BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of Redmond School District 2J	)	FINDINGS OF FACT,
	)	CONCLUSIONS,
	)	AND FINAL ORDER
	)	Case No. 25-054-088

I. BACKGROUND

On December 3, 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 Redmond School District 2J (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 10, 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 24, 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. Emails between the parties, dated 08/22/25 - 12/03/25
3. [Former State] Special Education Records for 2022, 01/31/22
4. IEP-At-A-Glance, 04/15/25
5. Individualized Education Program (IEP), 04/15/25
6. Eligibility Summary Statement, 09/23/25
7. Period Student Attendance Profile, 2025-26 School Year
8. Student Incident, 2025-26 School Year
9. Court Documented Release Agreement, 11/20/25
10. Court Documented Release Agreement, 11/20/25

[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. Individualized Education Program (IEP), 09/23/25
12. Meeting Notes, 09/23/25
13. High School Transcript, 12/11/25
14. Transportation Supplement, no date
15. Timeline of Events, 08/21/25-12/12/25

The Parent submitted documents in support of their position on December 7, 2025. The Parent submitted the following relevant items:

1. Email, re: Mediation, 12/0225-12/05/25
2. Supplemental Packet for [the Department] and Mediation, 12/04/25
3. Medical Letter, 11/20/25
4. Psychological Evaluation, 08/02/22
5. Email, re: [the Student's] Transition Course, 11/30/25-12/12/25
6. Email, re: (no subject), 12/02/25-12/12/25
7. Eligibility Summary Statement, 09/23/25
8. Power of Attorney, 04/12/25
9. Combined Mental Health Care Declaration and Power of Attorney, 04/12/25
10. Email, re: [the Student] Emergency, 11/19/25-11/20/25

The Complaint Investigator interviewed the Parent on January 9, 2026, and District personnel on January 8, 2026. The Complaint Investigator reviewed and considered all these documents, interviews, and exhibits in reaching the findings of fact and conclusions of law contained in this order. This order is timely.

II. ALLEGATIONS AND CONCLUSIONS

The Department has jurisdiction to resolve this Complaint under 34 CFR §§ 300.151-153 and OAR 581-015-2030. The Parent's allegations and the Department's conclusions are set out in the chart below. The conclusions are based on the Findings of Fact in Section III and the Discussion in Section IV. This Complaint covers the one-year period from December 4, 2024, to the filing of this Complaint on December 3, 2025.

Allegations	Conclusions
Content of IEP The Parent alleged the District refused to provide reasonable supports (e.g., escorts, handoffs) and special education transportation necessary due to the Student's disability. (OAR 581-015-2205, OAR 581-015-2200(1)(d); 34 CFR §§ 300.320(4), 300.324(a), 300.34(a), 300.42)	**Not Substantiated** The District was not legally obligated to provide the requested reasonable supports (e.g., escorts, handoffs) and special education transportation.

Allegations	Conclusions
Parent Participation The Parent alleged the District refused to convene an IEP or safety plan meeting with Parent involvement after a request on November 17, 2025 and held a meeting on December 2, 2025 without the Parent or the IEP team. (OAR 581-015-2190(1-5), OAR 581-015-2195(1)(3); 34 CFR §§ 300.322, 300.501(b)(c))	**Not Substantiated** The District was not legally obligated to include the Parent or the IEP team in the December 2, 2025 safety plan meeting.
Manifestation Determination The Parent alleged the District made a unilateral determination that the situation was not disability-related, acting as an informal manifestation determination review (MDR) outside of the IEP process, without parent participation, the IEP team, or procedural safeguards. (OAR 581-015-2420; 34 CFR § 300.530(e)(f))	**Not Substantiated** The District did not make a unilateral determination that the situation was not disability-related, or conduct an informal manifestation determination review (MDR) outside of the IEP process.
Free Appropriate Public Education (FAPE) The Parent alleged the District provided no services, instruction, or placement from November 17, 2025 through the date of the complaint, and relied on criminal proceedings to deny services, constituting a denial of a FAPE. (OAR 581-015-2040, OAR 581-015-2045(1-4); 34 CFR §§ 300.101(a), 300.530(d), 300.17)	**Not Substantiated** The District stood "ready to serve" from November 17, 2025 through the date of the complaint, and did not deny the Student a FAPE.

