BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of Lincoln County School District	)	FINDINGS OF FACT, CONCLUSIONS, AND FINAL ORDER Case No. 25-054-087

I. BACKGROUND

On December 2, 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 Lincoln County School District (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 8, 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 22, 2025.

The District submitted a *Response* on December 19, 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 12/19/25
2. Individualized Education Program (IEP), 05/21/25
3. Individualized Education Program AMENDMENT, 05/21/25
4. Timeline of Incident, 12/01/25
5. Interview Notes, 12/01/25

The Parent did not submit a *Reply* or provide an explanation and rebuttal.

The Complaint Investigator interviewed the Parent on January 6, 2026. On January 9, 2026, the Complaint Investigator interviewed District personnel. The Complaint Investigator reviewed and

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

considered all of these documents, interviews, and exhibits in reaching the findings of fact and conclusions of law contained in this order. This order is timely.

II. ALLEGATIONS AND CONCLUSIONS

The Department has jurisdiction to resolve this Complaint under 34 CFR §§ 300.151-153 and OAR 581-015-2030. The Parent's allegations and the Department's conclusions are set out in the chart below. The conclusions are based on the Findings of Fact in Section III and the Discussion in Section IV. This Complaint covers the one-year period from December 3, 2024, to the filing of this Complaint on December 2, 2025.

Allegation	Conclusion
When IEPs Must Be In Effect The Parent alleged the District violated the IDEA by failing to implement the Student's IEP on December 1, 2025, specifically by failing to adhere to the line-of-sight supervision requirement, which resulted in the Student being left unattended and subsequently eloping. (OAR 581-015-2220; 34 CFR § 300.323)	**Substantiated** The District had not established a shared understanding of this safety accommodation among all personnel prior to the incident, resulting in the Student eloping outside of the School building.

REQUESTED CORRECTIVE ACTION
● The Student requires a direct care person at all times to ensure their safety. Additionally, there should be staff re-training, safety measures, corrective actions, and compensatory services.

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 December 3, 2024. Any facts listed below relating to circumstances or incidents earlier than that date are included solely to provide the context necessary to understand the Student's disability and special education history.

1. The Student is six years old, attends an elementary school in the District, and receives services under the eligibility of Developmental Delay.

2. The Student is very aware of their wants and needs and is very independent. They are good with animals and enjoy cleaning.

3. An annual IEP dated May 19, 2025 contained the following pertinent information:
   a. Parent noted "elopement" as a "big" concern.
   b. Description of how the Student's disability affected involvement and progress in the general education curriculum stated: "Per the IFSP dated [September 13, 2024] [the Student's] prematurity and diagnosis of Down Syndrome may make it difficult for [them] to explore and learn from [their] environment, get [their] wants and needs met, and meet developmental milestones."
   c. Special Factors for IEP Development indicated communication needs and assistive technology as needed for the Student, as specified with checked boxes, along with the explanation of Augmentative and Alternative Communication (AAC) Device.
   d. Goals were included in the areas of adaptive skills, academic readiness, communication, and social/emotional/behavioral. It was specifically noted:
      i. "The Student will follow safety rules on 4/5 opportunities."
   e. From September 2, 2025 to May 20, 2026, the Case Manager was to provide weekly SDI consisting of 60-minute sessions for Adaptive, Behavior/Social, and Functional Academic skills, and 90 minutes for Communication.
   f. Related Services included 30 minutes of transportation and 90 minutes of Speech/Language Pathology/Therapy services per day for the Student from September 2, 2025 to May 20, 2026.
   g. Supplementary Aids/Services and Accommodations included:
      i. Preferential seating (close to the teacher).
      ii. Line of sight.
      iii. Flexible Seating.
      iv. Access to AAC Device.
      v. Visuals for teacher directions.
      vi. Health Plan.
   h. Supports for School Personnel Listed:
      i. AAC consultation.
      ii. The extent of removal from nondisabled peers stated the Student would be removed for their SDI and for their toileting and changing needs. The explanation and justification indicated: "[The Student] [was] removed for [their] SDI as well as any toileting and changing needs. [The Student] [was] working on toileting and needs to be changed. [They] [required] specially designed instruction which [was] best given in a small group setting with peers working towards the same skills."

