BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of Sherwood School District 88J	)	FINDINGS OF FACT,
	)	CONCLUSIONS,
	)	AND FINAL ORDER
	)	Case No. 25-054-083

I. BACKGROUND

On November 19, 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 Sherwood School District 88J (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 December 1, 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 December 15, 2025.

The District submitted a *Response* on December 15, 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 12/5/25 (*sent on 12/15/25*)
2. Individualized Education Program (IEP) Meeting Agenda, 11/12//25
3. Accepted Meeting Invitation, 10/02/25
4. Accepted IEP Meeting Invitation, 11/18/25
5. Period Student Attendance Profile, 2025-26 School Year
6. IEP Meeting Invitation, 11/18/25
7. Draft IEP, 11/12/25
8. Escalation Cycle / Strategies for De-Escalation, 11/20/25
9. Prior Written Notice (Special Education Placement), 11/19/25
10. Prior Written Notice (Implement Attached IEP), 11/19/25

[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. [The Student's] Updated/Added Supports for IEP, 10/27/[25]
12. Communication Timeline, 08/19/25-12/04/25
13. Accepted Meeting Invite, 05/07/25
14. Escalation Cycle / Strategies for De-Escalation, 05/28/24
15. Functional Behavior Assessment, 05/28/24
16. IEP, 11/12/25
17. IEP Progress Report - 3rd Trimester, 06/03/25
18. Prior Notice of Special Education Action, 12/04/25
19. Prior Notice of Special Education Action, 11/21/25
20. Report Card, 2024-25 School Year
21. Report Card - Trimester 1, 2025-26 School Year
22. Special Education Placement Determination, 06/05/25
23. Special Education Placement Determination, 11/19/25
24. Summary of Evaluations, (document not dated, includes various dates of evaluations)
25. Emails between the parties dated 05/07/25 through 12/02/25

The Parent submitted a *Reply* on December 15, 2025, providing documents in support of the Parent's position. The Parent submitted the following relevant items:

1. Email, re: [the Student's] First Day. Communication with the School, 08/19/25-12/14/25
2. Email, re: [the Student] Today, 09/02/25-09/03/25

The Complaint Investigator interviewed the Parent and District Personnel on December 18, 2025. The Complaint Investigator reviewed and considered all 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 20, 2024 to the filing of this Complaint on November 19, 2025.

Allegations	Conclusions
IEP Review and Revision The Parent alleged the District failed to convene an IEP meeting to review and revise the Student's IEP to include adequate specialized instruction in reading and writing, and to review the Student's placement. (OAR 581-015-2225; 34 CFR § 300.324(b))	**Not Substantiated** The District did convene an IEP meeting to review and revise the Student's IEP to include adequate specialized instruction in reading and writing, and to review the Student's placement.
Evaluation and Functional Behavior Assessment (FBA)	**Not Substantiated**

Allegations	Conclusions
The Parent alleged the District violated the IDEA by not conducting a timely re-evaluation and FBA after an escalation of behaviors and the Student eloping on October 27, 2025 and November 3, 2025. (OAR 581-015-2105, OAR 581-015-2181, OAR 581-015-2200(1)(d); 34 CFR §§ 300.303, 300.324, 300.320(a)(4))	The District conducted a timely re-evaluation and FBA after an escalation of behaviors and the Student eloping on October 27, 2025 and November 3, 2025.
Free Appropriate Public Education (FAPE) The Parent alleged the District violated the IDEA by failing to provide the Student with a timely re-evaluation and an FBA, and by providing inadequate specially designed instruction (SDI) in reading and writing, resulting in a denial of a FAPE. (OAR 581-015-2040; 34 CFR § 300.101)	**Not Substantiated** The District conducted a timely re-evaluation and FBA and provided adequate SDI in reading and writing, which resulted in the provision of a FAPE.

REQUESTED CORRECTIVE ACTION
● An immediate IEP meeting, possibly facilitated by a neutral third party, or at the follow-up meeting, to discuss the Student's current placement and supports. ● A comprehensive reevaluation of the Student's educational and behavioral needs, including updated assessments. ● An FBA and updated Behavior Support Plan (BSP). ● Additional evaluations (e.g., psychological, emotional, sensory, or other relevant assessments) to inform the IEP and ensure the behavior plan is based on a full understanding of the Student's needs. ● Consideration of a change in placement to a more supportive and secure educational environment. ● If the District is unable or unwilling to take these steps, provide Prior Written Notice explaining their decision.

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 November 20, 2024. Any facts listed below relating to circumstances or incidents earlier than that date are included solely to provide the context necessary to understand the Student's disability and special education history.

1. The Student is 12 years old, in the sixth grade, and attends a middle school in the District.

2. The Student is eligible for services under IDEA with eligibility for Autism Spectrum Disorder (ASD), Other Health Impairment (OHI), and Specific Learning Disability (SLD).

3. The Student is dedicated and responsible, works hard constantly, values relationships, and is funny.

4. On May 28, 2024, an FBA was completed for the Student "to address [the Student's] non-compliance and emotional dysregulation." The Student was also re-evaluated on May 28, 2024 and determined to remain eligible for special education services in the areas of ASD, OHI, and SLD. The Student had also been diagnosed with Attention-Deficit Hyperactivity Disorder (ADHD). Additionally, there was an "Escalation Cycle/Strategies for De-Escalation" (BSP) dated May 28, 2024 that addressed antecedents, behavioral escalation, and expected staff response. Eloping was not included in this plan.

5. The District *Response* noted, on June 6, 2024, they conducted a "thorough re-evaluation" of the Student. Additionally, the District reported "Over the course of the last 6 years, the Student has undergone a total of 52 evaluations for various purposes such as determining eligibility for special education services, educational planning, and (medical/outside provider) diagnostic purposes, and is currently in the process of three additional evaluations." A Summary of Evaluations outlined 53 evaluations provided to the Student from March 14, 2019 through April 9, 2024 and cited an additional seven evaluations that were "in progress" as of December 2025, based on "parent request" and "program planning."

6. In a December 2, 2024 email to the Former Case Manager, the Parent shared their feedback for the Student's IEP, which included wanting a discussion about what the Student was learning "in pull[-]out classes for reading and writing" because they were "bored" and it wasn't "hard enough." They indicated the Student wanted something more challenging than "focusing on letters and sounds," and this "may tie into behaviors." The Parent also requested a discussion about social/emotional regulation and behaviors.

7. A June 3, 2025 IEP Progress Report included progress for goals, with a progress code of "4" meaning "progress has been made towards the goal." Progress was reported as follows:
    a. Social/Emotional/Behavior- June 3 and March 10, 2025- progress code 4, June 3 and March 10, 2025- progress code 4, with entries regarding improvement;
    b. Reading- June 3 and March 10, 2025- progress code 4, with multiple entries regarding improvement;
    c. Writing- June 3 and March 10, 2025- progress code 4, with multiple entries regarding improvement; and
    d. Social communication- June 3 and March 10, 2025- progress code 4, with entries regarding improvement.

