BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of Vale School District 84	))))	FINDINGS OF FACT, CONCLUSIONS, AND FINAL ORDER Case No. 25-054-075

I. BACKGROUND

On October 29, 2025, the Oregon Department of Education (Department) received a written request for a special education complaint (Complaint) from the parent (Parent) of a student (Student) residing in the Vale School District (District). The Complaint requested that the Department conduct a special education investigation under OAR 581-015-2030. The Department confirmed receipt of the Complaint and forwarded the request to the District. The Parent amended the Complaint to incorporate additional allegations on October 30, 2025 and November 5, 2025.

Under state and federal law, the Department must investigate written complaints that allege violations of the Individuals with Disabilities Education Act (IDEA) and issue an order within sixty days of receipt of the complaint.[1] This timeline may be extended if the Parents and the District agree to the extension to engage in mediation or local resolution or for exceptional circumstances related to the complaint.[2]

On November 5, 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 19, 2025.

The District submitted a *Response* on November 19, 2025 denying the allegations, providing an explanation, and submitting documents in support of the District's position. The District submitted the following relevant items:

1. District's Written *Response* to Complaint, 11/19/25
2. District Policy regarding School Counseling Program, 12/8/21
3. District Policy regarding Local Wellness, 11/8/23
4. Notice to Conduct 504 Meeting, 11/6/24
5. Parent Permissions for Release of Information, 11/12/24
6. Parent Permissions for Release of Information, 11/15/24
7. Medical Statement, 11/18/24

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

8. Notice of Referral, 11/22/24
9. Parent Consent for Individual Evaluation, 11/22/24
10. 504 Accommodation Plan, 11/25/24
11. Function-based Behavior Support Plan, 1/14/25
12. Occupational Therapy Evaluation, 2/5/25
13. Notice of Team Meeting, 3/5/25
14. Eligibility Report, 3/6/25
15. Autism Spectrum Disorder Initial Evaluation Report, 3/7/25
16. Eligibility Summary Statement, 3/11/25
17. Statement of Eligibility for Special Education, Other Health Impairment, 3/11/25
18. Statement of Eligibility for Special Education, Autism Spectrum Disorder, 3/11/25
19. Statement of Eligibility for Special Education, Emotional Behavior Disability, 3/11/25
20. Notice of Team Meeting, 3/11/25
21. Meeting Agenda, 3/11/25
22. Meeting Minutes, 3/11/25
23. Prior Written Notice (PWN) Eligibility, 3/11/25
24. Notice of Team Meeting, 3/19/25
25. Individualized Education Program (IEP), 3/31/25
26. Special Education Placement Determination, 3/31/25
27. Meeting Minutes, 3/31/25
28. Prior Notice and Consent for Initial Provision of Special Education Services, 3/31/25
29. IEP and Initial Evaluation Checklist, 2024-25 School Year
30. Student Contact Log, 2024-25 School Year
31. Notice of Team Meeting, 7/31/25
32. Letter from Medical Provider, 8/4/25
33. Letter from Medical Provider, 8/12/25
34. Letter from Behavior Analyst, 8/12/25
35. Meeting Agenda, 8/13/25
36. Meeting Minutes, 8/13/25
37. Remote Response Support Plan, 8/13/25
38. Function-based Behavior Support Plan, 8/13/25
39. IEP Amendment, 8/14/25
40. Parent Consent for Individual Evaluation, 9/3/25
41. Daily Zones of Regulation Tracker, 9/9/25
42. PWN, 9/9/25
43. Functional Behavior Assessment, 9/2025
44. Incident Report, 10/10/25
45. IEP Progress Report, 10/21/25
46. Incident Report, 11/4/25
47. Meeting Agenda, 11/4/25
48. Meeting Minutes, 11/4/25
49. Behavior Tracking Sheets, 2025-26 School Year
50. Student-Parent Handbook, 2025-26 School Year
51. Emails, 11/2024-11/2025
52. Written Information re “Prevention Tools and SEL Programs,” undated

The Parent submitted documents in support of their Complaint on October 19, 2025, October 30, 2025, and November 5, 2025. In all, the Parent submitted the following relevant items:

1. Emails between the Parent and the District, 9/2025-11/2025
2. Functional Behavior Assessment, 9/2025
3. Letter regarding Visitor and Volunteer Guidelines, 10/13/25
4. IEP Progress Report, 10/21/25
5. Meeting Agenda, 11/5/25
6. Letter "To Whom It May Concern", undated

The Parent did not submit a *Reply* to the District's *Response*.

On November 4, 2025 and December 11, 2025, the Complaint Investigator interviewed the Parent. The Complaint Investigator interviewed District personnel on December 9, 2025. Virtual and telephone interviews were conducted instead of on-site interviews. The Complaint Investigator reviewed and considered all 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 November 6, 2024 to the filing of the Complaint on November 5, 2025.

Allegations	Conclusions
When IEPs Must Be in Effect The Complaint alleged that the District violated the IDEA by not providing special education and related services in accordance with the Student's IEP. Specifically, the District failed to implement behavioral supports required by the Student's IEP and failed to provide the Parent with timely progress reports explaining the Student's progress towards their IEP goals. (OAR 581-015-2220; 34 CFR § 300.323)	**Not Substantiated** The District did not fail to implement behavioral supports required by the Student's IEP. The District provided the Parent with timely progress reports explaining the Student's progress towards their IEP goals.
Parent Participation	**Not Substantiated**

Allegations	Conclusions
The Complaint alleged that the District violated the IDEA by interfering with the Parent's ability to participate in the Student's IEP meeting. Specifically, the District failed to convene an IEP meeting for the Student at a mutually agreed upon time and place and did not consider the Parent's input when cancelling the meeting. (OAR 581-015-2195; 34 CFR § 300.322)	The meeting at issue was not an IEP meeting. Nevertheless, the District scheduled the meeting at a mutually agreed upon time and place and was not required to consider the Parent's input when cancelling the meeting.
Review and Revision of IEPs The Complaint alleged that the District violated the IDEA by not reviewing and revising the Student's IEP, as appropriate, to address current assessment results, Student progress, and other information related to the Student's behavior needs. (OAR 581-015-2225; 34 CFR § 300.324)	**Not Substantiated** The District was not required to review and revise the Student's IEP as revisions to the IEP were not warranted.
Free Appropriate Public Education (FAPE) Due to the alleged IDEA violations detailed above, the Complaint alleged that the District failed to provide the Student with a FAPE. (OAR 581-015-2040; 34 CFR § 300.101)	**Not Substantiated** The District did not commit procedural violations that resulted in a denial of FAPE.