4. An October 2, 2025 IEP amendment included the following pertinent information:
   a. The IEP team convened to discuss concerns over the Student accessing their general education and their ability to remain "safely" in class with their peers. The following behaviors were reported:
      i. "[September 16, 2025]: took others['] things 13 times total throughout the day, had hands-on 10 times, eloped twice."

ii. "[September 17, 2025][,] took others[’] things 5 times, had unsafe hands 8 times, eloped or refused twice."
iii. "[September 22, 2025][,] took others[’] things 3 times, hands-on 10 times, and refused or eloped 4 times."
iv. "[September 23], [2025][,] took others[’] things 2 times, had hands-on 3 times."
v. "[September 24, [2025][,] refused 0 times, had unsafe hands 7 times, and took others[’] things 3 times."
vi. "[The Student] would benefit from spending time in a more structured setting that focuses on school safety skills as well as student skills."

b. The extent of removal from nondisabled peers stated, "[The Student] [had] spen[t] 75% of [their] day in the general education setting for core instruction, recess and lunch, and the beginning and end of [their] day. [The Student] [had] spen[t] time in the self-contained setting during times where AAC as well as functional school skills are the focus of instruction in order to increase [their] school readiness skills like following teacher directions and staying in [their] assigned space as well as increase [their] language use through AAC and verbal communication. [The Student] will continue to receive [their] SDI in the resource room setting." The explanation and justification of the removal indicated the Student had behaviors that "indicated a need to focus on school-readiness skills" prior to spending more time in the general education setting.

5. A Timeline of Incident dated December 1, 2025 detailed the following important information:
   a. 12:30 p.m.: the Special Education Assistant dropped the Student off at the library.
   b. 12:33 p.m.: the Student eloped from the library and ran to the kindergarten/1st grade restrooms (confirmed by video footage).
   c. At 12:34 p.m, the Technology Teaching Assistant confirmed they had seen the Student leave the library and "called on the radio" the "[Structured Learning Center] (SLC)" for "support." They stated the Student had "eloped."
      i. Within the same minute, as confirmed by video footage, the Student was seen leaving the bathrooms, running towards the kindergarten classroom, and "rounded the corner."
      ii. 12:34:40 p.m.: the Student exited the building (determined by video footage).
   d. Witness 1 returned the Student to the school at 12:41 p.m.
   e. Safety measures that were "put into place immediately" were listed as:
      i. "Whenever [the Student] transitions between classrooms both adults will make eye contact and have a hand off."
      ii. "Extra adult support during kindergarten recess and lunch."
      iii. "Extra adult support during [the Student’s] specials time."

6. Interview Notes dated December 1, 2025 indicated:
   a. The Special Education Assistant stated they had completed a reading assessment with the Student, and had walked the Student to the library to meet their class. They had unlocked the library door to let the Student in. They saw the Student enter the library and sit at a table, then relocked the library door. When they looked through the window, they saw the Student sitting at a table and walked back to the Structured Learning Center (SLC) classroom.

b. The Technology Teaching Assistant stated that, during the incident, when the Special Education Assistant opened the door to drop the Student off, they "welcomed [them] and attempted to engage [them] in an activity." They described the Student as "wandering around" as they got "everyone settled." They went on to describe, "A few minutes later, I heard the door close at the same time that I heard a student announce that [the Student] had left. I immediately picked up my radio and called for SLC. When they responded I told them that [the Student] had left the library."
c. Maintenance Worker 1 shared they were driving to the school when they saw the Student walking on the road, and they jumped out of the truck to get the Student out of the road when another parent in a car pulled up to help prevent the Student from "running" into the road. Maintenance Worker 1 stated they and their colleague assisted the Student into the truck, escorted the Student back to the School, and gave the Student to the School Secretary.
d. The School Secretary shared two maintenance workers entered the building with the Student, who explained they found the Student close to the road, brought them back to the School, and the Student was "nonverbal."

7. On December 2, 2025, the Parent filed this Complaint.

8. On December 2, 2025, the Case Manager connected with the Parent and scheduled an IEP meeting to discuss the incident and make the necessary changes to the Student's services to prevent similar events from recurring. The IEP meeting was held on December 3, 2025.