8. A 2024-25 School Year report card provided codes for evidence of learning with a "3" meaning "meets standard," a "2" meaning "approaching standard," a "1" meaning "demonstrates minimal understanding of the standard," and an "x" meaning "not assessed/no evidence." The Student's grades were reported as follows:
    a. Reading: Accuracy and Fluency to Support Comprehension, "1" in the second and third trimesters for the one target;
    b. Reading: Comprehension, "1" in the second and third trimesters for one target and "2" in the second and third trimesters for another target;
    c. Writing: Organization and Structure, "2" in the second and third trimesters for both targets; and
    d. Writing: Knowledge of Language, "1" in the second and third trimesters for the one target.
    e. Notes included the Student "strengthened [their] ability to synthesize information, think critically, and make connection across texts," and "[The Student] has shown a lot of growth this year."

9. A June 5, 2025 calendar invite indicated a meeting scheduled to "discuss placement options for the middle school for [the Student]." The Case Manager, the former Case Manager, and the Parent were included in this meeting invitation. An email to the Parent noted the meeting was "focused on transition only."

10. A June 5, 2025 Educational Placement Discussion and Decisions document outlined three discussed options.
    a. "Inside General Education class 80% or more of the day," which was selected because it "best meets [the Student's] needs for the remainder" of the school year.
    b. "Inside General Education class for no more than 79% of the day, and no less than 40% of the day," which was selected because "This placement best meets the Student's needs at the middle school."
    c. "General Education push in supports," which was rejected because it did not meet the Student's needs for middle school.

11. In an August 19, 2025 email to the Case Manager, the Parent checked in to "make sure [the Student] has a good first day and does not get overwhelmed." They requested help navigating lunch time and getting to the bus after school to "make it on time." They also noted the Student could not get their locker unlocked.

12. The Case Manager replied on August 20, 2025 and stated, "I will make sure that someone is there to help [the Student] transition between the bus/classes/lunch/etc." They added they could "see what I can do" regarding the locker and offered the Parent and the Student a "walk-through of [the Student's] final schedule" on Monday before school started. The Parent and the Case Manager scheduled a time, and the walk-through happened on August 25, 2025.

13. The Student's attendance from August 26 to November 19, 2025 indicated five and a half days absent, coded as illness. October 27, 2025 was coded as an excused absence (with one period this day coded as "skipping") and a note that the Student left school grounds "without permission and without notifying an adult. … We contacted and worked with [the Parent], Admin, and [School Resource Officer] SRO. [The Parent] called to let us know [the Student] was home and safe."

14. In a September 2, 2025 email to the Parent, the Case Manager informed them of an incident that day while the Student was being escorted to their Robotics (Product Design) class. "[They] became very upset and told the [Instructional Assistant] IA … that [they were] going to "crash out" and would not respond to [the IA]. [The Student] then set [their] backpack down and acted like [they were] going to hit [the IA], but immediately apologized and started repeating "I'm f***ing dumb" to [themself]. [They were] able to self-regulate quickly and return to class."

15. The Parent responded the same day, expressed the Student did not like Robotics (Product Design), and stated, "I am wondering if we can put [the Student] in something different?" They shared the Student was getting frustrated when they said they were "crashing out."

16. The Case Manager replied on September 3, 2025 and noted, regarding the incident with the IA, the Student "didn't even come close to making physical contact and was instantly remorseful." They also stated, "I will look into other elective options for [the Student]," there was not "much else available that period," and "we can always look into changing [the Student's] schedule if necessary[,] but I'd like to make it as minimal as possible."

17. In a September 30, 2025 Student Information System (SIS) message to the Parent, the Health Teacher shared concern for the Student and reported the Student's behavior requiring intervention on two consecutive days. On the first day, they had to take the Student "out in the hall" to "calm [them] down." The following day, which was the date of the email, the Health Teacher needed to call the office for assistance with the Student. They stated, "[The Student] just seems really overwhelmed."

18. The Parent emailed a reply to the message the same day, included the Case Manager, and expressed they were "very concerned with how much [the Student] is struggling," they mentioned "very complex family dynamics," and added "[The Student] needs more help and I would like a meeting as soon as possible."

19. Through a series of replies, the Case Manager and the Parent decided on a check-in meeting to "talk about how to better support [the Student]," for October 3, 2025 at 8:00 a.m. The Case Manager sent a calendar and virtual meeting invite and the Parent accepted the invitation. While the record indicates this was not an IEP meeting, there was no further information describing the occurrences at this meeting.

20. The Parent replied to the Health Teacher on September 30, 2025 with another email and stated, "I am also thinking this may be a time to discuss alternative schools. I have really

never seen [the Student] so upset and trying to leave school." The Health Teacher replied on October 1, 2025 and stated "middle school is a very tough transition" and they enjoyed having the Student in class. The Parent replied the same day they "just want to explore all the options and really want [the Student] to feel successful."

21. In an October 17, 2025 email to the Parent, the Case Manager inquired about a possible IEP meeting in early December. The Parent replied, "Is it possible to do it sooner[?] [The Student] is really struggling and [I] would like to explore the option of alternative placements."

22. The Case Manager replied the same day and, through a series of email exchanges, scheduled the IEP meeting for November 12, 2025 at 7:45 a.m.

23. In an October 20, 2025 email to the Case Manager, the Parent shared the Student was asking to come home from school "a lot" and the Student leaving school that day was "more about anxiety than actually being sick."

24. On October 21, 2025, the Parent replied to this email chain and expressed the Student was "not doing well the last few days," reported some medication changes they would try, and added, "I just think the stimulus and transitions are too much for [the Student]."

25. The Case Manager replied on October 23, 2025 and reported they and the School Counselor came up with some ideas they thought might help the Student and would run them by their supervisor to make sure the ideas were "feasible."

26. The Parent replied the same day and expressed the Student previously "loved school" and "never missed days." They reported they received a "call from [the Student] hiding in the bathroom and crying" and the Student was "now constantly calling [themself] stupid."

27. The District *Response* outlined one of the referenced "eloping" incidents. "On October 27, 2025, [the] Student did not report to [their] second-period class. As some staff conducted a sweep of the building, other staff members reviewed camera footage and saw that [the] Student had eloped from the building from a side entrance of the School, towards [their] home. Staff followed emergency response procedures and immediately notified [the] Parent, the [SRO], and the administration. The Associate Principal and [a] Mental Health Specialist then drove the route toward [the] Student's home, and [the Student] was safely located."

