wanted to schedule a meeting with the Parent to "go over next steps and any adjustments" the Parent wanted to see in the IEP. They stated, "We're not fully clear on which areas you're concerned about, and we'd appreciate the opportunity to work together to clarify and ensure [the Student] can move forward smoothly with [their] coursework and plan."
    b. October 3, 2025: The Parent responded the Student needed a "half day or a couple hours work total in a day." They stated the IEP required the Student to work virtually with the Case Manager for two hours daily on two subjects, only one of which the Parent thought was "mandatory." The Parent wrote, "I don't believe [the Student] will focus with a teacher who is not physically present. I also believe that [the Student] would not be able to stay on track to finish the rest of the packets given to [them] with me for the rest of the day. [The Student] is being treated like a 'normal' child but needs additional assistance in everything. A professional should be testing [the Student] in a professional setting. That burden should not be mine. A teacher should be teaching [the Student] in a professional setting for around [two] hours a day." The Parent finished their email with, "To be clear, I expect the IEP plan to have learning

opportunities that work around [the Student's] physical, mental, and emotional abilities."

c. October 4, 2025: The Superintendent responded to three main points they claimed the Parent raised.
    i. Placement and services: They stated the Parent's concerns about the current program and what would work best was the reason for the District's request to schedule another IEP meeting.
    ii. Testing and accommodations: The Superintendent wrote, "The District is ready to start the evaluation process, which will include the assessment we agreed upon in the evaluation planning meeting. Once it's complete, we'll review the results together and use that information to plan next steps in the IEP."
    iii. Past concerns and next steps: The Superintendent expressed understanding regarding the Parent's concerns about past actions. They informed the Parent they were including a copy of the District's Procedural Safeguards, which explained the Parent's rights and how to address their concerns. The Superintendent also referred the Parent to the Special Education Director and Evaluator and outside parent advocacy organizations.

25. Meeting Notes dated October 8, 2025, documented a meeting between the Case Manager and the Parent regarding the Student's recent eligibility and drafted IEP. Relevant notes included the following:
    a. On October 1, October 2, and October 7, 2025, the Case Manager attempted to contact the Parent to answer questions and inquire about their decision to begin services. There was no answer.
    b. On October 8, 2025, the Case Manager and the Parent spoke via phone. The Parent expressed that they were "struggling" with the eligibility determination and the overall situation, and had contacted outside agencies for assistance before making any further decisions.
    c. The Case Manager emphasized the drafted IEP was flexible and the District intended to collaboratively develop a suitable program.
    d. The Parent indicated the Student was not completing any coursework and the Parent did not plan to have them complete any. As a result, the Student was not receiving instruction, despite a proposed plan being ready for implementation since September 22, 2025.
    e. The Parent stated they did not want to teach the Student at home and wanted outside professionals to review the drafted IEP before proceeding with the District.
    f. The Case Manager repeatedly reiterated the District's readiness to meet at any time to put a plan in place to support the Student's education.

26. An October 9, 2025 formal letter from the Superintendent to the Parent indicated the Student had been withdrawn from the District effective October 8, 2025, "in accordance with Oregon attendance law."

27. On October 12, 2025, the Parent emailed the Superintendent notifying them they had finished tests sent home by the Special Education Director and Evaluator, and were waiting to schedule additional in-person assessments. The Parent also "officially" asked for a copy of the Student's threat assessment and asserted they had been requesting documentation about the Student since before the threat assessment was conducted. They also requested access to any documentation from the "impromptu" meeting the Superintendent had with the Student on September 4, 2025, which also included the SRO and an unnamed outside counselor. They concluded by mentioning they were "seeking help to put together an IEP" for the Student because they no longer trusted the School had the Student's best interests in mind.

    The next day, the Superintendent responded, "I want to reassure you that the IEP is developed through a collaborative team process, which includes input from parents and school staff. You are welcome to invite an advocate to the meeting if you feel it would be beneficial." They also reiterated the District stood "ready to serve" the Student's needs and awaited notification from the Parent indicating when they were ready and available to meet to continue discussing the IEP. Additionally, the Superintendent wrote they had consulted with the District's legal team, and would be providing a copy of the threat assessment and documentation from the September 4, 2025 meeting after reviewing the materials in "accordance with district policy and applicable laws" to ensure that "all appropriate information" was shared with the Parent.