REQUESTED CORRECTIVE ACTIONS
The Complainant requests: 1. Recission of the Visitor and Volunteer Guideline violation letter. 2. Written and verbal apologies to the Parent by District staff. 3. Training for District staff on a) Positive behavioral interventions and supports for students with disabilities; b) Trauma-informed and autism-sensitive communication strategies; c) Professional collaboration and communication with parents; d) IDEA procedural safeguards and parent participation rights; e) Section 504 retaliation protections; and f) Professional ethics and communication. 4. Require the District to provide documentation to the Department within 60 calendar days verifying completion of all corrective actions.

III. FINDINGS OF FACT

IDEA regulations limit complaint investigations 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 November 6, 2024. Any facts listed below relating to circumstances or incidents earlier than that date are included solely to provide context necessary to understand the Student's disability and special education history.

1. The Student is six years old and is in the first grade. The Student resides and attends school within the District.

2. The Student has current diagnoses of attention-deficit/hyperactivity disorder (ADHD), autism spectrum disorder (ASD), and an "unspecified behavioral and emotional disorder" and is eligible for special education under the category of Other Health Impairment (OHI).

3. Prior to becoming eligible for special education, the Student received accommodations, including a Behavior Support Plan (BSP), as detailed in a 504 Plan dated November 25, 2024.

4. The District contracts with the Malheur Education Service District (ESD) to provide behavior consultation services to students. The District, in conjunction with the ESD Behavior Consultant (Behavior Consultant), developed a Function-based Behavior Support Plan for the Student, dated January 14, 2025 (January 2025 BSP). The January 2025 BSP identifies the Student's "behavior of concern" as, "When overstimulated or presented with a non-preferred task, [they] may hit, bite, throw objects, yell, spit, tear items off the wall."

5. The District completed an Eligibility Report, dated March 6, 2025, as part of its initial evaluation of the Student for special education (Eligibility Report). The Eligibility Report included assessments of the Student's cognitive and academic development, behavior rating scales, observations, and a review of educational records. The results of the evaluation included, but were not limited to, the following:

    a. Woodcock-Johnson IV Tests of Early Cognitive and Academic Development

        i. General Intellectual Ability: Standard Score 107, Age-appropriate
        ii. Expressive Language: Standard Score 116, Advanced
        iii. Early Academic Skills, Standard Score 97, Age-appropriate
        iv. Letter-Word Identification, Standard Score 92, Mildly delayed
        v. Number Sense, Standard Score 115, Advanced
        vi. Writing, Standard Score 95, Age-appropriate

    b. Conners 3rd Edition (Conners-3)

        i. On both the Parent and Teacher Rating Scales, the Student was rated in the "Very Elevated" range for Inattention, Hyperactivity/Impulsivity, Defiance/Aggression, and Peer Relations.

    c. Behavior Assessment System for Children, Third Edition (BASC-3)

i. On the Parent Rating Scale, the Student was rated in the "Clinically Significant" range for Hyperactivity, Aggression, Conduct Problems, Attention Problems, Atypicality, and Withdrawal. They were rated "At Risk" for Anxiety and Somatization. The Student's overall adaptive skills were rated in the average range.

ii. On the Teacher Rating Scale, the Student was rated in the "Clinically Significant" range for Hyperactivity, Aggression, Conduct Problems, Depression, and Withdrawal. They were rated "At Risk" for Anxiety, Attention Problems, and Atypicality. The Student's overall adaptive skills were rated in the low range.

6. The District also completed an Autism Spectrum Disorder Initial Evaluation Report (ASD Evaluation Report), dated March 7, 2025, as part of its initial evaluation of the Student. The results of the evaluation included, but were not limited to, the following:

   a. Historical Development and Current Functioning:

      i. The Parent reports that the Student met all major developmental milestones on time. In addition, the Student "can be particular about the foods [they] eat but, overall, has a well-balanced diet and [the Parent] has no concerns regarding nutritional intake."

      ii. Teachers and staff describe the Student as "a creative, energetic, hands-on learner who is happy and very loving." "[The Student] performs at grade level academically, and especially enjoys math." While the Student's behaviors "have intimidated and worried [their] peers," the Student "does have established friendships and has been observed engaging in play and conversation with peers throughout the school."

      iii. Shortly after starting kindergarten, the Student "displayed increasing aggressive behaviors." As a result, "peers were being cleared from the classroom one to two times per day due to aggressive, unsafe behaviors . . . (e.g. flipping tables and chairs, ripping posters off walls, tearing student work, etc.)." Interventions implemented to address the Student's behavior included, "a designated break area, visual schedule, visual timer, token system, sensory tools, scheduled breaks and additional adult support," as well as a BSP and 504 plan.

   b. Medical Statement: The Student's medical provider reports that the Student has diagnoses of, "ADHD, Autistic Disorder and Unspecified Behavioral and Emotional Disorder."

   c. Autism Diagnostic Observation Schedule, 2nd Edition (ADOS-2): The Student's ADOS-2 classification is non-spectrum with a comparison score indicating minimal-to-no evidence of autism spectrum-related symptoms.

   d. Child Autism Rating Scale, 2nd Edition-High Functioning (CARS2-HF): Results indicate that the Student shows "minimal-to-no symptoms of Autism Spectrum Disorder."

7. The District convened a meeting on March 11, 2025 to review its assessment results and determine the Student's eligibility for special education (Eligibility Meeting). At this meeting,

the Student was found eligible under the category of OHI but was determined not to meet eligibility criteria for the categories of Autism Spectrum Disorder (ASD) or Emotional Behavior Disability (EBD).