9. In an interview with the Complaint Investigator, the Parent stated they received a phone call on December 1, 2025 regarding the incident at approximately 1:00 p.m. shortly after the Student had been found. They explained they were told the Student had made it from the library, where they were "left" by a teacher, down a hallway, out a back door, and down a driveway of the School towards a busy street, where the Student was found by the "groundsman." The Parent stated, "I was told that due to the verbiage in [their] IEP, the verbiage being within the line of sight, leaving that kind of broad to mean something different to everyone, that that is the kind of the reason why [they] [were] left in the way that [they] [were] left instead of being safely left with another teacher… ."

   The Parent recalled the Principal explained to them that due to the wording in the IEP, " … that could mean different things to everyone … ." The Principal had shared with the Parent they had not had conversations with all staff "about what definitively that should look like until this happened."

10. At the emergency IEP meeting after the incident, when the Parent asked how this happened, the Principal explained, " … 'In [their] IEP it says line of sight.' So meaning as long as that teacher and this teacher both see [the Student]... ."

11. The Parent shared their definition of "line of sight" to be "... even broad on my part, but that a child that does run should be [in] line of sight, meaning we need to have [them] right here, make sure that [they're] safe."

12. The Parent stated prior to the December 1, 2025 incident, the Student's implementation of accommodations "[seemed] to have been fine … . But from what I've been told, everything had been fine per school staff … ."

13. In an interview with the Complaint Investigator, the Case Manager stated they were the Student's primary special education teacher and ensured all general education teachers were aware of the accommodations and implemented them in the general education setting. They explained the Student had an AAC device and "line of sight," which meant to make certain teachers were aware of where the Student was at all times. These two accommodations were the only ones they could remember at the moment.

    They shared the "line of sight" protocol the staff followed as, "Ensuring that the child [was] in the same room as them, and if they leave that room, ensuring that a different adult [was] with them, and this is my interpretation of it. Ensuring that a different adult is with them." The Case Manager stated they ensured all staff were aware of this accommodation at the start of the year.

14. In an interview with the Complaint Investigator, the Special Education Assistant stated their responsibility was to take the Student to their elective classes. They explained this looked like unlocking the doors, sending the Student into the room, closing the door behind the Student, then locking it. They would then ensure a teacher or an assistant "would have eyes on [the Student] before I left."

    The Special Education Assistant shared they implemented the "line of sight" accommodation by taking the Student to a classroom, would identify they were leaving the Student there, ensure "the other person would see [the Student] in that classroom," then shut the door.

15. The Special Education Assistant detailed their actions on December 1, 2025. They had identified where the Student's elective was, unlocked the door, placed the Student into the library, closed the door, watched the Student walk in, made eye contact with the Technology Teaching Assistant, locked the door, and then walked away.

16. The Special Education Assistant stated they were aware of the Student's accommodations and had access to their IEP.

17. In an interview with the Complaint Investigator, the Kindergarten Teacher explained that, at the start of the year, the Student attended general education classes with an assistant and spent some time in the Resource room. Then a few programming changes happened and the Student spent more time in a more restrictive environment. They shared the Student was to have "an assistant" accompany them to general education settings and an AAC device as accommodations.

    They shared the classroom supports in their room included "blocking" an exit door to prevent the Student from identifying it as an egress option and providing an assistant to help the

Student settle into the room. Additionally, staff utilized "hand-to-hand guidance" for support. The Kindergarten Teacher further clarified that "line of sight" required a teacher to maintain constant visual supervision of the Student while remaining mindful of all exit points.

The Kindergarten Teacher stated staff were "always in communication" regarding the Student, and it was understood that, "[the Student] would never walk anywhere on [their] own. [They] would always be with a teacher, an assistant, or the class."

18. In an interview with the Complaint Investigator, the SLC Teacher explained that line of sight was a "standard protocol" for all students in the SLC setting, as oftentimes their students elope. They shared they have alarms on the only two doors in their classroom, and were always aware of where their students were.

19. The SLC Teacher shared the Student's accommodation changed after the December 1, 2025, meeting, where the staff clarified with the Parent that "line of sight" meant "we can see [the Student] at all times in the room," not what the Parent thought as "somebody right next to [the Student]."