28. An undated copy of a proposed daily schedule for the Student indicated the following:
    a. First period, Careers: "Complete packet work (possible transition to online class in [the] future)."
    b. Second period, Science: "Work on packet assignments (possible transition to online class in [the] future)."
    c. Third period, Math (Modified): "Math instruction and SDI for math will be provided during the afternoon support block."
    d. Fourth period, History: "Complete packet work (possible transition to online class in [the] future)."
    e. Fifth period, Computer Science: "Access and complete work in [virtual classroom]."
    f. Sixth period, English: "Work in binder and participate in video chats as scheduled."
    g. Seventh period, Resource: "Participate in video chats for support."
    h. Afternoon support block, 1:30 p.m. to 3:30 p.m. (Daily video chats): 50 minutes for modified math (SDI) delivered via video platform, and 70 minutes for SDI delivered via video platform, including homework help and individualized support across subjects.
    i. Notes:
        i. Possible online transition for careers, science, history, and math.
        ii. Afternoon video sessions were the primary delivery method for math SDI.
        iii. English and resource period would continue to include video chats for direct interaction.
        iv. Video chats would also provide assistance with other classes as needed.

29. A 2025-26 school year attendance profile initially showed the Student had one 0.5 full-day excused absence (September 3, 2025) and 25 suspension absences (September 5 through October 16, 2025). The Superintendent submitted a corrected version of the attendance profile with a note stating the attendance was corrected once the 10-day drop was accounted for. The corrected version showed a 0.5 full-day excused absence (September 3, 2025), nine suspension absences (September 5 through September 18, 2025), and 11 unexcused absences (September 22 through October 8, 2025).

30. On October 17, 2025 the Parent filed this Complaint.

31. A timeline in the District's *Response* dated November 5, 2025 documented the following relevant information:
    a. January 2024: The District conducted an "academic evaluation" to consider the Student's eligibility for an IEP and determined they did not qualify for special education at that time.
    b. 2024-25 school year: The Student re-enrolled in the District after leaving in January 2024. The District was reportedly not aware of the Student's enrollment in another school or District until they re-enrolled.
        i. The District reportedly found no evidence in their records of the Parent requesting the Student be evaluated for special education between October 18, 2024 and January 21, 2025, at which point the Student withdrew from the District.
    c. January 23, 2025: The District convened a 504 plan team meeting to discuss possible changes. The plan was not completed because the Student withdrew from the District to attend an online school program.
    d. 2025-26 school year: The Student re-enrolled in the District to attend in person. The District learned from the Parent that the Student had brain surgery over the summer, and started a new medication, which affected their behavior. The District also received a doctor's note informing them that, along with a seizure disorder, the Student experienced "comorbidities including but not limited to daily headache, ADHD, depression, suicide ideation, and anxiety." The District noted the doctor requested a 504 plan, but the District claimed to have no record of the Parent requesting new evaluations or an IEP at the time of re-enrollment.

32. Following an interview with the Complaint Investigator, the Parent sent an email with additional relevant information as follows:
    a. The Parent clarified even though the Student had documented math accommodations, they were often not receiving them. The Parent quoted an email from the Math Teacher to the Case Manager on September 16, 2025 that said, "I have had [the Student] for multiple years now but I would guess that I have seen [them] less than 5% of the time [the Student] was enrolled here." The Parent noted it would have been "impossible" for the Math Teacher to regularly help the Student in a morning math class since the Student had nocturnal seizures that affected them every night and morning. The Parent stated, "This is why an IEP plan with accommodations for [the Student's] disability [was] so important. … The School was aware of the

situation but it would have been inconvenient or expensive to accommodate [the Student's] disability."

b. Regarding the Student's reported new behavior, they said, "The [District] keeps implying that [the Student] came back to school a completely different person in September of 2025 after [they] had surgery and that they were forced to permanently suspend [the Student] after [four] days. … The school was well informed of my concerns about [the Student's] mental health and education." The Parent noted multiple previous occasions in the teachers' written input collected for the September 17, 2025 IEP meeting where they referred to concerning behavior from the Student in previous years.
c. The Parent noted they did not start "pushing" for an IEP until the end of the Student's sixth grade year when the Student's teacher at the time, and the Superintendent, recommended the Student be held back a year. According to the Parent, a teacher and the Superintendent told the Parent the Student would not be able to multi-task, stay organized between classes, or make it to the first half of classes due to their maturity level. The Parent refused to hold the Student back and asserted the Student needed more assistance because they were not going to "out grow" epilepsy.

33. In an interview with the Complaint Investigator and the Attorney for the District on November 18, 2025 the Case Manager stated the Student's epilepsy had progressively intensified over time, requiring surgery and affecting their attendance. The Case Manager indicated low attendance was the reason the Student was previously found ineligible for special education.

34. The Case Manager stated the reason for the most recent eligibility determination was behavior. As of the 2025-26 school year, the Student was displaying behaviors the District had "never seen before." The Case Manager confirmed an eligibility meeting was held on September 17, 2025 and the Student was found eligible for special education services.