8. On March 31, 2025 the Student's IEP team met to develop the Student's initial IEP (March 31, 2025 IEP). The March 31, 2025 IEP includes, among other things:

   a. Student strengths, interests, and preferences: The Student "is creative, energetic, and a hands-on learner who is happy and very loving." The Student "performs at grade level academically, and especially enjoys math."

   b. Concerns of the Parent: The Parent "is concerned about recent behaviors in [the Student's] PE class and would like more information on how [they] can support [the Student] in PE."

   c. Present Levels of Performance: At the time of the IEP, the Student began their school day with a "morning regulation routine" that helped the Student transition to the general education classroom in a more regulated state. The Student takes a "regulation break" in the special education setting after lunch recess and is then scheduled to return to the general education classroom. "Afternoons are typically more difficult for [the Student] and [their] behaviors sometimes prevent [them] from successfully transitioning back to class."

      When the Student "becomes escalated or overwhelmed, [they] will be provided access to a calming area and a weighted blanket to help [them] de-escalate." In addition, "Positive reinforcement charts will be used with [the Student] as [they are] learning to manage [their] behaviors in the school setting and the Function-Based Support Plan developed for [them] will be implemented by all staff members."

      The Student "struggles to persevere through academic tasks" and "manages [their] dysregulation with impulsive behaviors." "When escalated, [the Student] exhibits behaviors that are disruptive to the learning environment and, at times, jeopardizes [their] safety and the safety of those around [them]."

   d. Goals:

      i. Social/Emotional/Behavioral: Two goals in the areas of 1) Emotional Regulation, and 2) Oppositional Behavior.

      ii. Executive Functioning: Two goals in the areas of 1) Task Initiation, and 2) Transitions.

   e. Specially Designed Instruction:

      i. Executive Functioning for 120 minutes per week in the special education setting;
      ii. Social/Emotional/Behavioral for 160 minutes per week in the special education setting; and

iii. Social/Emotional/Behavioral for 100 minutes per week in the general education classroom.

f. Accommodations: Morning regulation routine; Daily schedule with visual supports; Calming area for de-escalation; Allowed to move during work and instructional time; Strategic seating; Scheduled breaks that include regulation and snack opportunities; Additional breaks when in "the yellow or red zones;" Access to a timer; Extended time for completion of academic tasks; Chunk instruction into small tasks; Text isolation tool; Simplify directions into steps; Sensory items; Snacks available throughout the day; Positive reinforcement chart; BSP; Allowed to "shadow" PE teacher on days when not able to participate independently; Check-in/Check-out system with PE and Specials teachers; One week to turn in incomplete work/homework; Daily communication log sent home.

g. Non-Participation Justification: "[The Student] will be removed from the general education setting for a total of 70 minutes per school day: 30 minutes daily for targeted instruction in social/emotional/behavioral, 30 minutes daily for targeted instruction in executive functioning skills, and 10 minutes each morning to complete [their] regulation routine."

9. According to the Meeting Minutes, dated March 31, 2025, the Parent shared ideas regarding the proposed goals and suggested "positive reinforcement when appropriate transitions are made." The Behavior Consultant "felt like this could be addressed in the behavior plan with an immediate reward for positive behaviors/transitions."

10. The Student's BSP was revised on March 31, 2025 (March 2025 BSP). The March 2025 BSP continues to identify the Student's behavior of concern as, "When overstimulated or presented with a non-preferred task, [they] may hit, bite, throw objects, yell, spit, tear items off the wall." Suggested reinforcements for alternative behaviors are, 1) Daily Task Chart used in classroom to earn daily rewards, and 2) Daily behavior chart to communicate daily with family and earn rewards at home.

11. During Summer 2025, the Student and their family moved to a new home that continued to be within the boundaries of the District but allowed the Student the option to attend a different school in the District that was closer to their new home. The Parent enrolled the Student in the new school for the 2025-26 school year. The new school is located in a rural community and is substantially smaller than the Student's previous school.

12. On August 13, 2025, the District convened an IEP meeting for the Student to review progress data and plan for the Student's transition to the new school (August 13, 2025 IEP)[3]. As reflected in the Meeting Minutes, the Parent began the meeting by providing an update regarding recent medical testing, changes to the Student's medication, and improvements in the Student's behavior during the summer. The District's Director of Student Success

[3] The IEP meeting took place on August 13, 2025, but the IEP Amendment is dated August 14, 2025.

(Director) then shared a copy of the Student's most recent progress report and provided a summary of the Student's progress.

13. Considering the progress that the Student had made on their IEP goals, the Director shared new proposed goals for the Student as well as a behavior tracking sheet. The behavior tracking sheet, which included "thumbs up" and "thumbs down" marks, was discussed and it was agreed that the sheet would be sent home with the Student at the end of each day. The IEP team also revised the Student's BSP to align with the new school setting, which did not have a dedicated special education classroom, and discussed utilizing a reward system for positive reinforcement.

14. The District then shared a Remote Response Support Plan which, given the remote location of the new school, detailed how to address the Student's escalated behavior "when on-site staff may be limited or delayed, and external support is not immediately available" and the strategies in the BSP "do not result in de-escalation." According to the Remote Response Support Plan, possible behaviors that the Student may exhibit include: 1) Continued yelling/screaming, 2) Throwing dangerous objects, 3) Punching, kicking walls/furniture, 4) Spitting, threatening staff or students, and 5) Attempting to leave supervised area unsafely.

15. According to the Meeting Minutes from the August 13, 2025 IEP, the Director suggested "scheduling another meeting on the Thursday of conferences in October to touch base as a team." When asked in an interview whether this proposed meeting was intended to be an IEP meeting, the Director shared that it was not. The intent was to give the Student time to acclimate to the new school and then "get back together to make sure things are still going well." When interviewed, the Student's Case Manager agreed that the proposed meeting was not intended to be an IEP meeting.