REQUESTED CORRECTIVE ACTION
● "Immediate IEP meeting with full parent participation." ● "Immediate interim services so [the Student] has access to education without delay." ● "Determination of appropriate supervision and transportation supports." ● "Compensatory education for every day since 11/17/2025." ● "Written assurance that unilateral decisions without the IEP team will not occur again." ● "If the District cannot serve [the Student] safely within its program, it must provide and fund an appropriate alternative or private placement."

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 4, 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 20 years old and moved to the District after spending their "entire life in the same [Former] school district."

2. The Student was eligible for IDEA services under Autism Spectrum Disorder (ASD), Emotional Behavior Disability (EBD), and Other Health Impairment (OHI).

3. The Student enjoys video games, drawing, and technology, loves their dog, and is described as smart and funny.

4. In a signed and notarized [Former State] Statutory Durable Power of Attorney, dated April 12, 2025, the Student designated the Parent and Parent 2 as their "co-agents," which granted them all the listed powers, including educational rights. Additionally, a signed and notarized Combined Mental Health Care Declaration and Power of Attorney, dated April 12, 2025, designated the Parent and Parent 2 as "co-agents" to make mental health care decisions for the Student.

5. The Student's April 15, 2025 IEP from the Former District indicated an eligibility for ASD, OHI, and EBD and included the following relevant information:
   a. The Student completed their "[Former State Assessments of Academic Readiness End-of-Course] STAAR EOC requirements for graduation" in English 1, Algebra 1, English 2, and US History "at "meets grade level" and in Biology at "approaches grade level."
   b. Present Levels noted the Student would "continue to work on [their] executive functioning skills until graduation." Also noted was the Student having "dysgraphia characteristics," for which accommodations were needed to address the impact, and assistive technology had been provided since seventh grade. Additionally, the Student's skills in "adaptive behavior" were "within age/grade expectations" at that time.
   c. One annual goal labeled "Behavioral-Emotional Factors" focused on counseling, and two annual goals labeled "Functional-Physical Factors" focused on executive functioning, organizational, and handwriting skills.
   d. Accommodations for "all classes" included "extra time, allow student to record or type assignments," "break large assignments into two or more component assignments," "Speech-to-text," "eliminate or limit copying activities," "provide note taking assistance," "provide visual cues for the directions or steps to be followed," "provide immediate feedback for social/behavioral supports," "allow open book or open note tests," "content and language supports," "check often for understanding/review/comprehension," "Oral/Signed Admin Text-to-Speech (online)," "give positive/concrete reinforcement,"

"have [the] Student paraphrase or repeat directions to ensure understanding," and "provide a quiet corner/room."

e. Other accommodations for "all classes" were:
    i. Teacher communication with the Parents regarding any homework assignments, so the Parents can help at home.
    ii. "Annotation and Blocking - limit materials to what is needed at the time."
    iii. When breaking large assignments down, concepts should be delivered one at a time.
    iv. "Provide the student with materials that cover the same objective but at [a] lower readability level."
    v. "Provide the Student with a digital copy of outline, study guide, notes, or assignments prior to the presentation of the material due to the dysgraphia characteristics. PEER PRODUCED NOTES ARE NOT ACCEPTABLE. Digital access needs to be consistent for all classes."
    vi. Extra time for assignments and classroom-based assessments with a reminder not to use a visual or audible timer.
    vii. When the Student asked for "cooling off," they were able to call the Parent, look at pictures on their phone, or draw.
    viii. Limit projects and assignments with multiple options.
    ix. The Student was "able to wear both earbuds/headphones" while riding the bus and in class "as needed."
    x. The Student could use their notes and/or book for tests and quizzes.
    xi. "[The Student] has difficulty explaining what [they do] not understand and becomes frustrated- offer a break, or try a different approach."
f. Schedule of services provided to the Student included:
    i. "Social Skills" for five minutes, three times per nine weeks, in a special education setting.
    ii. "Math" for 20 minutes, one time per four weeks, in a general education setting.
    iii. "Science/Health" for 10 minutes, one time per day, in a general education setting.
g. Related services provided to the Student included:
    i. Occupational Therapy (Consultative) for 10 minutes, two times per nine weeks.
    ii. Counseling Services (Direct) for 30 minutes, one time per nine weeks.
    iii. Parent Training (Consultative) for 15 minutes, one time per 18 weeks.
h. The anticipated date for graduation was listed as 2025, and the Student was expected to meet all the graduation requirements for curriculum, credits, and assessments.
i. The transition portion of the IEP included the Student's goal of "attending a [t]echnology school or joining a successful YouTube channel." It was also noted the Student had not "had any discipline referrals since 2018, which is the result of [their] social and emotional progress at [the Former District]."
j. Comments in the Postsecondary Adult Education section noted the Student had their driver's license and drove to school.
k. Under "Behavior Considerations," it was clarified the Student did not exhibit significant behavioral challenges that adversely affect their educational performance or the learning of others.