35. The Case Manager stated the Parent participated by phone for the September 17, 2025 meeting. They affirmed the Parent verbally agreed to goals, accommodations, modifications, and services in the IEP, as well as a placement of home-bound instruction, and verbally consented to evaluations during the meeting.

36. The Case Manager stated the Parent requested all general education teachers be excused from the meeting. The Case Manager wrote up the excusal documentation and emailed the teachers to provide input. They stated it was difficult for the teachers to give input as "they didn't have any academic information" due to being early in the school year. They confirmed they did receive responses from all seven general education teachers.

37. The Case Manager stated they sent documentation home to be signed, and as far as they were aware, no signatures were recorded. They indicated the Parent sent an email stating they refused to sign.

38. The Case Manager confirmed they went to the Parent's home on September 22, 2025 and September 25, 2025 with the Superintendent. They explained the intent was to go over the

paperwork one more time and get signatures in order to begin services, which they had planned to start on September 22, 2025. The Case Manager acknowledged they referred to the meeting on September 25, 2025 as an IEP meeting in their notes, and clarified it was a continuation of the meeting on September 22, 2025, not officially an IEP meeting. They stated they gave the Parent a full copy of the IEP on September 25, 2025.

39. The Case Manager explained the proposed home-bound instruction. They confirmed the IEP required 180 minutes of SDI per week, and stated they scheduled 120 minutes of online instruction "via video chat" per day. They expressed the "extra" time was for adult support "on any other [school] things that [the Student] has questions on." The Case Manager stated the home-bound instruction would have been documented through lesson plans with notes and attendance, explaining "I would have a running log of when [the Student] logged in and logged out[.]"

40. The Case Manager stated the Student had not received services, accommodations, or supports because the Parent had not signed the initial provision, nor presented the Student for services, therefore the Case Manager cannot provide them.

41. In an interview with the Complaint Investigator and the Attorney for the District on November 18, 2025 the Special Education Director and Evaluator stated they were present at a September 9, 2025 evaluation planning meeting for the Student. They recalled the Parent signing a consent for evaluation at the meeting.

42. The Special Education Director and Evaluator acknowledged evaluation data from 2023 and 2024 was used at the September 17, 2025 eligibility meeting because they had not yet completed new evaluations. They stated the LEA "wanted … services for [the Student] as soon as we could." They indicated the urgency was due to the Student's behaviors. They recalled other parties having additional information, but they did not have those documents. The Special Education Director and Evaluator reported the team agreed to meet again after the new evaluations were complete to determine appropriate updates to services and "didn't cancel that consent."

43. The Special Education Director and Evaluator reiterated the main reason for the evaluation planning meetings was the Student's behavior. They indicated the concerning behaviors were new, and acknowledged no previous behavior assessments had been conducted. They confirmed the team agreed a behavior assessment was necessary.

44. In an interview with the Complaint Investigator and the Attorney for the District on November 18, 2025 the Superintendent noted the Student displayed "dramatically increased dangerous behavior" during the 2025-26 school year, which presented "big concerns that just weren't there before." They stated previously the Student "didn't act atypical of [their] peers" and "didn't stick out … as a student that needed special services." The Superintendent acknowledged previous evaluations found the Student ineligible for special education services, and the Student had been unenrolled from the District during the 2024-25 school year.

45. The Superintendent acknowledged the Student's poor attendance, noting their medical condition as one cause. They indicated attendance was a factor in previous ineligibility findings.

46. Regarding the Student's suspension on September 5, 2025, the Superintendent reported it was due to threats made to students and staff, including the Student telling a staff member they "couldn't wait to shoot the [staff member] in [their] effing face[.]" Teachers reported other students were afraid of the Student, and the Superintendent expressed concern the Student would hurt themselves or someone else. The Superintendent consulted law enforcement, and they advised the District to remove the Student from the school until a "behavioral safety assessment" was completed.

47. The Superintendent recalled participating in the evaluation planning meeting on September 9, 2025. They explained the Student underwent two brain surgeries since the last evaluation, therefore the District wanted academic assessments as well as behavior assessments. They shared "the spirit of the meeting" was to help the Student, and reported the Parent was "on board with anything [we] want[ed] to test for[.]" The Superintendent confirmed the Parent signed the consent for evaluation at the meeting.

48. The Superintendent confirmed the Parent participated over the phone at the eligibility meeting on September 17, 2025, requested general education teachers be excused, and gave verbal agreements to the proposed goals, accommodations, services, and placement.

49. The Superintendent visited the home of the Parent and the Student on September 22, 2025 to bring school materials, answer any questions about the IEP, and get the paperwork signed. The Superintendent reported the Parent requested to "think about" the IEP and did not sign any documents. The Superintendent visited the home again on September 25, 2025 with a similar exchange and outcome to the previous visit. They shared they thought the second visit went well and the Parent was "satisfied with our answers."