16. At the August 13, 2025 IEP Meeting, the amendments made to the Student's IEP included, in relevant part:

    a. Concerns of the Parent: The Parent provided an update of changes that had occurred during the summer, including changes to the Student's medications and medical provider. The Parent requested feedback from the school after the first week of the new school year.

    b. New Goals:

        i. Emotional De-escalation During Dysregulation: The Student will identify and use an appropriate coping strategy to remain regulated in 3 out of 4 observed opportunities.
        ii. Executive Functioning
            (1) Task Initiation: The Student will independently initiate a non-preferred task within three minutes in 3 out of 4 opportunities.
            (2) Transition to Non-Preferred Tasks: When prompted to transition to a non-preferred task, the Student will use a learned self-regulation strategy and complete the transition in a regulated state in 9 of 10 observed opportunities.

iii. The IEP indicates that progress on the goals will be reported "During school's regular written report time," with an "anticipated date" of October 20, 2025 for the second progress reporting period.

c. Specially Designed Instruction (amounts and locations updated):

i. Executive Functioning: Task Initiation for 120 minutes per week on the school campus;
ii. Executive Functioning: Transition to Non-Preferred Tasks for 120 minutes per week on the school campus;
iii. Social/Emotional/Behavioral for 100 minutes per week on the school campus.

d. Related Services (new service added): Social/Emotional/Behavioral services to be provided by the School Counselor for 80 minutes per month.

e. Accommodations:

i. Removed accommodation for "Check-in/Check-out system with PE and Specials teachers";
ii. Added accommodation for Remote Response Support Plan.

f. Non-Participation Justification (updated): "[The Student] will be removed from the general education setting for a total of 40 minutes per school day: 10 minutes each morning to complete [their] regulation routine, morning break, afternoon break, and check out at the end of the day," in addition to "20 min per week for counseling/targeted teaching to the Zones of Regulation."

17. The Student's BSP was revised on August 13, 2025 and includes, in relevant part, the following:

a. Behavior of Concern: When overstimulated or presented with a non-preferred task, the Student may hit, bite, throw objects, yell, spit, tear items off the wall.

b. Antecedents/Triggers: 1) Unexpected changes to schedule and transitions to new spaces, 2) Loud environments, 3) Overwhelmed by high academic expectations, 4) Leaving a preferred task, and 5) Being given a limit or denied a preferred task.

c. Strategies: 1) Trusted adult speaking to the Student with limited verbiage, 2) Predetermined break options given on visual cards, 3) Headphones offered, 4) Daily visual schedule available, 5) Visual timer and verbal warnings about transitions, 6) Chunk work into smaller pieces, 7) Text isolation tool to limit amount of visual information on a page, 8) Give jobs and responsibilities that require heavy lifting, 9) Provide immediate and specific reinforcement following the desired behavior, and 10) Scheduled breaks.

18. Prior to the start of the 2025-26 school year, the Behavior Consultant worked with the School Counselor to ensure that staff at the new school were aware of the Student's BSP and other IEP accommodations. The School Counselor then trained the staff that worked with the Student on how to implement the BSP and accommodations. When interviewed, the

Behavior Consultant reported that any staff working with the Student on a regular basis needs to have access to the Student's reward chart and know how to implement it. Based on their observations at the new school, "staff are well trained on the accommodations."

19. When asked if they were trained to implement the Student's BSP, the Student's general education teacher (Teacher) reported that they attended team meetings where they learned what to do if the Student exhibits behaviors and "given strategies like using a timer and redirections." Positive behavior supports that they utilized with the Student, included earning "warrior cards," an opportunity to "spin the wheel and get a prize," and "notes and texts home to parents." At the start of the year, they utilized a reward chart with "thumbs up" and "thumbs down", but it was not a successful strategy for the Student.

20. The Case Manager reported that they trained staff at the new school on how to implement the Student's BSP and that the entire staff at the school "were aware of that they needed to do." They explained that there are only five teachers at the school and they "explained it to all of them" and took steps to prepare the building for the Student's arrival, including removing items stored in the hallways in anticipation of the Student throwing them. When asked about positive behavior supports that are implemented for the Student, they shared that staff provided the Student with various forms of positive reinforcement, including praise and tickets for the school-wide token economy system. Further, they utilized a "thumbs up" "thumbs down" rewards chart with the Student but, "halfway through the first quarter, [the Student] would get stressed about the thumbs down." They communicated with the Parent about the chart's usefulness and agreed to stop showing it to the Student, although they continued to complete the chart as a means of data collection.

21. On September 3, 2025, the Parent consented to an updated Functional Behavior Assessment (FBA) of the Student. According to the Consent for Individual Evaluation, the evaluation was proposed because "The IEP team requests more data on the function/purpose behind [the Student's] behavior so interventions can more accurately target the underlying need."

22. The Behavior Consultant reported that a new FBA was proposed for a combination of reasons, including that the Parent wanted the Student to have an updated FBA in the new environment, the Student's medications had changed, and because the District observed different behaviors from the Student at the new school when compared to the previous school. At the previous school, the Student's behavior presented as "a lot more tearing things off the wall, having to leave a space, a lot more dysregulation" with "biting, throwing, yelling, spitting." By contrast, at the new school, the Student's "biggest barrier was work refusal."

23. On October 10, 2025, the Parent was volunteering at the school and was present with the Student during lunch time. According to the Parent, when the Student took his tray to the trash, the school library assistant (Librarian) "bent down very close to [the Student's] face," and "in a low angry tone" said "You need to sit back down and finish your strawberries." When the Student indicated they were full, the Librarian told them, "in that same angry tone," "The only reason you got those strawberries was because you knew everyone else likes them," and told the Student that the next time the Student would finish their food. After

the interaction, the Parent observed that the Student "bowed [their] head in shame," "looked humiliated and defeated," and cried later in the day.

24. In a written statement following the incident, the Librarian described their interaction with the Student during lunch on October 10, 2025. According to this statement, the Librarian observed the Student taking their tray to the trash, stopped them and stated, "You need to eat some of the strawberries." They reminded the Student that "strawberries were a treat and if [they were] not going to eat them, then [they] should not take them." When the Parent informed them that the Student did not have to eat the strawberries, the Librarian replied, "If they take something for lunch they have to try it." The Librarian denied yelling at the Student but acknowledged leaning down towards the Student to "be at eye level . . . to make sure [they were] paying attention to what I was saying." They did not observe the Student's demeanor to be "humiliated" or "defeated."

25. When interviewed, the Librarian shared that they are familiar with the Student because the Student spends time in the library each morning (accompanied by an instructional assistant) and because one of their duties is to monitor students during the lunch break. When asked if they have received any training on how to manage the Student's behavior, they explained that they were told that the Student should be "put on a timer for three minutes" if they become escalated in the library and, if that is not successful, they were instructed to call the Case Manager. They added that they did not receive training or coaching on how to address the Student's behavior during lunch because, "[The Student] doesn't have those kinds of issues during lunch."