l. Under "Staff-To-Student Ratio," it was noted that "given [the Student's] level of learning in the educational setting, no specific staff-to-student ratio" was required at that time. It was also noted the Student "does have a personal care assistant."
m. Under "Teaching Strategies" and "Futures Planning," it was noted the Student was served in the general education setting and "is making progress on [their] IEP goals and objectives." Additionally, "[The Student] is able to function in current and post-secondary environments without further supports."
n. The "Personal Graduation Plan" noted the Student would graduate in May 2025.
o. "Instructional and Related Services" noted in the spring of the 2024-25 school year, the Student would be in general education for 6.11 hours per day and special education for 0.02 hours per day.
p. IEP meeting notes were included in "additional comments" and outlined a discussion regarding the Student's one-on-one aide. The Former District recommended this service end based on the Student's current coursework and information provided by the one-on-one aide. The Student was "uneasy about ending the service" and was "not ready to graduate." The Parent indicated the Student needed an "18+ transition program." The District explained the Student did not qualify because the Student had not had "one or more courses with modified curriculum." Additionally, the Student had completed all the requirements for graduation, except completing the Free Application for Federal Student Aid (FAFSA), which the Parent stated, "we can't force [the Student] to complete it." The meeting ended and they agreed to "re-convene within 10 school days."
q. Notes for "reconvene deliberations" included an overview of the two disagreements, which were the continuation of the one-on-one aide and whether or not the Student had met graduation requirements.
    i. One-on-one Aide: The Former District reviewed the data again and changed the recommendation for a one-on-one aide to be "continued through the end of the [2024-25] school year."
    ii. Graduation: The District explained the 18+ transition program was for "students with disabilities who have not had an opportunity to access CTE curriculum with peers that do not have disabilities and therefore require additional instruction." They clarified the Student had completed and accessed CTE courses with peers who do not have disabilities and, therefore, "did not meet the requirements" for this program. The Parent reiterated the Student was "not ready to graduate," and letters from Occupational Therapy (OT) and Applied Behavior Analysis (ABA) stated it was "not safe" for the Student to attend college "on [their] own."
    iii. The Former District's offer of a FAPE was to "continue with the one-on-one aide and to conduct the transition assessment." It was documented the Parent and the Student were "still in disagreement."

6. The Former District Transportation Supplement for the Student (at age 18) indicated a morning pick up and afternoon drop off were both needed. The Transportation Supplement for the Student, while in the 12th grade, indicated the Student's need for special transportation was to start on February 23, 2024 and end on February 22, 2025, which did not reflect the entire IEP period. The special program listed was "Behavior Management Unit."

7. A letter from a Medical Doctor (MD) at a specialty clinic in the Former State stated the Student "has a lifelong developmental disability that was present and diagnosed before age eighteen. [The Student] is not capable of independent self-support. [The Student's] disability requires ongoing family involvement, predictable routines, and consistent support to maintain daily functioning. … [The Student's] disability affects [their] understanding of social boundaries, interpersonal expectations, and complex or stressful social situations. These challenges are specific to social and emotional processing and do not reflect aggression or deliberate misconduct." The letter also included a diagnosis of Attention-Deficit/Hyperactivity Disorder (ADHD), ASD, and Generalized Anxiety Disorder (GAD).