28. In an October 27, 2025 email to the Parent, with the Coordinator, the Associate Principal, and the School Counselor copied, the Case Manager outlined supports put in place for the Student:
    a. The transition plan was put "back into place," which included an escort to each class and leaving two to three minutes early "to avoid crowds in the hallway." The Student would also be escorted to the restroom or counseling center for a break.

b. The Student had asked to eat lunch in a teacher's classroom with a group of students who eat there every day, and this was approved if it was "okay with [the Parent]."
c. Noise-cancelling headphones were ordered, and the Student "agreed to wear [the headphones] when [they are] feeling overstimulated."
d. The Student worked with the School Counselor to identify stressful parts of their day, one of which was the Product Design (Robotics) elective, and the Case Manager asked the Parent's "thoughts on changing this elective." They included an idea to put the Student in an independent study elective to "use the time to decompress and reset in a quiet space with much fewer students."
e. The Coordinator and the Autism Specialist were scheduled to observe the Student during their school day to "get an even better picture of how to best support [them]."

29. The Parent replied October 28, 2025, "This sounds good and I still do want to revisit transition to a school that works with kids with autism." They recalled "us discussing transitioning [the Student] out of the product design class because I was concerned that would not be a good fit … I thought that was being done but I do feel that should be done now for sure." They expressed their concern for the Student walking home alone and they were "grateful [the Student] was safe and it was noticed early." They asked about "redirection for [the Student] to the counseling office when [they were] upset." They agreed to the independent study elective, "but [the Student] would need to have someone work with [them] to keep [them] on task." They noted the Student getting agitated while doing homework at home. They added the Student "may be overwhelmed and a bit lonely," so being part of the lunch group in a teacher's classroom "would be good." The Parent replied a few hours later and asked for a way to help the Student organize and keep up with their homework.

30. The Case Manager replied the same day they would get the Student a folder to track assignments and "work with [them] on how to use it and keep it updated. If that doesn't work, we can keep trying things until something does."

31. The District *Response* outlined one of the referenced "eloping" incidents. "On November 3, 2025, [the] Student accidentally boarded [their] previously assigned bus after school, instead of a newly assigned bus. The bus driver, who knew [the] Student and [their] family, took [the] Student home. Although there was a brief delay in confirming [the Student's] location, [the] Student was at all times safe."

32. In a November 5, 2025 email to the Parent, the Case Manager "wanted to touch base" about the "bus situation." They explained they were not at work on November 3, 2025, "but have since been told that transportation did agree to let [the Student] stay on the current [bus] route. … Also, there will be increased supervision after school to make sure [the Student] makes it on the right bus."

33. The Parent replied in an email on November 6, 2025, that included the Case Manager, the

School Counselor, the Principal, the Associate Principal, the Executive Assistant, and three unknown non-District emails, and stated their expectation of the Principal attending the Student's IEP meeting. They shared they "no longer feel heard by anyone within" the School or the District, and their "repeated requests for support, safety measures, and appropriate educational placement" for the Student had been "marginalized." They noted they "requested [the Student] be removed from robotics [product design]" at the beginning of the year, but the request was "ignored" and implemented "after [the Student] was lost." They recalled asking for the IEP meeting to be "moved up and expedited due to ongoing concerns, [but] instead, it was scheduled a month out." They described that since the request, they received "frequent calls and text messages" about the Student "'crashing out' and struggling," and noted the Student calling the Parent from the bathroom, "crying because [they are] so overwhelmed." They closed with "demanding immediate action to ensure [the Student's] safety and to secure a placement that meets [their] educational and emotional needs." They shared their expectation of a "comprehensive plan," including specific steps, timelines, and accountability measures, being discussed at the IEP meeting.

34. The same day, the Principal forwarded the Parent's email to the Associate Director, the Associate Principal, and the Director. The Associate Director replied and indicated an IEP meeting was scheduled for November 12, 2025, the team would discuss the Parent's concerns more at the meeting, and would "consider a range of placement options." They added, "An outside placement would not be appropriate unless we had exhausted the full range of services available within the school and data showed that [the Student] was not making progress toward [their] IEP goals." They noted this would be explained to the Parent "tomorrow."

35. In a November 6, 2025 email to the Parent with the Associate Director copied and the Case Manager blind copied, the Coordinator requested a phone call or virtual meeting to "discuss your concerns to help us in designing an agenda for the meeting on the 12th [November, 2025]."

36. The Parent replied on November 7, 2025 and provided dates and times they would be available to meet. They also expressed this was "not the first instance in which [the Student] has been failed" by the District and announced their commitment to "ensuring necessary changes are made." They noted their "patience and cooperation over the years" and claimed their "willingness to collaborate has been misinterpreted as complacency."

37. In a November 11, 2025 email to the Associate Director and the Coordinator, the Parent noted the items they wanted "to address" at the IEP meeting the following day.
    a. They formally requested an "immediate IEP review";
    b. They indicated there had been "multiple incidents of elopement" and cited October 27 and November 3, 2025 as examples where the Student "left the school grounds unsupervised" and "the school was unable to locate [the Student] during school hours.";

c. They reported the Student's struggle with reading and writing;
d. They indicated they had "requested on multiple occasions" to have peer-to-peer support or engage the Student in small groups "to encourage socialization"; and
e. They requested "an immediate IEP meeting," a "comprehensive reevaluation" of the Student's educational and behavioral needs, an FBA and updated [BSP], additional evaluations, consideration of a change in placement "to a more supportive and secure educational environment," and a Prior Written Notice (PWN) "if the District is unable or unwilling to take these steps."

38. The Associate Director replied the same day indicating they would create an agenda and include the Parent's requests, they would "copy/paste [the Parent's] email into the Parent Concerns section of the IEP, along with other notes that we have made from your previous emails and our phone call from yesterday," and they would send out revised drafts of the IEP and Placement Page, along with an updated meeting notice to include the Associate Director.

39. The Coordinator replied the same day and included the items listed in the Associate Director's email, along with a "copy of supports that we have added in the last two weeks and the ones we are proposing to add," and a "copy of your parent rights."

40. In a November 12, 2025 IEP Meeting Agenda, the purpose of the meeting was to "review and discuss [the Student's] annual IEP, including updating/reviewing, and adding interventions to support [the Student]." Parent concerns included "an immediate IEP meeting, possibly facilitated by a neutral third party … to discuss [the Student's] current placement and support," a comprehensive reevaluation for academics and behavior, an FBA and updated [BSP], additional evaluations to "inform the IEP," and a consideration of a change in placement to a "more supportive and secure educational environment." Academic performance concerns were noted as "struggled greatly with reading and writing."