    The Superintendent acknowledged September 25, 2025 was the first time the Parent received the entirety of the IEP paperwork. They stated they were unaware the Case Manager had previously only sent the documents requiring signatures. They noted they would have sent the entire document.

    According to the Superintendent, the Parent subsequently rejected the IEP, refused to sign any associated paperwork, refused to give any specific criticism, and denied requests for further IEP meetings.

50. The Superintendent reported the Student was suspended for nine school days and acknowledged attendance records were inaccurate. They stated the eligibility finding on September 17, 2025 ended the suspension, and the District was "standing ready to serve" the Student as of September 22, 2025. They explained they had been waiting for signed consent from the Parent to begin services.

51. Regarding LRE, the Superintendent reported, after lengthy discussions, the BSAT recommended home-bound instruction. They shared "I agreed with it, but not forever" and believed the Student would benefit from being with peers. However, the Superintendent acknowledged the Student needed "more services" and "intensive counseling" to be successful in school. They expressed "until some things change, it's not safe."

    The Superintendent reported the LEA had not set a definitive rubric for determining progress prior to beginning SDI. They mentioned "zones of regulation" to gather baseline data and teaching "calming strategies" to use as data points. They expressed the need to work with the Student "one-on-one" to determine the appropriate measures, but since the Parent had not signed consent nor presented the Student for special education services, they could not establish baselines or monitor progress.

52. Regarding the records request, the Superintendent reported the behavioral assessment team informed them they could not share the threat assessment records. They sought legal counsel and were told by the Respondent Advisor they could share the threat assessment, as it fell under educational records. After receiving this confirmation, the Superintendent assembled all the Student's educational records and sent them to the Parent.

    The Respondent Advisor added the threat assessment records are completely separate from special education records, therefore they fall under the 45-day turn around mandate instead of the 10-day mandate.

53. Regarding SDI, the Superintendent acknowledged the designation of "special education setting" was an oversight, and should state "home setting." They confirmed the IEP listed SDI at 180 minutes per week, and the Student was scheduled to meet with the Case Manager for 120 minutes per day. They stated the plan was to allow the Case Manager to tutor the Student in all their classes, not just SDI.

    The Superintendent reported the Parent expressed the home-bound placement and SDI plan would be "too much … responsibility" on them for the Student's education. The Superintendent believed the Student could do much of the work independently, and stated they were willing to adjust the plan as needed.

    The Superintendent confirmed the Student had participated in evaluations with the Special Education Director and Evaluator, however services had not been provided due to the Student not attending the scheduled online instruction time with the Case Manager.

54. The Superintendent stated they understood the Student wanted to be at school to make friends, however the Student's behavior "ostracized [them] from [their] peers in a dramatic way[.]" The Superintendent acknowledged necessary medication was the reported cause of the aggressive behavior.

55. In an interview with the Complaint Investigator, the Parent reported the Student had severe ADHD related to their seizure disorder, which the District was aware of since the Student was in first grade. They explained "[the Student's] hippocampus, which is where your short-term memory is stored, that's where the seizures happen every day." They also reported the Student's medical condition and required medications can lead to mental health concerns, as well as a lack of communication skills. The Parent confirmed the Student had brain surgery in the summer of 2025, leading to further changes in temperament.

    The Parent reported the majority of seizures happen late at night or very early in the morning and may lead to migraines, which impacted the Student's attendance. They explained the Student would often miss the morning session of school, and attend after lunch. They expressed this was not as much of an issue prior to seventh grade because the Parent only had to communicate with one teacher per school year.

56. The Parent shared that the Student began to fall behind in middle school and stated they asked for more assistance at that time. They indicated teachers would not give the Parent the Student's work because the Student was "too old" and "the expectation was that [the Student] would be self-sufficient." The Parent reported the School asked them to "hold the Student back" in sixth grade because "[the Student is] not responsible. [They are] falling behind. [They do not] have good attendance." The Parent stated they asked for one-on-one support at that time and the District responded by assigning another student to stay with the Student throughout the day and watch for seizures.

57. The Parent reported during the 2024-25 school year, the Student's seizures most commonly occurred upon waking in the morning, causing the Student to be routinely late for school. The Parent stated the District was aware the attendance issues were directly linked to the Student's medical condition and they requested a "hybrid" placement of online school and work packets for the morning, with the Student physically attending in the afternoon.

58. The Parent stated they believed the District used the Student's poor attendance as justification to not accommodate them. "I felt it was their responsibility to accommodate [the Student] because [their] disability is what caused the absences." They thought the District was required to offer an IEP because the absences were health related, but the District disagreed.

59. The Parent confirmed they did not make a formal written request for an evaluation during the complaint period. However, both the Parent and their spouse made several verbal requests for assistance, including requests in person at the School.