8. In a July 25, 2025 [Former State] Office of Administrative Hearings docket, an order was made to grant the Petitioner's motion to enforce stay put placement. The Petitioners were the Student and the Parent, while the Respondent was the Former District. The docket clarified the Student and the Parent's disagreement with the District that the Student should graduate. The Former District asserted "the April 15[,] [2025]IEP [meeting] 'graduated [the] Student'; and that stay-put protections do not apply once a student has graduated." The Parent filed the petition "challenging the [Former] District's determination that [the] Student had met graduation requirements."

9. In an August 22, 2025 email to the Case Manager and the Director, a special educator for the District informed them they received a phone call from a registrar in the Former District regarding the Student. "The only reason [the Student] did not graduate last June [2025] was because [the Student] and [both of] the Parents refused to fill out a FAFSA form. It is a graduation requirement in the [Former State] to fill out FAFSA. Anyone who refuses does not graduate on that technicality." They noted the Student "would have graduated with a regular standard diploma with two endorsements."

10. In a timeline supplied by the District, they noted their August 22, 2025 discovery of the Student not meeting requirements for a standard diploma "because [the] Student did not complete FAFSA or opt out form[,] which is a requirement in [Former State]. All other requirements [were] fulfilled for [a] standard diploma."

11. In a timeline supplied by the District, they noted on August 25, 2025 the School Counselor reviewed the Student's transcripts from the Former District and found the Student needed two health classes to fulfill the District's diploma requirements.

12. The Student's 2025-26 attendance profile indicated absences for the Student's three scheduled periods on November 10, 12, 13, 14, 17, 18, 19, and 20, 2025.

13. The Student's Discipline Profile for the 2025-26 school year indicated the following incidents:
    a. September 5, 2025: a staff member reported the Student did not comply with the phone policy, and when asked to comply, the Student told staff to "get the fuck away from me" and "don't fucking touch me." The Student continued to use their phone, and staff

contacted the Case Manager. The staff member "called home and left a voicemail, but did not receive a response.

b. September 9, 2025: a staff member reported the Student did not comply with the phone policy, and when the Student was "asked to turn [their] cell phone into the [Student Management Office] SMO," they were "non-compliant." The Student "backhanded [the staff member's] arm" and told the staff member to get away from them. The staff member contacted the Parent, described the interaction, and "informed [the Parent] that this behavior cannot happen in school."
c. October 1, 2025: a staff member reported the Student was using their smart watch in class and when asked to put it away, the Student told them to "piss off." When asked again, the Student "screamed 'shut up.'" The staff member told the Student to go into the hall and take a break, but the Student refused to comply. An administrator responded, and the Student said, "kill yourself" as they were gathering their things to go to the office. The Case Manager took the Student on a walk and contacted the Parent. The Student eventually "stormed out of school."

14. In a September 9, 2025, email to the Parent, the School Counselor attached enrollment history for the Student and stated, "It shows an Enter Date (start date) of [September 5, 2025]."

15. In the Complaint, the Parent described an incident on September 12, 2025 where the Student "became overwhelmed during a phone and headphone conflict and struck the assistant principal." The Parent indicated the District "treated this [incident] as a transition struggle tied to a loss of familiar supports and a new environment."

    The Parent also reported an incident on October 1, 2025 where a teacher documented the Student's verbal escalation and difficulty with redirection. The Parent noted, "Both incidents supported the plan for [the Student] to move to the Transition Program to work on coping skills and functional independence."

16. A September 20, 2025 document titled "Consideration for Modified Diploma" noted the Student's expected graduation year as "2026" and a recommendation for a modified diploma by the IEP team, the Parent, and the Student.
    a. The IEP team considered transcripts, teacher feedback, attendance history, the IEP, state test scores, "performance with accommodations and/or behavioral records," and that the Student was "able to meet the capacity of full work experience hours for credit" and was not engaged in the illegal use of drugs or alcohol.
    b. A box was checked indicating the Student had a "documented history of an inability to maintain grade level achievement due to significant learning and instructional barriers."
    c. Extenuating circumstances indicating why the decision was not made two years prior to the Student's graduation stated, "[The Student] moved to [Current State from Former State]. While in [Former State], instead of modifying [the Student's] diploma, they provided [the Student] one-on-one support. Our team noticed a significant deficit in the area of transition. [The Student] would greatly benefit from [the District's] transition program to work on skills to be successful in the workplace."

d. The “Course of Action” indicated a modified diploma.
e. The document was signed and agreed to by the Parent, the Case Manager, the Director, a general education teacher, an administrator, and the Special Education Coach on October 1, 2025.