41. The Student's November 12, 2025 IEP included the following relevant information:
    a. November 6, 2025, the meeting was confirmed with the Parent via email, and on November 14, 2025, the second part of the meeting was confirmed with the Parent.
    b. Meeting participants included the Parent, the Associate Principal, the Principal, the School Counselor, the Case Manager, the Coordinator, the Associate Director, the Autism Specialist, the Speech Language Pathologist (SLP), the Occupational Therapist (OT), and three general education teachers.
    c. Summary of Present Levels of Academic Achievement and Functional Performance
        i. Input from the Parent included concerns about the Student's reading and writing skills, with acknowledgement speech-to-text and text-to-speech technology makes them more successful.
        ii. The Parent has paid for a private dyslexia tutor.

iii. The Parent requested both a one-to-one assistant for the Student to help with reading and a system for keeping track of assignments and their completion.
iv. The Parent relayed the Student gets frustrated when they feel like people are not listening to them, and the School feels overwhelming. The Parent shared the Student got so overwhelmed, they "hid in the bathroom crying and called [the Parent]."
v. The Parent claimed the School "lost [the Student] twice and that nobody could find [them]."
vi. The Parent noted "the school team needs to pay attention to signs when [the Student] is getting escalated."
vii. The Parent requested the Student be placed at a "smaller specialized school."
viii. Academic performance included reading and writing program scores with a Lexile level set test, from September 2025, which were at a 3rd-grade level.
ix. Progress toward reading goals and objectives for suffixes and prefixes, where the goal was 80% accuracy on three of five trials, was 90% for prefixes and 80% for suffixes, on May 23, 2025.
x. Progress toward reading goals and objectives for multi-syllable words, where the goal was 90% accuracy in three of five trials, was 100%, on May 23, 2025.
xi. Progress toward reading goals and objectives for basic sight words, where the goal was 40 sight words with 80% accuracy in four out of five trials, was 17 out of 20 with 85% accuracy, on May 23, 2025.
xii. Progress toward writing goals and objectives, showed on May 30, 2025, the Student could use a graphic organizer and adult support to write three main ideas and three supporting details for each. The goal was to brainstorm ideas and details about a topic on at least three assessments, with adult support and instruction.
xiii. Progress toward writing goals and objectives showed that, on May 30, 2025, the Student could use speech-to-text to write five paragraphs. The goal was to write three sentences with a clear topic with minimal adult support.
xiv. Progress toward writing goals and objectives showed that, on May 30, 2025, the Student could begin each sentence with a capital letter and, with support, correct a few sentences that did not have periods. The goal was, with minimal adult support, to edit a paragraph and check that each sentence begins with a capital letter and includes proper ending punctuation in final copies on at least three assessments.
xv. On the Student's most recent state testing for English Language Arts (ELA), the Student met the benchmark.
xvi. "According to classroom observations, teacher reports, and behavior data collection, [the Student] became dysregulated in 23% of opportunities.

While dysregulated, [the Student] was able to utilize a coping strategy to self-regulate in 26 of instances."

xvii. Priority skills included the need to identify and utilize self-regulation skills, the ability to recognize and identify feelings and emotions, and to use learned coping strategies.

xviii. A general education teacher reported the Student getting frustrated and anxious, while another general education teacher noted the Student's "behavioral/ emotional" needs as the "biggest areas of concern." Struggling to respond appropriately when frustrated with a task, negative self-talk at a disruptive volume, staying on task, and shouting out in class were also noted as areas of concern by general education teachers.

xix. The impact of the Student's disability was the need for SDI in a small group setting. "[The Student's] difficulty with reading also has an impact on [their] ability to demonstrate [their] knowledge through writing." Additionally, the Student's "emotional dysregulation, anxious thoughts, peer interactions, inhibitory control, and initiation" required targeted adult support.

d. Special Factors for IEP Development
    i. The Student's behavior impeded their learning or the learning of others. The Student received SDI in the area of self-regulation.
    ii. The Student needed assistive technology devices or services. They benefited from the use of text-to-speech and/or audiobooks, as well as access to speech-to-text.

e. The Student's IEP included goals for writing, social communication, reading, self-regulation, and mathematics. Progress for all goals would be reported in writing at the end of each trimester. The following were relevant goals:
    i. The writing goal was, "By the end of the annual IEP cycle, given [SDI] and graphic organizers, [the Student] will be able to write a paragraph that includes a topic sentence (claim), is supported by relevant details (evidence) and logical reasoning, and includes a conclusion in 2 out of 3 opportunities as measured by student work samples and teacher data."
    ii. The social communication goal was, "By the end of the IEP cycle, during structured speech-language therapy sessions, the Student will demonstrate improved emotional regulation and self-awareness by identifying negative self-talk and expressing positive or neutral alternative statements, or by verbalizing an appropriate coping strategy (e.g., requesting a break, using calming language, asking for help) in at least 70% of opportunities, as measured by SLP data collection across 3 consecutive sessions."
    iii. The reading goal was, "By the end of the annual IEP cycle, given [SDI] and practice, [the Student] will read a text with a Lexile score of 700 or above with sufficient accuracy and fluency to support comprehension as evidenced by answering a set of comprehension questions with 75% accuracy."

iv. The self-regulation goal was, "By the end of the annual IEP cycle, given visuals and prompting, [the Student] will utilize a designated coping strategy in order to safely manage feelings/emotions/behaviors in 75% of instances."

f. SDI included (for the duration of the IEP):
    i. SDI in reading by a special education teacher/provider, in the special education classroom, for 400 minutes per month.
    ii. SDI in writing by a special education teacher/provider, in the special education classroom, for 240 minutes per month.
    iii. SDI in social communication provided by a SLP, in general education or provider's space, for 120 minutes per month.
    iv. SDI in self-regulation provided by a special education teacher/provider, in general education or provider's space, for 120 minutes per month.
g. Accommodations provided by a special education teacher or provider were for the duration of the IEP and included:
    i. Use of visuals to communicate when needing a break and to serve as a nonverbal prompt to use one of [their] sensory tools, in all school settings, for 360 minutes daily.
    ii. Adult support for regulation and academics, in the classroom/school site, for 150 minutes daily.
    iii. A BSP Escalation Cycle, school-wide, for 360 minutes daily.
    iv. Visual supports for break options, in the classroom/school site, for 30 minutes daily.
    v. Access to a separate setting for assessments, in the classroom/school site, for 120 minutes monthly.
h. Accommodations provided by a general education teacher were for the duration of the IEP and included:
    i. Break assignments/assessments into smaller components to build in breaks, in the classroom/school site, for 20 minutes daily.
    ii. Reduce assignment length required to demonstrate proficiency (up to 50%), in the classroom/school site, for 30 minutes weekly.
    iii. Organizational tools for writing, in the classroom/school site, for 30 minutes weekly.
    iv. Access to text-to-speech and/or audio books for grade-level reading material, in the classroom/school site, for 30 minutes daily.
    v. Extended time for completing assessments (up to 50% extra time), in the classroom/school site, for 30 minutes monthly.
    vi. Access to calming breaks for self-regulation, in the classroom/school site, for 15 minutes daily.
    vii. Break multi-step directions and assignments into smaller components, in the classroom/school site, for 15 minutes weekly.
    viii. Access to sensory supports, in the classroom/school site, for 30 minutes daily.
    ix. Additional time to complete assignments (through the end of the assigned unit), in the classroom/school site, for 10 minutes weekly.

x. Access to speech-to-text or scribe for written assignments longer than one paragraph; Access to scribe until proficient in use of speech-to-text program, in the classroom/school site, for 30 minutes weekly.
xi. Copy of teacher notes/outlines, in the classroom/school site, for 15 minutes weekly.
xii. Preferential seating, in the classroom/school site, for 300 minutes daily.
xiii. Alternate ways to assess for mastery, when possible, in the classroom/school site, for 30 minutes weekly.
xiv. Limit choices to three options, when possible, in the classroom/school site, for 60 minutes weekly.
xv. Frequent check-ins from staff at least three to four times per class period, in the classroom/school site, for 20 minutes daily.
xvi. Provide extra time for processing, in the classroom/school site, for 15 minutes daily.

i. Modifications provided were a Language Arts Essential Skills class with a special education teacher or provider in the special education classroom for 40 minutes per day for the duration of the IEP.
j. The Student was removed from the general education setting for SDI in math and ELA, "approximately 80 minutes, daily." The Student also receives speech services 120 minutes per month. This removal "allows [the Student] to work on a modified curriculum at [their] level."