20. In an interview with the Complaint Investigator, the Technology Teaching Assistant shared that, on the day of the incident, the Special Education Assistant opened the door, made eye contact, and then left the Student in the library. They stated this was the first time the Student had been to the library without an assistant, and that things "change" in the SLC as they try to find out "what works" with students. The Technology Teaching Assistant were made aware of changes through conversations with staff, but were not made aware the Student would not have an assistant with them while in the library.

IV. DISCUSSION

When IEPs Must Be in Effect

The Parent alleged the District violated the IDEA by failing to implement the Student's IEP on December 2, 2025, specifically by not adhering to the line-of-sight supervision requirement, which resulted in the Student being left unattended and subsequently eloping.

At the beginning of each school year, a school district must have in effect an IEP for each child with a disability within the district's jurisdiction. School districts must provide special education and related services to a child with a disability in accordance with an IEP. As soon as possible following development of the IEP, special education and related services must be made available to the child in accordance with the child's IEP. Each school district must ensure that the IEP is accessible to each regular education teacher, special education teacher, related services provider and other service provider who is responsible for its implementation and inform each teacher and provider described of their specific responsibilities for implementing the child's IEP and the specific accommodations, modifications and supports that must be

provided for or on behalf of the child in accordance with the IEP.[3]

The Student's IEP identified elopement as a significant concern and mandated "line of sight" supervision as a supplementary aid and service. Members of the IEP team held inconsistent interpretations of what "line of sight" entailed. While the Case Manager and Kindergarten Teacher understood it as maintaining constant visual awareness of the Student's location and exit points, the Special Education Assistant believed the requirement was satisfied by ensuring another adult saw the Student before leaving.

On December 1, 2025, the Special Education Assistant escorted the Student to the library, and left them there according to that understanding. The Student subsequently exited the school building. Following the incident the District acknowledged that conversations regarding the implementation of "line of sight" supervision had not occurred with all staff prior to the elopement. To address these safety gaps, the District immediately implemented new transition protocols requiring eye contact and a formal "hand-off" between adults, as well as additional adult support during recess, lunch, and specials.

District staff attempted to implemented the line of sight accommodation as written in the IEP, but the District failed to coordinate transition protocols and ensure consistent staff interpretations of the line of sight requirement. This led to a breakdown in communication during the Student's transition to the library. The law focuses on procedural compliance. The District had not established a shared understanding of this safety accommodation among all personnel prior to the incident. A failure to implement the IEP is actionable if it is "material" rather than technical.[4] In this case, because the failure directly compromised the Student's physical safety, the deviation was more than de minimis and constitutes a clear violation of the District's obligations.

The Department substantiates this allegation.

V. CORRECTIVE ACTION[5]

In the Matter of Lincoln County School District
Case No. 025-054-087

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

Action Required	**Submissions**	**As Soon As Possible But No Later Than Due Date**

[3] OAR 581-015-2220; 34 CFR §300.323
[4] *Van Duyn ex rel. Van Duyn v. Baker School District 5J*, 502 F.3d 811 (9th Cir. 2007)
[5] The Department's order shall include any necessary corrective action as well as documentation to ensure that the corrective action has been completed (OAR 581-015-2030(13)). The Department expects and requires the timely completion of corrective action and will verify that the corrective action has been completed as specified in any final order (OAR 581-015-2030(15)). The Department may initiate remedies against a party who refuses to voluntarily comply with a plan of correction (OAR 581-015-2030(17) & (18)).

1. Following the incident, on December 2, 2025, the District re-trained staff transitioning students at-risk of elopement.	The District shall submit the following: Training agenda. Sign in sheets for staff training;	 **February 13, 2026** **February 13, 2026**
2. The District must seek consent to complete a Functional Behavior Assessment (FBA) to determine the function of the Student's elopement. Following completion of the FBA, the District must develop a Behavior Intervention Plan (BIP) to address the elopement concerns.	The District shall submit the following: Completed FBA; Completed BIP.	 **April 17, 2026** **March 23, 2026**
3. The District must develop a formal written Standard Operating Procedure (SOP) for line of sight and Student transition preventing inconsistent interpretations.	The District shall submit the following: Completed SOP for line of sight and the Student's transitions.	 **February 27, 2026**

Dated: this 30 Day of January 2026



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Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing Date: January 30, 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).)