17. A September 23, 2025 Eligibility Summary Statement outlined the Student met disability criteria and was eligible for ASD, EBD, and OHI. The statement was agreed upon and signed by the three participants (six roles), including the Parent, the Special Educator, and the Special Education Coach.

18. IEP meeting notes from September 23, 2025 included Parent concerns listed verbatim in the IEP.
    a. Under “academic placement and educational impact reviewed and updated,” the notes indicated “the team determined based on history and current observations that [the Student] would benefit from a modified diploma.”
    b. Under “Goals updated to reflect progress and needs,” the notes indicated new goals were written to support the Student in the transition program and to support them when “an unpreferred task is asked of [them].”
    c. Under Specially Designed Instruction (SDI) services and minutes, it was noted the minutes were based on the Student utilizing the transition program.
    d. Under “accommodations reviewed and updated to reflect current progress and needs,” it was noted there was a “behavior plan around how to support [the Student] when [they] get frustrated,” along with other accommodations listed in the IEP.

19. The Student’s September 23, 2025 IEP from the District indicated an eligibility for ASD, OHI, and EBD and included the following relevant information:
    a. Present Levels
        i. The Student was “working toward [their] modified diploma,” and was supported by a program that “offers push-in and pull-out supports for students to access general education with accommodations and modifications with minimal removal.” The Student would participate in the transition program after they completed their modified diploma.
        ii. The Parent’s concerns included the Student needing transitional services because they struggled with social skills and life skills. They noted pulling the Student aside to chat when frustrated is preferred, and “the phone has been an issue.” The Parent suggested the School have the Student “turn [their] phone in at the beginning of class and collect it after school.” The Parent suggested the Student have a goal to work on their negative response when asked to do an unpreferred task.
        iii. STAAR EOC scores were included from the Former District IEP.
        iv. Support for electronic devices procedures, functional routine goals, community access goals, career readiness goals, behavior commentary, independent life skills goals, and information about unified sports were included. Test scores and level information verbatim to the Former District IEP were also included.
    b. Graduation Options included a projected graduation/exit date of November 14, 2025, and checked boxes next to “with alternate document” and “modified diploma.”

c. Each section of Transition Planning was complete and included a plan for the 2025-26 school year to take "Health 1, Health 2, [and] Unified Sports" and to participate in "coordinated activities" and "community experiences."
d. Special factors indicated the Student's behavior did not impede their learning or the learning of others, they did not have communication needs, nor were they limited in English proficiency, visually impaired, or hard of hearing. The Student did need assistive technology or services.
e. One goal each was included in the categories of community access, career readiness/transition, activities of daily life, and functional skills/routines. Progress on goals would be reported on November 14, 2025, March 6, June 12, and September 23, 2026.
f. SDI would be provided by a Special Education Teacher/Provider in the "community/special" from September 23, 2025 through September 22, 2026 as follows:
    i. Activities of Daily Life for 60 minutes per week;
    ii. Career Readiness/Transition for 240 minutes per week; and
    iii. Community Access for 120 minutes per week.
g. SDI for Functional Skills/Routines would be provided by a Special Education Teacher/Provider in the general education classroom from September 23 to November 21, 2025, for 30 minutes per month.
h. Accommodations provided by a Special Education Teacher/Provider in the Special Education/General Education Classroom from September 23, 2025 through September 22, 2026 included:
    i. Dictation for 30 minutes per month;
    ii. Social/Behavioral support - immediate feedback in a one-to-one setting for 30 minutes per week;
    iii. Check for understanding for 30 minutes per week;
    iv. Extra time on large assignments for 30 minutes per month;
    v. Leave class five minutes early from each class period for 10 minutes per day;
    vi. Small setting for testing for 30 minutes every two weeks;
    vii. Copy of accommodations for 10 minutes per year;
    viii. Use of notes on test for 30 minutes per month;
    ix. Provision of a copy of class notes for 15 minutes per week;
    x. Break large assignments into smaller steps for 15 minutes per week; and
    xi. Text-to-speech for 30 minutes per month.
i. Modifications provided by the Special Education Teacher/Provider in the Special Education/General Education Classroom for the duration of the IEP included, "Allow modified grades/assignments/assessments in consultation with special education case manager for 90 minutes per year."