60. The Parent shared they pulled the Student from in-person schooling "under duress" on January 21, 2025 due to severe bullying, including physical abuse. They stated the Student experienced suicidal ideation because of the bullying, which was reported to the District. They shared they had reached out to the Case Manager, the Superintendent, the Special Education Director and Evaluator, and an unnamed school board member to gain more

resources for the Student, without success. The Parent expressed, "It's a complicated case and they don't want to help."

61. The Parent stated they did not recall participating in the January 23, 2025 504 Plan meeting. They stated a PWN was issued on January 25, 2025, but did not recall any details.

62. The Parent shared they again requested a one-on-one aide before the beginning of the 2025-26 school year and expressed "we were hoping for help and intervention and de-escalation skills." They reported the Student had been excited to start school and was under the impression they would have access to the "resource room."

63. Regarding the September 5, 2025 suspension, the Parent shared "I was shocked that they kicked [the Student] out … they never took the time to put [the Student] on a behavioral plan." The Parent stated multiple times they had concerns about how the suspension was handled and they thought the District needed to hold a manifestation determination meeting regarding the September 4, 2025 incident that led to the suspension. They reported the brain surgery may have been a factor in the Student's behavior.

    The Parent reiterated the District had been aware of the Student's suicidal ideation for "about a year" at the time of the suspension. They communicated the District barred the Student from all school property and activities when they were suspended.

64. The Parent did not recall participating in a September 9, 2025 evaluation planning meeting or signing consent for evaluation.

65. The Parent confirmed they were present by phone for the September 17, 2025 IEP meeting. They confirmed they verbally excused all of the general education teachers.

    The Parent reported the IEP meeting notes were inaccurate regarding verbal confirmation of eligibility, placement, goals, accommodations, modifications, and services. They shared "what I did say is that I would read, review it and sign it. But what I didn't expect is that when I got the report, there would only be the signature pages." They confirmed the IEP was read out loud during the meeting, however they did not receive a full printed copy of the IEP at the time.

66. The Parent stated after the September 17, 2025 IEP meeting, the District only sent them the pages requiring signatures, not the full document. They reported they refused to sign anything without reading through the entire IEP draft. The Parent confirmed the Case Manager and the Superintendent came to their home on September 25, 2025, and together they read through the IEP document again. The Parent stated they received a copy of the full document at that time. They confirmed they again refused to sign, stating they told the Superintendent "this is not something that I can sign unless we can make some adjustments." They contended the District's plan was "incomplete."

The Parent reported the District did not make actionable progress when the Parent attempted to give suggestions and make adjustments through email. At that point, the Parent informed the District they would not sign any consent for services until a facilitated IEP meeting was held.

67. The Parent confirmed they objected to home instruction through video conferencing. They stated they believed the Student would not be successful due to their "severe ADHD." The Parent confirmed accommodations were offered, and not provided, due to lack of parental consent. They expressed, "I don't think the plan that they have put in place is healthy for [the Student]. It's not the least restrictive environment, it's the most restrictive environment."

68. Regarding records requests, the Parent stated they made the request through email. They could not remember the exact date they made the request, however they stated "it was for sure not after the [September] 25th [2025]." The Parent reported they did not receive the records they requested.

69. The Parent reported the Student understands their academic struggle, expressing frustration at being unable to answer questions in class, which led the Parent to request teachers not call on them. They expressed the negative impact bullying had on the Student's school experience and reported the Student had been afraid to go to school on more than one occasion. The Parent stated the denial of the requested support has had a negative impact on the Student's self-esteem and mental health. The bullying, lack of academic, behavioral, and social supports, and the general reaction from the community to the Student after the September 5, 2025 suspension resulted in a suicide attempt.

IV. DISCUSSION

Child Find

The Complaint alleged the District violated the IDEA by not properly identifying and evaluating the Student to determine if the Student was a child with a disability requiring special education and related services.

School districts must identify, locate, and evaluate all children with disabilities for whom they are responsible, regardless of the severity of the disability, who need early intervention, early childhood special education, or special education services. This requirement applies to children who reside and/or are enrolled in the district.[3]

The evidence indicates the District was aware of the Student's medical and academic challenges, including Epilepsy, for a period of years. The District initiated a Section 504 Plan and conducted an "academic evaluation" in January 2024, but determined the Student did not qualify for special education at that time, citing attendance issues linked to the medical

[3] OAR 581-015-2080; 34 CFR § 300.111

condition. The Parent claimed they repeatedly expressed concerns, requested assistance, and stated they had been requesting a 504 meeting since the start of the 2024-25 school year.