42. In a November 12, 2025 email to the Parent, the Coordinator provided possible meeting times to work with the Parent's schedule. On November 14, 2025, the Coordinator reached out to the Parent again and proposed the same meeting times. The Parent replied the same day with a time that would work for them. The Coordinator replied they would work with the Case Manager to get the "necessary team members invited" and then would send a meeting notice. A calendar appointment for the meeting was sent and accepted by the Parent on November 18, 2025 for the November 19, 2025 meeting.

43. On November 15, 2025, the Parent replied and noted the Principal was not at the meeting, "despite my request." On November 18, 2025, the Coordinator replied to the Parent and attached the meeting notice "for the second part of our IEP meeting tomorrow." They noted the Associate Principal was the building administrator at the first part of the meeting, and both the Associate Principal and the Principal would be attending the second part.

44. A November 19, 2025 calendar invitation for an IEP meeting included the Case Manager, the Coordinator, the Associate Principal, the Associate Director, seven teachers, the Principal, and the Parent.

45. In a November 19, 2025 email to the Parent, with the Coordinator and the Associate Director copied, the Case Manager attached two PWNs and a revised draft of the Student's IEP asking the Parent to look it over and "let me know if you have any questions/comments/concerns."

46. On November 20 2025, the Parent replied they "read over things" and "did not find the information regarding follow-up in a month to reevaluate needs." The Coordinator replied the same day and stated, "I will write an updated PWN tonight (to include this information) and will send it to you in the morning." They added the Case Manager was looking at dates to schedule the follow-up meeting and would get in touch in the first week of December, 2025.

47. On November 21, 2025, the Coordinator sent an email with the PWN "that outlines our agreement to reconvene in January to review data from the first 4-6 weeks of Trimester 2." They indicated someone from the School team would contact the Parent to schedule.

48. A November 19, 2025 PWN proposed an educational placement for the Student.
    a. The explanation of the proposed action included the most recent IEP meeting and the review of the Student's current progress.
    b. The description used as the basis of the proposed action included "file review, previous evaluations, academic progress reports, parent/student/teacher input, classroom observations, as well as formal and informal assessments."
    c. The description of options considered included discussion of the Student's current placement and other options considered were "Inside General Education class 80% or more of the day, a Special Separate School/Public Separate School, and Private (nonpublic) day schools for students with disabilities." The team determined "with the implementation of [the Student's] updated IEP, the best placement for [the Student] would be to remain inside General Education for no more than 79% of the day, and no less than 40% of the day."
    d. The description of relevant factors included a discussion of the updated IEP and agreement to meet again in January to discuss progress.

49. A November 19, 2025 PWN proposed to "implement the attached IEP" as a "provision of [a] FAPE" for the Student.
    a. The explanation of the proposed action included the most recent IEP meetings with changes to the IEP, added accommodations, and social communication minutes increased from 90 to 120 minutes per month.
    b. The description used as the basis of the proposed action included "file review, previous evaluations, academic progress reports, parent/student/teacher input, classroom observations, as well as formal and informal assessments."
    c. The description of options considered included "Continuing to educate [the Student] without the provision of Special Education services was rejected because [the Student's] educational needs cannot be addressed sufficiently without the services indicated on the IEP."
    d. The description of relevant factors included all service options being discussed and "those detailed on the IEP were agreed to by the team."

50. A November 19, 2025 Special Education Placement Determination document outlined four discussed options.

a. "Inside General Education class for no more than 79% of the day, and no less than 40% of the day," which was selected because the placement best met the Student's needs at the time.
b. "Inside General Education class 80% or more of the day," which was rejected because the placement did not meet the Student's needs at the time.
c. "Special Separate School/Public Separate School," which was rejected because the placement did not meet the Student's needs at the time.
d. "Private, (nonpublic) day schools for students with disabilities," which was rejected because the placement did not meet the Student's needs at this time.

51. An undated document titled "[The Student] Updated/Added Supports for IEP" included the following updated accommodations and supports on October 27, 2025:
    a. "Added a data collection sheet to be filled out by teachers"
        i. "Capturing- did [the Student] take a break, safe body, completing academics, following directions, if [the Student] became dysregulated, and if [the Student] used a coping strategy";
    b. "Adult Transitions between classes (to and from)";
    c. "Has access to an escort during class to go to a break space";
    d. "Smaller group for lunch";
    e. "Taken out of Robotics and placed as [an] independent study to have a period to decompress and work on school work"; and
    f. "Folder/Organization support during Flex 1x a week."

52. The following were "added supports at [the] IEP meeting":
    a. "Designated break space during class (5-10 minute break) and return to class";
    b. "Reducing Assignments (up to 50%) to demonstrate mastery";
    c. "More explicit check-ins with [the Student] in class, chunking assignments"; and
    d. "Editing Escalation Cycle- Staff Responses (based on what [the Parent] shared)."

53. The Student's Trimester one report card for the 2025-26 school year indicated the Student meeting the standard in phonological awareness and fluency, meeting the standard at a high level in reading comprehension, and demonstrating a minimal understanding of the standard in writing. The Student's overall letter grade was a "C," which was described as "at least one 3, no more than one 1."

54. On November 19, 2025 the Parent filed this Complaint.

55. A November 20, 2025 Escalation Cycle/Strategies for De-escalation (BSP) included a full plan with antecedents, behavioral escalation plans for "crisis," for "higher intensity/less predictable," for "lower intensity/more predictable," and for "on-task/no behavior," and expected staff response to each of these. Staff response to "eloping" was added to this plan.