26. When asked about the lunchtime incident on October 10, 2025, the Librarian reported that, when they saw the Student throwing their food away, they responded in the same way that they would with any other student and that the students at the school "are used to me being stern with them." The Librarian shared that they and the Student "get along great" and that the incident did not have a negative impact on their relationship, adding, "When [the Student] goes through the lunch line, it's just as it always has been."

27. The Teacher observed the October 10, 2025 lunchtime interaction between the Student and the Librarian. In a written statement dated November 4, 2025, the Teacher described how they noticed the Student, the Parent and the Librarian talking and then the Student "skipped off." According to their statement, "Nothing about this event seemed significant to me at the time."

28. During an interview, the Teacher reported that, on the day of the incident, they happened to see the Student, the Parent and the Librarian talking "and then [the Student] skipped off and played." The Teacher stated, "if [they were] upset, I would have known it." When asked how they would have known the Student was upset, they explained that when the Student is upset, they typically "stomp [their] feet, cross [their] arms, start screaming," or "go to be under something, like a table." According to the Teacher, the lunch break is not usually a difficult time for the Student, and the Student may have less behavior challenges during lunch because demands are not placed on the Student during that time. The Teacher shared that

they were not aware of any behavioral issues the Student experienced around mealtime, although the Student did have extra snack time in their schedule as a behavioral strategy.

29. On the evening of October 10, 2025, the Parent sent an email to the Librarian in which they characterize the Librarian's behavior during lunch that day as "aggressive and inappropriate." The email continues, "My expectation is that when speaking to [the Student], you maintain respectful physical distance and an appropriate tone."

30. The Case Manager, who is also the School Principal, sent a letter to the Parent, dated October 13, 2025, regarding the October 10, 2025 lunchtime incident and the Parent's corresponding email to the Librarian. In the letter, the Case Manager informed the Parent that their conduct on October 10, 2025 violated the District's Visitor and Volunteer Guidelines. The letter cautions the Parent that, "continued failure to follow these guidelines . . . may impact your ability to volunteer at Vale School District schools in the future."

31. When asked what impact the October 10, 2025 incident had on the Student, the Parent explained that they had seen some impact at home. At the time, the family was "following medical advice" to have the Student eat a greater variety of food. The incident "derailed the implementation" of the strategies the family was using, resulting in the Student showing less of an interest in food, saying they were full. They added that it took "twice as much effort to get [the Student] back to where we were" before the incident.

32. The Parent also reported that they had informed the Teacher that the Student had issues around food and eating. In September, the Teacher called the Parent and informed them that the Student wasn't eating the food at lunch and did not seem interested in it. The Teacher wondered if that was contributing to some of the Student's behaviors and asked that the Parent start sending lunch from home. The Parent confirmed with the Teacher that the Student engaged in "some restrictive eating at home" and agreed to pack the Student a lunch to take to school.

33. When asked if they observed the Student to demonstrate challenging behaviors during lunchtime, the Behavior Consultant reported that recess and lunch were preferred times of the day for the Student. The only challenging behavior they observed was the Student not wanting to transition back to class at the conclusion of recess and lunch.

34. The daily Behavior Tracking sheets that the school completes each day rate the Student's behavior, via "thumbs up" or "thumbs down", in each of the Student's three IEP goal areas (Task Initiation, Transition, and Regulation) across each portion of the school day. The Behavior Tracking Sheets between August 18, 2025 and October 16, 2025 indicate that the Student earned the following marks during the lunch break:

    a. 3/3 "thumbs up" for 29 days;
    b. 2/3 "thumbs up" for 1 day; and
    c. 0/3 "thumbs up for 1 day.

35. On September 29, 2025, the Case Manager sent the Parent an email titled "IEP/PTC meeting." In the email, the Case Manager suggested reserving a two-hour block of time for a meeting

to review the Student's progress on their IEP goals on October 23, 2025 when parent-teacher conferences were scheduled to occur.

36. The Parent responded to the Case Manager indicating that they were not available to meet on October 23, 2025. Several emails were then exchanged between the Parent and the Case Manager to schedule both the parent-teacher conference and the meeting to review the Student's progress on their IEP goals. The Parent shared that they preferred to have just one meeting and, on September 30, 2025, the Case Manager proposed that they meet on October 20, 2025 from 3:15-4:00 to "go over classroom progress and PTC information and then the Progress Report data from the [Special Education] Goals as well" in one meeting.

37. On September 30, 2025, the Parent emailed the Case Manager and declined the offer to meet on October 20, 2025. The Parent explained, "I want to be well-informed on both [the Student's] IEP goals and [their] academics, and forty-five minutes does not give us enough time for that . . . We either need to plan for a two-hour meeting or schedule a separate IEP meeting outside of conferences." In subsequent emails, it was determined that the parent-teacher conference would be held separately and the Case Manager offered to meet to discuss the Student's progress any day between October 27-30, 2025.

38. On October 5, 2025, the Parent emailed the Case Manager that they were available to meet on October 30, 2025. They shared that they would coordinate with "team members who are not school staff" to participate virtually. They added, "I'm hoping we have better luck with Wi-Fi this time. If connectivity issues continue, we should discuss alternative locations to ensure all team members can fully engage in the meeting."

39. When interviewed, the Case Manager reported that they did not intend the October 30, 2025 meeting to be an IEP meeting. When asked why they did not correct the Parent when they referred to the meeting as an "IEP Meeting" in email correspondence, they replied that it "didn't register with me, I didn't pick up on it." They added that they informed the Parent that the purpose of the meeting was to review the Student's progress reports and the FBA. The Parent did not request to address any additional matters when communicating about scheduling the meeting or during the meeting.

40. Neither the District nor the Parent submitted any evidence to the Investigator indicating that a written notice was provided to the Parent identifying the meeting scheduled for October 30, 2025 as an IEP Meeting.

41. On October 22, 2025, the Parent attended a scheduled parent-teacher conference with the Teacher. During this conference, the Parent received the Student's report card but did not receive a progress report for the Student's IEP goals.

42. When asked about their practice for providing IEP progress reports to parents, the Case Manager reported that they typically send the progress reports home in the same envelope as students' report cards. In this case, however, they did not send the Student's IEP progress report home because they planned to provide it at the meeting that was being scheduled to review the Student's progress. They ultimately provided the IEP progress report to the Parent at a meeting on November 4, 2025.