The central requirement of Child Find is the timely identification of students with disabilities. While the District took procedural steps to initiate a new evaluation in September 2025 by obtaining parent consent, the District's subsequent actions confirm that this new evaluation was not necessary to establish the Student's eligibility. The record demonstrates the following timeline of facts:

- January 2024 (Ineligibility): The District evaluated the Student and determined they were not eligible for special education, basing this decision on a specific set of evaluations ("Data Set A").
- September 2025 (Consent to Evaluate): Following increased behavioral concerns, the District requested and obtained parent consent for new assessments ("Data Set B").
- September 2025 (Eligibility Determination): The District did not wait for the completion or analysis of "Data Set B" to determine eligibility. Instead, the team convened and determined the Student was eligible for special education based on the evaluations previously used to determine the Student ineligible.

Given the Student's significant behaviors of concern and identified needs, the District acted correctly in identifying the Student as a student with a disability using the available information in September 2025. This decision should have been made in January 2024. The District's issuance of a consent for evaluation in September 2025 does not cure the delay; rather, the decision to determine eligibility without completing that new evaluation confirms that the new data was not required to substantiate the disability.

If the information was sufficient to meet the burden of eligibility in September 2025, it was sufficient in January 2024. The information available about the Student's condition in those documents remained consistent. The eligibility criteria remained constant. The only variable that changed was the District's interpretation of the existing data, likely influenced by the escalation of behaviors. Waiting for a student's behaviors to escalate before accurately interpreting existing data constitutes a "fail-first" model, which violates the affirmative duty of Child Find.

The District had knowledge of the Student's disability as of January 2024. The failure to meet its Child Find obligation and identify the Student at that time resulted in a twenty-month delay in the provision of FAPE.

The Department does substantiates this allegation.

Evaluation

The Complaint alleged the District violated the IDEA by not conducting a timely evaluation upon the Parent's request after October 18, 2024.

A public agency must conduct an evaluation process before making several key decisions about a child. This is required before concluding that a child has, or continues to have, a disability. An evaluation is also necessary before changing the child's eligibility or terminating the child's eligibility as a child with a disability. Either a parent or a public agency may initiate a request for an initial evaluation to determine if a child is a child with a disability, as long as the consent requirements are followed. An initial evaluation must be conducted to determine if a child is eligible for special education services when a public agency suspects or has reason to suspect that the child has a disability that has an adverse impact on the child's educational performance and that the child may need special education services as a result of the disability.[4]

The public agency must designate a team to determine whether an initial evaluation will be conducted. This team must include the parent and at least two professionals, where at least one professional is a specialist knowledgeable and experienced in the evaluation and education of children with disabilities. This team may make this decision without a meeting, but if a meeting is held, parents must be invited to participate.[5]

The record is unclear as to whether the Parent requested an evaluation between October 18, 2024, and January 21, 2025. However, throughout that period of time, the District had already collected the assessment information it required to identify the Student as a child with a disability, as it ultimately did with the information in September 2025.

Additionally, following the Student's severe behavior at the start of the 2025-26 school year, the District issued a Notice of Referral for comprehensive evaluation on September 9, 2025. The Parent consented the same day, starting the 60 school day evaluation timeline.

The District continued to be within the required evaluation timeline as of the filing of this Complaint.

The Department does not substantiate this allegation.

Content of the IEP

The Complaint alleged the District violated the IDEA by providing inadequate and insufficient services after finding the Student eligible for an IEP on or about September 17, 2025.

The IEP must include several key components. First, there must be a statement of the child's present levels of academic achievement and functional performance, which explains how the child's disability affects the child's involvement and progress in the general education curriculum. The IEP must also contain a statement of measurable annual goals, covering both academic and functional areas. These goals are designed to meet the child's needs that result from the child's disability, so the child can be involved in and make progress in the general

[4] OAR 581-015-2105 (1)(2)(3)(a); 34 CFR § 300.301
[5] OAR 581-015-2105 (3)(b); 34 CFR §§ 300.303, 300.305(a-d)

education curriculum, and also to meet each of the child's other educational needs that result from the child's disability.[6]

The document must include a statement of the specific special education and related services and supplementary aids and services, which should be based on peer-reviewed research to the extent practical, to be provided to the child, or on behalf of the child. This also requires a statement of the program modifications or supports for school personnel that will be provided to help the child advance appropriately toward attaining the annual goals; be involved and progress in the general education curriculum and to participate in extracurricular and other nonacademic activities; and be educated and participate with other children with disabilities and children without disabilities.[7] The IEP must specify the projected dates for initiation of services and modifications and the anticipated frequency, amount, location, and duration of the services and modifications. Additionally, an explanation of the extent, if any, to which the child will not participate with children without disabilities in the regular class and activities must be provided.[8]