56. A November 21, 2025 PWN outlined the IEP meetings on November 12 and 19, 2025, which were held "in response to a request for an IEP meeting from [the Parent]." During

these meetings, the team considered the Parent's request for an outside placement for the Student and reviewed the placement determination, "which included the neighborhood school placement options, the public separate school option, and the private separate school option. The team determined that the [Least Restrictive Environment (LRE)] where [the Student] can make educational progress is in [the Student's] neighborhood school, in the general education setting for 40-79% of [their] day, with pull out to a special class for special education services and support." Additionally, the team "came to a consensus regarding services and placement" and an evaluation planning meeting was scheduled.

a. The explanation of the proposed action included the decision to "move up" the annual IEP meeting "upon [the Parent's] request."
b. The description used as the basis of the proposed action included "a file review, previous assessment results, current and previous academic/behavior data, and teacher/parent/specialist input."
c. The description of options that were considered indicated, "The team considered the [FBA] and determined that the function of the behavior remains consistent."
d. The description of relevant factors included, "All team members agreed that at this time, the function of [the Student's] behavior is consistent with the most recent [FBA] conducted. The team agreed to collect data for a period of 4-6 weeks to determine the effectiveness of the current IEP supports and services (including the updated [BSP] and most recently added supports and services). The team is gathering data to determine the effectiveness of the additional supports that the team agreed upon and is planning to meet again in January to consider additional IEP amendments."

57. A 2025-26 "Communication Timeline" for the Student included an entry on December 4, 2025 describing an "Evaluation Planning Team" communication regarding an "evaluation planning meeting held" where the "team agreed to" evaluations.

58. A December 4, 2025 PWN proposed an evaluation for the Student based on three requests from the Parent. The evaluation planning team, which included the Parent, agreed to conduct an FBA to revise the BSP. The team also agreed to academic assessments related to reading and writing, anxiety rating scales, and a student interview. "The team agreed it is not necessary to do a full re-evaluation for [the Student] at this point" because their most recent evaluation was in June of 2024, and agreed there were no additional assessments needed.

a. The explanation of the proposed action included information about the planned reevaluations and the recognition the Student "has demonstrated a new pattern of behaviors recently."
b. The description used as the basis of the proposed action included the School Psychologist sending a consent form to the Parent.
c. The description of options that were considered included full reevaluation, but "The team agreed it is not necessary to do a full re-evaluation for [the Student] at this point" because their most recent evaluation was in June of 2024.

d. The description of relevant factors included the two IEP meeting dates of November 12 and 19, 2025 as a "response to a newly emerging pattern of behaviors and due to request from [the Parent]. … The team is gathering data to determine the effectiveness of the additional supports that the team agreed upon and is planning to meet again in January to consider additional IEP amendments."

Parent Interview

59. In an interview with the Complaint Investigator, the Parent expressed frustration with the School calling them "twice without knowing and understanding where (the Student) was." They described the events on October 27, 2025 as receiving a text message from the School Counselor asking where the Student was and informing the Parent they were not at school, followed by a phone call with the School explaining they had the Student on camera leaving the building, and they did not know where the Student was. The Parent stated, "[The Student] had been so dysregulated and disorganized and gotten so frustrated that [they] just left. [They] walked home. … It's just not safe, especially if [the Student is] dysregulated. [They] can get lost." The Parent was "surprised" the Student made it home. They added, "nobody reached out to me after that."

60. The Parent indicated that, after the incident on October 27, 2025, they "asked [the School] to have [the Student] taken out of [their] robotics class." They added they had requested this class move at the beginning of the year because they "knew that this wasn't going to be a good fit" for the Student. "I had requested that we find something different for [the Student], and they didn't do it. … At that point, I was pretty frustrated that the things that I had requested for [the Student] were not being heard or were only implemented for a very short period of time." They added that the Case Manager told the Parent they would "look at it," but "didn't know because of other courses." The Parent recalled telling the Case Manager after the first request and at back-to-school night, "I really think that this is important and it needs to be changed. … I wanted [the Student] to not be in that robotics class."

61. The Parent described the November 3, 2025 incident, "[The School] called me again, they asked me if I had [the Student], because they didn't know where [the Student] was." They explained there was confusion about which bus the Student was supposed to board after school, and "when they turned around, or something, then [the Student] was gone. [They] had gone to get on the bus. … but nobody knew where [the Student] was." When asked what the Student and the Parent talked about after this incident, the Parent stated they asked the Student where they were, and they said, 'I just got off the bus. I'm fine. I'm walking home.' When asked what the Student told the Parent about why they got on that bus, the Parent stated, "Because that's the bus [the Student] typically has been getting on … and [they] thrive on routines."

62. The Parent recalled, "I was very specific in the beginning of the year that I was concerned that [the Student] was going to have difficulty navigating [the size of the School and changing classes] and it felt like they sort of heard me, but they didn't implement all of

the things that we had talked about in order to make it successful. And now I've had multiple meetings with [the School team] asking for the things repeatedly and it's just now starting to somewhat move forward."

63. The Parent described the Student, in the first two months of school, coming home multiple times, not feeling well, or saying they didn't want to be at school. The Parent stated, "That wasn't like [the Student]. [They] never missed school prior to this, never."

64. The Parent shared they "requested multiple times for the IEP to be moved up. They did move it up, but not right away. I was hoping we could move it up to October and then [the Student] eloped," and the Parent felt more urgency to have the meeting "as soon as possible."

65. When asked about changing the Student's school placement, the Parent explained the School had "declined every time, stating that it's better to have children as mainstream as possible." The Parent shared they would understand this if "we're supporting them in mainstreaming," but the Student "can't regulate in school and they're not getting their support needs met." The Parent stated they were trying to "find something that is going to be regulating and bring some more joy back to learning" for the Student.

District Staff Interview (Case Manager, Principal, Director, Associate Director, Associate Principal)

66. In an interview with the Complaint Investigator, the Case Manager shared that on Tuesdays and Thursdays during "flight" time, the Student was with them, and they had been working on organization strategies, identifying feelings, and positive self-talk. They added the Student has a language arts class every day, which is where they get their SDI for reading and writing. The Director clarified this class "is not a general education class … it's a modified reading [and] writing class," that is "part of [the Student's] removal from the general education environment."

67. When asked about the request for an elective change out of robotics, the Case Manager indicated the Parent "wasn't sure if [the Student] would fit in robotics, but that was so close to the beginning of the year ... and there weren't a lot of options for that period. We agreed to keep [the Student] in [robotics], see how it was going." They explained "around mid-October" the Student started becoming "more and more dysregulated going to that class." The process of changing the class started "maybe a week before the first elopement. … We were actually already in the process of that when [the Student] left school that first time." In response to the Parent's email in October, wondering why the elective had not already changed, the Case Manager stated, "We had talked about changing it, and we agreed that we were going to leave it because it was so early in the year, we wanted to see how it goes. So there was a conversation about it, so my only guess is that there was a misunderstanding about next steps."

68. The Associate Principal explained the October 27, 2025 incident as an elopement and indicated the Student did not "report to second period." The counseling office immediately notified the office staff, the staff started to review camera footage, and the staff walked around to physically look for the Student. "We were able to identify that [the Student] had left out of a side entrance towards [their] home. At that point, we contacted [the Parent]. We made contact with our SRO, and myself and our mental health specialist hopped in a car and started to drive toward [the Student's] home. Myself, the SRO, and the mental health specialist arrived at the home. Another police officer also arrived just to check in as well. … When we arrived at the house … we were able to see there was a [video doorbell] camera, so we wanted to know if [the Student] was inside because we were knocking and ringing the doorbell. And during that time, our SRO continued to call [the Parent]. [They] didn't pick up in the 15 minutes we were there. And then [the Parent] actually ended up calling up the main office to let us know that [they] saw on the camera that [the Student] was inside. And then [the Parent] had a second conversation with our SRO about an hour later."