20. A September 23, 2025 Educational Placement Discussion and Decisions document indicated the Student would be in general education 100% of the time, starting September 23, 2025 and "Community-based 80% or more" starting December 1, 2025 to allow for access to the transition program and "more opportunities for one-on-one support."

21. In an October 21, 2025 email to the Student's teachers, the Case Manager notified them the Student could leave five minutes early from all classes to "give [the Student] time in the halls without large groups."

22. In a November 7, 2025 email to the Parent, the Case Manager informed them the Student would graduate "at the end of [the] Trimester," would start the transition program in Trimester Two, and inquired about a time to meet. The Case Manager also clarified the Student's last day at the School would be November 20, 2025, and they would start the transition program in December of 2025.

23. In a timeline supplied by the District, they noted an incident outside of school on November 8, 2025, that led to the Student's absence "via parent choice" from November 10 through November 14, 2025 (four school days, with a holiday on November 11, 2025).

24. In a November 17, 2025 email to the Case Manager, the Parent informed them they were "currently dealing with a crisis with [the Student]," and they wanted to keep the meeting scheduled for that day. In a response 12 minutes later, the Parent reported the Student was "currently in jail since yesterday and we are waiting for arraignment."

    The Case Manager replied on November 18, 2025 and asked if there was a directive given at the arraignment. (**D2860**) The Parent replied and stated, "No contact[,] direct or indirect[,] with minors. [A] safety plan is required from [the] School for that to be altered. [The Student] [is] home." They replied several hours later and added "[The Student] can't come to school of any kind without a plan, so what is the plan? … Please come up with something ASAP so we can submit it to the attorney tomorrow for court Thursday."

    The Case Manager replied a few hours later and stated, "There is no way a plan will be made by tomorrow. … It requires a team. … We want to make sure that the plan is for the safety of others and [the Student]."

25. In a November 17, 2025 email to the Abuse Investigator, the Case Manager introduced themselves and informed them the Student was "graduating this week from high school with a modified diploma" and then would be attending a transition program, which was housed in an elementary school in the District.

26. In a November 18, 2025 email to the Director, the Case Manager informed them the Student was home and was "to have no contact[,] direct or indirect[,] with minors[,] unless a school safety plan is put into place."

    The Director replied the same day, included the Elementary Principal where the transition program was located, and stated the transition program would still be an option "if the team developed a plan that meets the criteria and clearly addresses how to keep other students safe."

The Case Manager replied on November 19, 2025 and stated they "gathered information regarding the safety plan. This plan is something that will be taken to the [District Attorney] DA's office for approval, until then, [the Student] is not allowed near minors." They noted the DA wanted the Student to be with an adult at all times when around minors, and if the Student did not follow the plan, the District would report it. The Case Manager added the plan should be "done with the team" since the Student had "graduated from [the School] and will be going to transition."

The Elementary Principal replied the same day and stated, "Because the transition program is housed at the elementary school, I do not believe this is an appropriate option." They noted the New Case Manager felt the same way and was "open to considering whether a virtual option is possible. … The transition program does seem like a wonderful opportunity for this student, but we both agreed that the elementary setting feels inappropriate."

The Director replied to a "Team" and stated, "I think offering the idea that [the Elementary Principal/the New Case Manager] came up with would be most appropriate." The Case Manager replied, asking if the Director would communicate this with the Parent and the Student, and the Director responded, "It would be an IEP team meeting to discuss placement."

27. In a November 19, 2025, 3:33 p.m. email to the Case Manager, the Parent wrote, "[The Abuse] Investigator commented that [another District's] transition program would be better for the duration of [the Student's] case." The Parent added the Student would need "door to door transport" as part of their IEP for that program to work.

    The Special Educator replied on the same day at 3:47 p.m. and asked if the Parent had reached out to that school, told them they would talk about changes to the IEP "once we have everything in place," and encouraged the Parent to reach out to the other school if they were interested.