43. There were six school days between October 22, 2025, the date of the Student's parent-teacher conference, and November 4, 2025 when the Parent received the Student's IEP progress report.

44. When asked if the delay in receiving the Student's IEP progress report had an impact on the Parent or the Student, the Parent reported that it impacted the coordination of what was happening at school and the Applied Behavior Analysis (ABA) therapy the Student received at home, noting that the goals for school and ABA "are very much interrelated." They added, "I have a right to know how well [the Student] is doing, so I think that's important."

45. On October 28, 2025, the Case Manager sent an email to the Parent stating, "We need to reschedule the meeting on October 30th." When the Parent questioned why the meeting needed to be rescheduled, the Case Manager replied "[The Behavior Consultant] wasn't available to give [their] FBA report in person, only over Zoom. Even then, [they] would have had to leave early."

46. Between October 28, 2025 and October 30, 2025, the Parent and the District exchanged several emails to reschedule the canceled meeting. The District offered multiple dates and locations for the meeting, and the Parent selected November 4, 2025 for the meeting, to take place at the Student's previous school due to better internet connectivity at that location.

47. Neither the District nor the Parent submitted any evidence to the Investigator indicating that a written notice was provided to the Parent identifying the meeting scheduled for November 4, 2025 as an IEP Meeting.

48. On November 4, 2025, the District met with the Parent to review the Student's progress and the results of the FBA (November 4, 2025 Meeting). The Meeting Minutes detail the following discussions:

    a. The Case Manager reviewed the Student's IEP Progress Report, dated October 21, 2025, and provided the Parent with copies of the behavior tracking sheets that were used to compile the data for the progress report. Following this, "Members of the team noted that [the Student] is doing quite well in making progress toward [their] goals."

    b. After reviewing the Student's progress, "[The Behavior Consultant] reported that, based on [their] observations, things are going well for [the Student]. [Their] recommendation is that the team review the Functional Behavior Assessment (FBA); however, [they] clarified that [they] would not recommend changing what is working well right now. Instead, [they] shared that the FBA should serve as a tool that can be consulted in the event that the current plan is not effective."

    c. When the Behavior Consultant finished reviewing the FBA, the Parent "questioned whether the suggestions in the FBA will be implemented now." The Behavior Consultant reiterated that they "would not recommend making any changes now." They added that, "any changes to the IEP would need to be reviewed and discussed through a convening of the IEP team and agreement by the IEP team."

d. The Parent "expressed appreciation for the [school] staff and the positive connections and positive progress that [the Student] has made."

e. The Case Manager noted that the Student's IEP would be due for an annual review in March and proposed scheduling that meeting in February. They also reported that "a team meeting can be convened at any time, if concerns arise." The Case Manager asked the Parent if they felt that an IEP meeting needed to be scheduled before the annual review in February. The Parent stated that they "did not believe an IEP meeting needed to be scheduled before that time because [the Student] is doing so well."

f. The Director shared that they were "really pleased with the progress that [the Student] has made this year, and asked parents if they had any other questions or concerns for the team." "Both parents agreed that this year is going much better, and they did not share any questions or concerns." In addition, a representative from the Student's private ABA provider who attended the meeting, "thanked the team members and complimented the school team for the great progress [the Student] is making."

49. When interviewed, the Behavior Consultant shared that they did not recommend that any changes be made to the Student's IEP based on the FBA results because, "[The Student's] improvement was so substantial, and the team had been doing such a great job." In their professional opinion, the recommendations in the FBA should only have been implemented if the Student's previous behaviors resurfaced.

50. When asked if they typically review an FBA at an IEP meeting, the Behavior Consultant reported that they do if requested, but "more often than not" it's reviewed at a separate meeting. They explained that FBAs are often reviewed outside of IEP meetings because it can be a lengthy process, with a lot of questions and ensuring that parents understand the results and recommendations. The Case Manager reported that they did not see a reason to review the FBA at an IEP meeting, rather an IEP meeting would be scheduled at a later date if the information in the FBA warranted a revision to the IEP.

51. The Teacher reported that the November 4, 2025 Meeting was "just a check-in" and the team was "talking about how well [the Student] was doing." It was their impression from the meeting that the Parent was "happy with the way things were going." The Teacher did not believe that the Student's IEP required any revisions at that time.

52. According to the Parent, it was not until the start of the November 4, 2025 Meeting that they learned it was a "parent meeting" and not an "IEP meeting." They note that the purpose of the meeting was to review the Student's progress on their IEP goals, review information from the FBA, and discuss revisions to the Behavior Tracking Sheets, which are included as an accommodation in the Student's IEP. When they realized it was not an IEP meeting, they became "uncertain whether it was appropriate to raise topics" related to the Student's IEP, such as a request for an Occupational Therapy evaluation, and "did not feel comfortable bringing up . . . IEP-related matters at that time." They acknowledged that District staff offered to convene an IEP meeting if the Parent believed that the IEP required any revisions,

but the Parent agreed that an IEP meeting wasn't necessary at that time because the Student was doing well.

53. The IEP Progress Report, dated October 21, 2025, describes the Student's progress on their August 13, 2025 IEP goals as follows:

    a. Emotional De-escalation During Dysregulation: The Student mastered the first short-term objective and was "making adequate progress" on the third short-term objective.

    b. Task Initiation: The Student was "making adequate progress" on the goal.

    c. Transition to Non-Preferred Task: The Student had mastered the first short-term objective and was "making adequate progress" on the second short-term objective.