69. The Case Manager described the supports put into place immediately after the October 27, 2025 elopement as adults walking the Student to each class and to bathroom breaks to "be escorted and monitored during that time … anytime [the Student] was in the building, there were eyes [on them]."

70. The Principal indicated the November 3, 2025 incident was not an elopement, rather "it was entering the wrong bus or a different bus to get home. … I was driving around myself trying to make sure that [the Student] got home just in case [they] had eloped, but [they] did indeed take the bus. I just did a courtesy follow-up the next morning because that's what [the Parent] had requested. And so we had talked about what transpired in the process."

71. When asked about the Parent's request for a change in placement for the Student, the Case Manager shared alternative placements are "not my area of expertise," so the Associate Director "took the lead on that conversation." The Associate Director explained the IEP team "considered a range of placement options, including two outside placements of private separate school and a public separate school. And the team, including [the Parent], agreed that that was not the best placement for [the Student] to receive services at this point." The Principal noted the Parent had expressed an interest in the Student changing schools during their November 4, 2025 phone conversation, and they had reached out to the Case Manager to ensure there was an IEP meeting scheduled for this. The Case Manager added, "When [the Parent] did request that the meeting get moved up, I did intentionally schedule it at a time that someone from the District was able to attend so that we could discuss those [alternative placement] options."

IV. DISCUSSION

IEP Review and Revision

The Parent alleged the District failed to convene an IEP meeting to review and revise the Student's IEP to include adequate specialized instruction in reading and writing, and to review the Student's placement.

Each school district must ensure that the IEP Team reviews the child's IEP periodically, but at least once every 365 days, to determine whether the annual goals for the child are being achieved, and revise the IEP, as appropriate, to address any lack of expected progress toward the annual goals, the results of any reevaluation, information about the child provided to, or by, the parents, the child's anticipated needs, or other matters.[3]

In making changes to a child's IEP between annual IEP Team meetings, the parent of a child with a disability and the school district may agree not to hold an IEP Team meeting to make these changes, and instead may develop a written document to amend or modify the child's current IEP. If changes are made to the child's IEP, the district must ensure that the child's IEP team is informed of these changes. Changes to the IEP may be made either by the entire IEP team at an IEP team meeting or by amending the IEP rather than by redrafting the entire IEP. Upon request, the parent must be provided with a revised copy of the IEP with the amendments incorporated.[4]

The Parent expressed concerns about the Student's reading and writing as early as December 2, 2024, noting the Student was "bored" with the level of instruction in pull-out classes for reading and writing. However, progress reports from March and June 2025 indicated the Student was making progress in both areas. By November 12, 2025, the District responded to renewed parental concerns by updating academic goals for the Student. The IEP team developed specific writing goals involving topic sentences and logical reasoning and a reading goal targeting the Student's Lexile score. The District also confirmed the Student received SDI in a modified, separate special education classroom for reading (400 min/month) and writing (240 min/month). Additionally, the team integrated 15 different general education accommodations, including text-to-speech, audiobooks, and reduced assignment lengths to support the Student's literacy needs. While the Parent felt the academic needs were not being met, the District utilized data from Lexile tests and teacher reports to adjust the SDI and accommodations during the November 2025 meetings.

The Investigation revealed a significant shift in the Student's behavior during the Fall 2025 transition to middle school, characterized by emotional dysregulation and elopement. Between September and November 2025, the Parent requested meetings and alternative school placements multiple times, citing the Student's increased anxiety and inability to regulate in the current setting. The District initially scheduled the annual IEP for December but moved it up to November 12, 2025, and added a follow-up meeting on November 19, 2025, in response to the Parent's requests and the elopement incidents. During the November 2025 meetings, the team formally considered a range of placements. The District issued a PWN explaining that the

[3]OAR 581-015-2225(1); 34 CFR § 300.324(b)
[4]OAR 581-015-2225(2-3); 34 CFR § 300.324(b)

neighborhood school remained the LRE where the Student could make progress. They rejected more restrictive options, stating they had not yet exhausted the full range of in-school services.

Following the October 27 elopement, the District implemented adult escorts for all transitions and removed the Student from the stressful Robotics elective. On November 20, 2025, the District updated the BSP to explicitly include staff responses to eloping. The District agreed to meet again in January 2026 to review the effectiveness of these new supports and determine if further IEP amendments or placement changes were necessary. Between October and November 2025, the District accelerated the IEP timeline at the Parent's request; convened multiple sessions involving a full multidisciplinary team, including District-level administration; revised the IEP to include updated academic goals, significantly increased accommodations, and a revised BSP; and formally documented the placement discussion, considering and rejecting alternative placements based on the belief that the current school could still provide a FAPE with enhanced supports.

The Department does not substantiate this allegation.

Evaluation and FBA

The Parent alleged the District violated the IDEA by not conducting a timely re-evaluation and FBA after an escalation of behaviors and the Student eloping on October 27, 2025 and November 3, 2025.

A public agency must conduct an evaluation or reevaluation process before determining that a child is a child with a disability, determining that a child continues to have a disability, changing the child's eligibility, or terminating the child's eligibility as a child with a disability, unless the termination is due to graduation from high school with a regular diploma or exceeding the age of eligibility for a FAPE.[5]

A parent or public agency may initiate a request for an initial evaluation to determine if a child is a child with a disability. 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 the child may need special education services as a result of the disability. The public agency must designate a team to determine whether an initial evaluation will be conducted. The team must include the parent and at least two professionals, at least one of whom is a specialist knowledgeable and experienced in the evaluation and education of children with disabilities. The team may make this decision without a meeting. If a meeting is held, parents must be invited to participate.[6]

The public agency must ensure that a reevaluation of each child with a disability is conducted if the public agency determines that the educational or related services needs, including improved academic achievement and functional performance, of the child warrant a

[5]OAR 581-015-2105(1); 34 CFR § 300.303
[6]OAR 581-015-2105(2-3); 34 CFR § 300.303

reevaluation, or if the child's parents or teacher requests a reevaluation. A reevaluation for each child with a disability may occur not more than once a year, unless the parent and public agency agree otherwise, and must occur at least every three years, unless the parent and public agency agree that a reevaluation is unnecessary.[7]

"Behavior intervention plan" means an individualized plan, including positive interventions, designed to assist a student to decrease inappropriate behavior, and increase or teach an alternative appropriate behavior. "Functional behavioral assessment" means an individualized assessment of a student that results in a hypothesis about the function of a student's behavior and, as appropriate, recommendations for a behavior intervention plan.[8]