For the purposes of transition, beginning no later than the first IEP to be in effect when the child turns 16, or as early as age 14 or younger if the IEP team (including parent(s)) determines it appropriate, and updated annually thereafter, the IEP must include appropriate measurable postsecondary goals based on age-appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills. It must also include the transition services (including courses of study) needed to assist the child in reaching those goals. Regarding employment, planning must include information about and opportunities to experience supported employment services. These services must be provided in a competitive integrated employment setting. Information about these services must also be provided to the parent by the school district at each annual review for IEPs to be in effect when the child turns 16, or as early as age 14 or younger, if determined appropriate by the IEP team (including parent(s)).[9]

The IEP properly documented the Student's epilepsy and associated socio-emotional/behavioral challenges, noting the "recent presentation" of "severe behavioral concerns" that included "physical aggression" and an "inability to regulate emotions." It also noted academic struggles in math and organizational skills. This section addressed both the Student's medical condition (OHI) and the immediate, urgent needs (behavior). The IEP included specific, measurable goals in three areas: Social-Emotional/Behavioral (appropriate social interactions, use of calming strategies), Math, and Organizational/Study Skills. These goals directly addressed the areas of need identified by the team and the Parent. The IEP proposed appropriate and relevant SDI and also included weekly support from a special education teacher. The proposed home-bound schedule included daily online instruction via video chat for modified math, homework help, and individualized support.

[6] OAR 581-015-2200 (1)(a-b); 34 CFR § 300.320 (a)(1-2)
[7] OAR 581-015-2200 (1)(d); 34 CFR § 300.320 (a)(4-6)
[8] OAR 581-015-2200 (1)(e-f); 34 CFR § 300.320 (a)(7)
[9] OAR 581-015-2200 (2); 34 CFR § 300.320 (b)

The Complainant alleges the proposed services were inadequate. When an IEP team determines that a student requires a restrictive placement such as Homebound instruction to receive FAPE, the team must then determine the appropriate amount and frequency of services necessary to enable the student to make progress toward their goals. Those services must be "reasonably calculated to enable the child to make progress appropriate in light of his circumstances."[10]

The evidence confirms that the Student did not receive any special education services from the District after the September 17, 2025 eligibility finding. The Case Manager and the Superintendent indicated the Student did not receive services because the Parent refused to sign the initial consent for the provision of services. The District stated they were "standing ready to serve" as of September 22, 2025, and repeatedly attempted to schedule follow-up meetings to address the Parent's concerns and obtain consent. The Parent refused to sign the consent because they fundamentally disagreed with the IEP, stating, "I don't think the plan that they have put in place is healthy for [the Student]. It's not the least restrictive environment, it's the most restrictive environment."

In this case, the District drafted an IEP that was grounded in the Student's unique needs at the time of eligibility and reasonably calculated to provide educational benefit considering the Student's acute behavioral needs and the intensity of the homebound setting. The District was ready to implement timely services, but was legally prevented from doing so by the Parent's refusal to provide initial consent for services.

The Department does not substantiate this allegation.

Least Restrictive Environment

The Complaint alleged the District violated the IDEA after finding the Student eligible for an IEP on or about September 17, 2025, by requiring the Student to receive instruction in a home-based setting.

School districts are responsible for ensuring 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. Essentially, placing a child with a disability in special classes, separate schooling, or other removal from the regular educational environment should happen only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.[11]

The determination of the LRE for the Student after September 17, 2025 placed the Parent's advocacy for maximum inclusion against the District's urgent safety mandates. The District justified the most restrictive placement, which they determined to be home instruction, by citing the BSAT Level 2 Summary and the advice of law enforcement. This evidence established

[10] Endrew F. v. Douglas County School Dist
[11] OAR 581-015-2240; 34 CFR § 300.114(a)

the Student's "high risk for incidents of reactive aggression" and documented specific, severe threats made toward peers and staff, as well as self-injurious behavior. Given that LRE principles must be balanced with the requirement that the placement is safe for the child and others, the District had a permissible, well-documented basis to determine the Student was "unable to safely and effectively access instruction in the general education environment." The IEP's rationale clearly documented why less restrictive options (regular classroom with supports, specialized program in the school) were rejected, focusing specifically on the immediate safety and behavioral challenges. The IEP team also provided a clear written justification for removing the Student from the regular classroom and extracurricular activities, citing the need for SDI in behavior/social skills to address the unsafe and disruptive behavior.

The Parent strongly objected to the homebound placement, viewing it as the "most restrictive environment" and asserting it was unsuitable due to the Student's "severe ADHD" and the minimal in-person interaction proposed. The validity of the Parent's concern for the Student's long-term social and emotional well-being and the necessity of in-person support was acknowledged. However, the evidence demonstrates that the severity of the Student's behaviors created a safety barrier that supplementary aids in the general education setting or, indeed, the school environment, could not immediately mitigate. The IEP team's rationale documented why less restrictive options were rejected: the threat to safety existed within the school environment itself, not merely the classroom. Therefore, at the time of the decision, the Student was unable to safely access instruction in any school-based setting.