54. When asked to describe the behavioral progress the Student made since transitioning to the new school, District staff reported the following:

    a. Behavior Consultant: When they observed the Student during the 2024-25 school year, "[The Student's] behavior stuck out as atypical and substantial. When I walked in the room to observe them, I did not need to ask their name. I could assume that the Student was the individual I had been asked to observe." When they observed the Student near the completion of the FBA, they shared that they would not have been able to readily identify them as a Student with behavioral needs and, "we also had data to back that up."

    b. Teacher: At the start of the 2025-26 school year, the Student exhibited "high stress and anxiety," but as the year has progressed, "the stress level has decreased." The Student has made "good progress both academically and behaviorally." Specifically, the Student has made improvement with their "grit and endurance," "used to say, 'I can't do this' right off the bat," but now has a "willingness to dig in and get things done." Academically, the Student's reading and phonemic awareness have improved, as well as writing stamina. Behaviorally, their "ability to stay on task" has increased, and the Student is "learning some verbiage about how [they] are feeling" and strategies they can request, such as taking a break or a walk.

    c. Case Manager: The Case Manager observed the Student during both the 2024-25 and 2025-26 school years, as they are also the District's "diagnostician" and evaluated the Student as part of their initial eligibility for special education. They described the difference between the two school years as "night and day" and shared that the Student's "behaviors are minimal this year." They added that, "last year [the Student] would destroy classrooms" but during the current school year, the Student's concerning behavior primarily consisted of vocal outbursts and refusal to complete nonpreferred tasks. Overall, the Student "presents like a typical first grader now" and is "doing amazing." They have exceeded their IEP goals, and the Case Manager is "questioning what the goals will be like next year."

55. The Parent reported to the Investigator that they are "super impressed" with the progress the Student has made at the new school and expressed that they have frequently shared that

with District staff. They added that they "absolutely have nothing bad to say about how [the Student] is treated by the [Teacher] and [the Case Manager]."

56. On October 29, 2025, the Parent filed this Complaint, with additional allegations submitted on October 30, 2025 and November 5, 2025.

IV. DISCUSSION

When IEPs Must Be in Effect

The Parent alleged that the District violated the IDEA by not providing special education and related services in accordance with the Student's IEP. Specifically, the District failed to implement behavioral supports required by the Student's IEP and failed to provide the Parent with timely progress reports explaining the Student's progress towards their IEP goals.

School districts must provide special education and related services to a student with a disability in accordance with the student's IEP.[4] The school district must ensure that each staff member, including service providers, has access to a student's IEP and is informed of their specific responsibilities for implementing the IEP.[5] "IEP Teams and other school personnel should be able to demonstrate that, consistent with the provisions in the child's IEP, they are providing special education and related services and supplementary aids and services."[6] A school district must provide parents with periodic reports of a student's progress toward their IEP goals following the schedule set forth in the student's IEP.[7]

Special education is defined as "specially designed instruction," that is provided at no cost to the parents and is intended to meet the unique needs of a child with a disability. "Specially Designed Instruction" means adapting, as appropriate to the needs of a child with a disability, the content, methodology, or delivery of instruction: 1) to address the child's unique needs resulting from the disability; and 2) ensuring the child's access to the general education curriculum.[8]

A district violates the IDEA when it materially fails to implement an IEP.[9] "A material failure occurs when there is more than a minor discrepancy between the services a school provides to a disabled child and the services required by the child's IEP."[10] As further explained by the court in *Van Duyn*:

> "The materiality standard does not require that the child suffer demonstrable educational harm in order to prevail. However, the child's educational progress, or lack of it, may be probative of whether there has been a significant shortfall in the services provided. For instance, if the child is not provided the reading instruction called for and

[4] OAR 581-015-2220(1)(a); 34 CFR § 300.323(c)
[5] OAR 581-015-2220; 34 CFR § 300.323
[6] Questions and Answers on *U.S. Supreme Court Decision Endrew F. v. Douglas County Sch. Dist.* Re-1, 71 IDELR 68 (EDU 2017)
[7] OAR 581-015-2220(1)(c); 34 CFR § 300.320(a)(3)(ii)
[8] OAR 581-015-2000(37); 34 CFR § 300.39(b)(3)
[9] *Van Duyn v. Baker Sch. Dist. 5J*, 502 F3d 811 (9th Cir. 2007) ("Van Duyn")
[10] *Id.*

there is a shortfall in the child's reading achievement, that would certainly tend to show that the failure to implement the IEP was material. On the other hand, if the child performed at or above the anticipated level, that would tend to show that the shortfall in instruction was not material."[11]

Implementation of Behavioral Supports

In the Complaint, the Parent specifically alleged that, during the lunchtime incident on October 10, 2025, the Librarian "reprimanded [the Student] during lunch . . . in a manner inconsistent with [their] IEP," and "failed to utilize positive-behavioral supports and strategies." There is no dispute that the Student's IEP and BSP include positive behavioral supports and strategies. The evidence does not demonstrate, however, that the use of those supports or strategies was warranted during the October 10, 2025 incident. The goals in the Student's IEP address needs in the areas of emotional de-escalation during dysregulation, task initiation, and transition to non-preferred tasks. The behavior of concern that the Student's BSP was designed to address is, "When overstimulated or presented with a non-preferred task, the Student may hit, bite, throw objects, yell, spit, tear items off the wall."

At the time of the October 10, 2025 incident, the Student did not exhibit any of the behaviors targeted by their BSP. Therefore, there was no need for staff to implement the strategies required by the BSP for responding to concerning behaviors. Further, given that the Student does not typically exhibit concerning behaviors during lunchtime, and that the BSP is not designed to address behaviors related to eating or mealtime, there does not appear to have been a need for staff to implement any of the strategies in the BSP that are designed to *prevent* the behaviors of concern from occurring.

Timely Provision of Progress Reports

The Student's August 14, 2025 IEP provides that progress on goals will be reported "During school's regular written report time," with an "anticipated date" of October 20, 2025 for the second progress reporting period. It was the intent of both the District and the Parent to simultaneously convene the Student's parent-teacher conference and the meeting to discuss the Student's progress on their IEP goals. Due to scheduling difficulties, this could not be achieved, and the two meetings were held separately. The Student's IEP does not require that IEP Progress Report be provided on any specific date, nor does it require that the Parent receive both the IEP Progress Report and the Student's regular report card at precisely the same time. Six school days passed between the date when the Parent was provided the Student's regular report card and when they were provided a copy of the IEP Progress Report. This can reasonably be interpreted as "during school's regular written report time." Further, given that there was a meeting scheduled to review the Student's progress on their goals shortly after the parent-teacher conference, it was reasonable for the District to provide the Parent with the IEP Progress Report at that time.

The Department does not substantiate this allegation.

[11] *Id.*

Parent Participation

The Parent alleged that the District violated the IDEA by interfering with the Parent's ability to participate in the Student's IEP meeting. Specifically, the District failed to convene an IEP meeting for the Student at a mutually agreed upon time and place and did not consider the Parent's input when cancelling the meeting.