When a school district seeks to conduct an FBA and develop, review, or revise a behavior plan, it must do so within 45 school days of receiving parental consent. School districts are required to conduct an FBA for every student who has an IEP or a 504 Plan if the student places themselves, other students, or staff at imminent risk of serious bodily injury as a result of the student's behavior. If a functional behavioral assessment has been previously completed, the school district must review and/or revise the existing functional behavior assessment.[9] An FBA must also be conducted when the team determines that a code of student conduct violation that resulted in a disciplinary change of placement is a manifestation of the student's disability, unless the school district conducted a functional behavioral assessment before the behavior occurred that prompted the disciplinary action.[10]

When a behavior plan is developed, reviewed, or revised, the school district must ensure that the plan is based on an FBA that was conducted by a qualified person and ensure the behavior intervention plan appropriately addresses the student's needs. The school district must allow service providers involved in the incident when the student, other students, or staff were at imminent risk of serious bodily injury to provide meaningful input into the development, review, or revision, and inform the service providers about any portions of the plan that are relevant to the service providers. The school district must inform the service providers about any training opportunities for the service providers, and ensure the behavior plan was correctly implemented before making any revisions.[11]

The IEP must include a statement of the specific special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child to advance appropriately toward attaining the annual goals, to be involved and progress in the general education curriculum and to participate in extracurricular and other nonacademic activities,

[7]OAR 581-015-2105(4); 34 CFR § 300.303
[8]OAR 581-015-2181(1); 34 CFR § 300.324
[9]OAR 581-015-2181(2); 34 CFR § 300.324
[10] OAR 581-015-2415(4)
[11]OAR 581-015-2181(3); 34 CFR § 300.324

and to be educated and participate with other children with disabilities and children without disabilities.[12]

The Student had an existing FBA and BSP dated May 28, 2024. However, that plan specifically did not include elopement. During the 2025-26 school year, the Student's behavior escalated significantly. In September 2025, an incident occurred where the Student threatened to "crash out" and acted as if they would hit an IA. In the same month, the Health Teacher reported two consecutive days of intervention, stating the Student seemed "really overwhelmed." In late October 2025, the Student eloped from the building through a side entrance and walked home alone. Then in early November 2025, the Student boarded the wrong bus, leading to a period where the School could not locate them.

The Parent requested a meeting to discuss struggles and alternative placements as early as September 30, 2025. Following the October 27, 2025 elopement, the Parent expressed increased urgency for an IEP meeting. On November 11, 2025, the Parent formally requested an "immediate IEP review" and a "comprehensive reevaluation," including an FBA and updated BSP. The District had a meeting already scheduled to occur on November 12, 2025. The District held IEP meetings on November 12, 2025 and November 19, 2025. During these meetings, the team reviewed the 2024 FBA and initially determined the function of the behavior remained consistent. However, by December 4, 2025, the evaluation planning team (including the Parent) agreed to conduct a new FBA to revise the BSP and conduct academic assessments in reading and writing.

The District pointed out that a "thorough re-evaluation" had been conducted in June 2024. They initially stated that a full re-evaluation was not necessary because the last one was less than two years old. However, the District acknowledged a "new pattern of behaviors" had emerged. While the District did not initiate a formal re-evaluation immediately following the first elopement on October 27, 2025, they did implement immediate interim supports, including adult escorts between classes and the removal of the Student from the Robotics elective. The formal agreement to conduct the FBA and further assessments occurred on December 4, 2025, which falls approximately one month after the second major incident and three weeks after the Parent's formal written request.

The evidence shows that while the Student's behaviors escalated in late October and early November 2025, the District responded by convening the IEP team within a reasonable timeframe to address these concerns. The IEP team determined that the FBA then in effect continued to represent the function of the student's behavior and utilized the November meetings to update the Student's IEP with 24 specific accommodations and increased service minutes to address the immediate behavioral and academic needs. Later, in a December meeting, the IEP team determined that a new FBA was warranted.

The Department does not substantiate this allegation.

Free Appropriate Public Education (FAPE)

[12]OAR 581-015-2200(1)(d); 34 CFR § 300.320 (a)(4)

The Parent alleged that the District violated the IDEA by failing to provide the Student with a timely re-evaluation and an FBA, and by providing inadequate SDI in reading and writing, resulting in a denial of a FAPE.

School districts must provide a FAPE to all school-age children with disabilities for whom the district is responsible. "School-age children" are children who have reached five years of age but have not yet reached 21 years of age on or before September 1 of the current school year. An otherwise eligible person whose 21st birthday occurs during the school year is eligible for FAPE for the remainder of the school year.[13]

The Student underwent a thorough re-evaluation, including an FBA, on May 28, 2024. These determined the Student remained eligible for services under ASD, OHI, and SLD. Additionally, over the last six years, the Student has received 52 evaluations; as of December 2025, seven more were in progress. In late September 2025, the Parent expressed concern over the Student's struggles and requested a meeting as soon as possible and in mid-October 2025, the Parent explicitly requested to "explore the option of alternative placements" due to the Student's struggles.

Following an elopement on October 27, 2025, the Parent formally requested a "comprehensive reevaluation" and a new FBA/BSP. The District held IEP meetings on November 12 and 19, 2025. During these meetings, the team acknowledged a "new pattern of behaviors." On December 4, 2025, the District issued a PWN proposing a new FBA and academic assessments. The team (including the Parent) agreed a full re-evaluation was not yet necessary because the last one was conducted in June 2024.

While the Parent felt the meeting should have been expedited sooner, the District responded to the emerging "elopement" behaviors within the investigative window by convening the team, updating the BSP, and ultimately agreeing to a new FBA. Under IDEA, re-evaluations occur at least once every three years unless the parent and district agree otherwise; the Student had been evaluated within the last 18 months.

By the first trimester of the 2025-26 year, the Student was meeting standards in phonological awareness but demonstrated "minimal understanding" in writing. The Student receives SDI in a modified reading/writing class. The updated IEP provided increased monthly minutes in writing, and extensive accommodations were added, including speech-to-text, graphic organizers, and reducing assignments by up to 50%. The District provided SDI in a specialized setting based on the Student's Lexile data. While the Student's writing grades were low, the District adjusted the IEP to include specific "paragraph" goals and increased social communication minutes to address the anxiety that impacted their academic performance.

The central tension regarding a FAPE involved the Parent's request for a "smaller specialized school". The District maintained that an outside placement was not appropriate until they exhausted services within the neighborhood school. The team determined the LRE was a

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

general education setting for 40-79% of the day with pull-out services. Following the October 27, 2025 elopement, the District implemented "eyes on" supervision, adult escorts, and noise-canceling headphones. Because the District provided timely responses to behavioral changes, maintained current evaluations, and delivered intensive SDI in a modified environment that yielded documented progress, there is no evidence of a denial of FAPE.

The Department does not substantiate this allegation.

V. CORRECTIVE ACTION

In the Matter of Sherwood School District
Case No. 25-054-083

The Department does not order corrective action in this matter.

Dated: this 16 Day of January, 2026



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Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing Date: January 16, 2026
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).)