    The Case Manager forwarded the emails on the same day at 3:43 p.m. to the Director and the Special Education Coach and asked how the Student could transfer to the program in the other district. The Director replied at 4:11 p.m. and noted it would be an inter-district transfer and the District "would not be obligated to provide transportation." They provided the possible option of transporting the Student to the District boundary line.

    The Parent replied to the Case Manager on the same day at 4:22 p.m. and indicated the transfer would need to be initiated by the District "to get [the Student] the transportation accommodations that would be required to make it functional. [The Student] absolutely can't be alone right now and can't ride a regular bus."

    The Case Manager replied to the Parent on the same day at 5:46 p.m., indicating they would "follow up with [the] District office" and explained a student must apply to transfer and "if you choose to go to that district, ours would not provide transportation."

The Parent replied to the Case Manager on the same day at 5:56 p.m. and stated, "I can't[,] that would be a voluntary transfer, not done to meet [the Student's] educational needs via IEP as the most appropriate placement and [the Student] would lose protections [they] need." They reiterated the Student would need "Sp[ecial]Ed[ucation] bus service" because they could not "ride with other kids or wait at the bus stop, and [they] won't be driving for the foreseeable future." They attributed this to the Student's EBD.

On November 20, 2025 at 2:18 a.m., the Case Manager replied to the Parent and noted, "Many decisions will be a team decision and we need to continue to explore options. I was unaware that [the Student] was no longer driving."

The same day at 7:27 a.m., the Case Manager forwarded the Parent's response to the Director, the New Case Manager, and the Special Education Coach and stated, "I am not sure exactly what [the Parent] wants. [The Student] now needs door-to-door."

28. In a November 20, 2025 Circuit Court document outlining the Student's release agreement, it was noted "[The] defendant may attend [their] educational program at [the Elementary School]. [The] defendant may not have any unsupervised contact with minors at any time. [A] responsible adult must be present at all times where incidental contact may occur." The document was signed by the Student on November 17, 2025.

29. The Student's November 20, 2025 transcript indicated the Student completed 37.5 credits, while they needed 24 credits to graduate. Of the completed credits, one and a half were courses the Student completed in the District, and 36 were issued based on courses the Student completed in the Former District. The "Diploma Type" was listed as "24 Credit Standard [the District]."

30. In a November 30, 2025 email to the Parent and Parent 2, the Case Manager indicated there was a safety meeting scheduled for Tuesday "to put together the requirements [the Parent] relayed" prior to having the Student attend the Transition Program. They also inquired whether the Student needed to "be supervised around minors any longer."

    Parent 2 replied the Student did need to be supervised, and asked if the Student would start on "Tuesday instead of tomorrow." The Parent replied and shared, "Just supervised contact, no longer no contact. I'm unaware of any meeting." The Parent asked if the meeting was without the Parents or the Student and explained the Student needed "transportation and escort so there is no accidentally unsupervised contact when [they go] to the bathroom or to the bus." They noted Parent 2 would transport the Student until transportation was arranged.

31. In a timeline supplied by the District, they noted on November 30, 2025 the "team was not aware that [the] Student met [the] criteria for a standard diploma."

32. In the Complaint, the Parent indicated they signed a Release of Information (ROI) for the "purpose of creating a safety plan," which the District requested "for that purpose." The Parent asserted the District staff told them "repeatedly that a safety plan was being worked

on," a meeting "appeared" on December 4, [2025], but was cancelled, and a safety meeting never occurred.

33. In a December 2, 2025 email to the Department, the Parent indicated the Student was scheduled to begin a transition program in the District on December 1, 2025. They noted the Student had been out of school since November 10, 2025 due to a "trauma-related serious incident that occurred off campus." The Parent reported that on November 17, 2025, the District was notified of the Student's arrest, and since then, the Parent had "repeatedly requested a safety plan so [the Student] can return to school." The Parent also noted they "successfully got the restrictions placed on [the Student] reduced to 'supervision required with contact with minors.'" They added the Abuse Investigator attempted to contact the District on behalf of the Student.