The Department does not substantiate this allegation.

Opportunity to Examine Records

The Complaint alleged the District violated the IDEA by not providing the Parent an opportunity to review requested educational records.

Regarding the safeguards required for education records of children with disabilities, including early intervention and early childhood special education records, the Department formally adopts the rules within the Family Educational Rights and Privacy Act (FERPA), the IDEA, and their related federal regulations.[12]

This provision for record protection includes all education records concerning the identification, evaluation, and educational placement of the child, as well as the provision of a FAPE to the child. The program, district, agency, or contractor must comply with a parent's request to inspect and review records without unnecessary delay and provide copies of these records to the parent within specific timelines. For children over the age of three, copies must be provided before any meeting regarding an IEP, or any due process hearing or resolution session, and in no case more than 10 business days after the request is made.[13]

[12] 34 CFR § 99.1 to § 99.38; 34 CFR § 300.610 to 34 CFR § 300.627; 34 CFR § 303.401 through § 303.411
[13] OAR 581-015-2300; 34 CFR § 300.501(a)

The Parent received documentation in the District's possession based on their September 18, 2025 request for all historical records about the Student, and made additional requests for the full threat assessment on September 30, 2025 and October 12, 2025. The Superintendent initially refused to share the threat assessment, citing legal advice, and only agreed to send it after a subsequent consultation with the Attorney for the District. The Parent stated in their interview that they "did not receive the records they requested," suggesting that even by the time of the interview the full, complete set of records may not have been provided. However, the evidence indicates the District provided the Parent with the records they had in their possession within the 10 business days timeline.

The Department does not substantiate this allegation.

Free Appropriate Public Education (FAPE)

The Complaint alleged the District violated the IDEA provision of a FAPE by not determining the Student was a Student who needed special education and related services, by not conducting a timely evaluation on or after October 18, 2024, and by not providing an appropriate IEP after the Student was found eligible for an IEP on or about September 17, 2025.

School districts must provide a FAPE for all school-aged children with disabilities for whom they are responsible to educate. "School-aged children" are defined as 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.[14]

When a school district fails to identify a child with a disability in a timely manner (Child Find), the subsequent failure to provide services during that delay constitutes a denial of FAPE. As previously discussed, the District failed to identify the Student as a child with a disability in January 2024, despite possessing data sufficient to determine eligibility. Because the Student should have been identified as eligible in January 2024, the Student was entitled to an IEP and specially designed instruction from that date forward. The District's failure to identify the Student resulted in a total absence of special education services from the beginning of the complaint investigation period until the eligibility determination on September 17, 2025. The Complainant alleges that the IEP offered in September 2025 was inadequate and that the District failed to provide services thereafter. The record confirms the District stood ready to implement the IEP. However, the Parent refused to provide initial consent for services. A district is not in violation of the obligation to provide FAPE when a parent refuses consent for the initial provision of services.[15]

The Department finds the District failed to provide FAPE during the period of the Child Find delay, but did not fail to provide FAPE after September 17, 2025, as the Parent refused a valid offer of services.

[14] OAR 581-015-2040; 34 CFR §§ 300.101, 300.17
[15] 34 CFR § 300.300(b)

The Department substantiates this allegation in part.

V. CORRECTIVE ACTION[16]

In the Matter of Prairie City School District 1J
Case No. 025-054-066

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. The District will convene an IEP meeting with the Parent to determine appropriate compensatory education services for the period of time from October 18, 2024 until September 17, 2025 when the Student was determined eligible. If the parties are unable to reach an agreement on the compensatory education to be offered to the Student, either party can request that the determination be made by the Department.	A written plan for delivery of compensatory education developed at an IEP meeting with the Parent. Evidence showing that compensatory services were provided.	**February 1, 2026** **December 16, 2026**
2. The District must ensure that all District staff involved in the Student's special education identification process receive training in each of the following areas: • Child Find, Evaluation, and Eligibility	Training agenda/materials to ODE for review/approval. Sign-in sheet for training.	**February 1, 2026** **May 1, 2026**

Dated: this 16 Day of December 2025

Ramonda Olaloye

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[16] The Department's order shall include any necessary corrective action as well as documentation to ensure that the corrective action has been completed (OAR 581-015-2030(13)). The Department expects and requires the timely completion of corrective action and will verify that the corrective action has been completed as specified in any final order (OAR 581-015-2030(15)). The Department may initiate remedies against a party who refuses to voluntarily comply with a plan of correction (OAR 581-015-2030(17) & (18)).

Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing Date: December 16, 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).)