A school district must provide one or both parents the opportunity to participate in meetings with respect to the identification, evaluation, IEP, and educational placement of the child.[12] School districts must consider the concerns of the parents for enhancing the education of their child, among other indicators of the student's academic, developmental, and functional needs.[13] "[P]arents have the right to bring questions, concerns, and preliminary recommendations to the IEP Team meeting as part of a full discussion of the child's needs and the services to be provided to meet those needs."[14] Parents must be given the opportunity to participate in meetings, but meetings do not include "preparatory activities that public agency personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting."[15]

Providing a parent with an opportunity to participate in IEP meetings includes a duty to notify the parent about the meeting early enough to ensure they have an opportunity to attend.[16] The IEP meeting notice must, at a minimum, 1) indicate the purpose, time, and location of the meeting and who will be in attendance; 2) inform the parent about their right to invite individuals who have knowledge or special expertise about the student; 3) inform the parent that the IEP team may proceed with the meeting even if the parent is not in attendance; and 4) inform the parent of whom to contact before the meeting to provide information if they are unable to attend.[17] Additionally, school districts must schedule IEP team meetings at a mutually agreed upon time and place.[18]

The Parent's specific allegation relates to the November 4, 2025 Meeting, which was rescheduled from October 30, 2025. There was certainly confusion over whether the November 4, 2025 Meeting was intended to be an IEP meeting. While the District did not provide a Notice of Team Meeting indicating that it was an IEP meeting, it was referred to as such by both the Parent and the Case Manager in emails when scheduling the meeting. Whether there was an intention for it to be an IEP meeting at any point, the record reflects that there was not any review or revision of the IEP during the meeting. There is insufficient evidence in the record to determine that the meeting was an IEP meeting.

Regardless, the evidence demonstrates that the meeting was scheduled for a mutually agreed-upon time and place. The requirement that the time and location of a meeting must be mutually

[12] OAR 581-015-2190(1); 34 CFR §300.501(b)
[13] OAR 581-015-2205(1)(b) and (d); 34 CFR §300.324(a)(1)
[14] Letter to Northrop (OSEP 5/21/13), citing 71 Fed. Reg. 46,678 (2006)
[15] OAR 581-015-2190(4); 34 CFR §300.501(b)(3)
[16] OAR 581-015-2190(2)(a); 34 CFR §300.321(a)(1)
[17] OAR 581-015-2190(2)
[18] OAR 581-015-2195(1)(b); 34 CFR §300.321(a)(2)

agreeable does not mean that either party cannot cancel or reschedule the meeting without the other's consent. The District had a reasonable justification for canceling the meeting on October 30, 2025 as the Behavior Consultant, who was tasked with reviewing the results of the FBA, could not attend the entire meeting and could not attend in person. The District was not required to seek the Parent's input or agreement when canceling the meeting. The District did work with the Parent to promptly identify both a mutually agreeable time *and* location for the rescheduled meeting, which took place just five days later.

The Department does not substantiate this allegation.

Review and Revision of IEPs

The Parent alleged that the District violated the IDEA by not reviewing and revising the Student's IEP, as appropriate, to address current assessment results, Student progress, and other information related to the Student's behavior needs.

School districts are required to review each student's IEP at least once per year to: (a) determine whether a student with a disability is achieving their IEP goals, and (b) to revise the IEP, as appropriate, to address:

1. Any lack of expected progress toward the annual goals and in the general education curriculum;
2. The results of any reevaluation;
3. Information about the student provided to, or by, the student's parents;
4. The student's anticipated needs; or
5. Other matters.[19]

The Student's initial IEP was developed on March 31, 2025 and another IEP meeting was held to amend the IEP on August 14, 2025. The next annual review of the Student's IEP is not due until March 20, 2026. In the Complaint, the Parent takes issue with the fact that the November 4, 2025 Meeting was not an IEP meeting and was, instead, a more informal meeting to review the results of the FBA and discuss the Student's progress. Based on the review of that information, members of the IEP team, including the Parent, agreed that the Student's IEP did not require any revisions at that time. While the Parent shared during the investigation that, had the meeting been an IEP meeting, they would have discussed other IEP-related issues, including a request for an Occupational Therapy evaluation, they did not raise those issues to the team either before or during the November 4, 2025 Meeting. On the contrary, the Parent acknowledged that they agreed during the meeting that revisions to the Student's IEP were not warranted and that they were aware that they could request an IEP meeting at any time.

The Department does not substantiate this allegation.

Free Appropriate Public Education

[19] OAR 581-015-2225; 34 CFR §300.324(b)

Due to the alleged IDEA violations detailed above, the Parent alleged that the District failed to provide the Student with a FAPE.

Each school district is responsible for providing a free appropriate public education to school age children with disabilities for whom the school district is responsible.[20] In Oregon, the school district who is responsible for providing FAPE to a student is the student's district of residence.[21] The IDEA defines FAPE as special education and related services that: 1) Are provided at public expense, under public supervision and direction, and without charge; 2) Meet the standards of the state educational agency; 3) Include an appropriate preschool, elementary school, or secondary school education; and 4) Are provided in conformity with an IEP.[22]

To determine if a student has been denied a FAPE, courts must consider whether the school district complied with the procedural requirements of the IDEA, and whether the school district met the substantive requirement to develop an IEP reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances.[23] Not all procedural violations amount to a denial of FAPE. A school district's procedural violation denies FAPE to a student if it results in a loss of educational opportunity or if it seriously infringes on the parents' opportunity to participate in the development of the IEP.[24]

In this case, there was no evidence of procedural violations that resulted in a denial of FAPE.

The Department does not substantiate this allegation.

V. CORRECTIVE ACTION

In the Matter of Vale School District 84
Case No. 025-054-075

The Department does not order corrective action in this matter.

Dated: this 23 Day of December 2025

Ramonda Olaloye

Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

[20] OAR 581-015-2040(1); 34 CFR § 300.101(a)
[21] OAR 581-015-2040
[22] OAR 581-015-2040; 34 CFR § 300.17
[23] *Endrew F.,* 137 S.Ct. at 999
[24] *W.G. v. Bd. of Trustees of Target Range Sch. Dist. No. 23,* 960 F.2d 1479, 1484 (9th Cir. 1992)

E-mailing Date: December 23, 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).)