34. In a December 2, 2025 email to the Parent, the Director outlined their understanding that the Student "requires adult supervision at all times per the terms of [their] safety plan developed with the District Attorney's [DA's] office." The District contended the Student's need for adult supervision at all times "arises in the context of [the Student's] criminal proceedings" and concluded the Student "would be able to access [their] educational services without additional adult supervision. It is not [the District's] obligation to ensure [the Student] complies with the terms of [their] release agreement or safety plan. … Accordingly, [the District] is unable to add adult supervision or special transportation to [the Student's] IEP, nor will [the District] provide additional adult supervision or special transportation."

35. In a December 2, 2025 email to the Abuse Investigator, the Case Manager notified them the program would be at an elementary school and asked if the Student was "unable to drive now" because the Parent was requesting bus service.

    The Abuse Investigator replied and stated, "[The Student] has been cleared to attend Transitions school. The parameters [are] [the Student] needs to be supervised since it is housed in a school with minors. Here is what the DA emailed for clarification purposes to me: 'Yes, [the Student] is allowed to go to school if [they are] supervised by an adult at all times. [The Student] cannot have unsupervised contact with any minor. Contact does not include incidental contact, such as walking by a minor in a grocery store. But, if [the Student] walked by a minor and started talking to the minor, that would be contact.'" The Abuse Investigator suggested a transition program in another district because "it is not housed in a school."

36. On December 2, 2025, the Special Educator sent a "safety meeting" invitation for December 4, 2025 to the Parent, and then the event was canceled and removed from their calendar.

37. In a timeline supplied by the District, they noted the December 2, 2025 meeting "did not include the Parent or [the] Student" and "the meeting was a staffing to discuss the potential of a safety plan."

38. The Case Manager "jotted down" notes from a December 2, 2025 safety meeting. The notes included the Parent requesting an administrator contact them, "the team" felt they should

create a "contract" to "spell out expectations" for the Student, and they discussed what to do if the Student was going to be late, if they were to get upset, and how they "struggle with authority." They noted the Student "likes [their] own space," and it needed to be communicated to the Student they "won't get that." They discussed who would report "if something happens," and "who is liable for what happens," and the Parent wanted "transportation door-to-door."

39. In a timeline supplied by the District, they indicated Parent 2 and the Student "showed up at the transition program," with the expectation Parent 2 would be the adult supervision for the Student.

40. A December 3, 2025 email chain between the Parent, Parent 2, and the Director explored the possibility of Parent 2 becoming a volunteer for the District to be a part of supervision for the Student while at school. The Director reiterated this process is necessary for parents to access the school building and stated, "The requirement that the DA has for adult supervision is outside of [the District's] responsibility as the incident occurred while school was not in session and is not connected to [the Student's] IEP services."

41. In a December 3, 2025 email to the Parent, the Director reiterated the Student was "welcome to attend the Transition Program," but the District was "not responsible for ensuring [the Student's] compliance with the DA's stipulations." They explained opportunities during the day where the Student may come into contact with minors and invited the Student to "participate in the program virtually via [their] Chromebook." They also stated they would "like to set up an IEP meeting to ensure that the District is aware of all the facts related to [the Student's] disability and consider if any amendments are necessary for [the Student] to be able to access the Transition Program."

    The Parent replied on December 6, 2025 and explained, "The court did not create a safety plan," and the District "was asked to propose one for the court to consider. … Despite repeated assurances that a plan would be drafted, the [D]istrict never produced one. The temporary restrictions were imposed because the [District] did not submit a plan, and we independently provided documentation to the court and requested permission to return to school." They added the Student could not navigate supervision independently due to their disability and the Student's "need for adult support is reflected in [their] modified diploma, [Supplemental Security Income] SSI eligibility, and [Intellectual Developmental Disability] IDD services." They also mentioned concerns for the Student's safety at a bus stop due to "situational awareness" being limited and "transportation [for the Student] is required."

    The Director replied on December 9, 2025 with date and time options for an IEP meeting and informed the Parent of an option for a facilitated IEP meeting through the Department.

42. In a series of December 3, 2025 emails between the Director and the Abuse Investigator, the Director received the indictment and amended release agreement for the Student, and reported the Student's case manager would be changing due to them being "in a different program."

43. In a December 3, 2025 email to the Case Manager, the Director asked if the Parent had requested the School develop a safety plan. They indicated if this was the case, they did not know why, "as [the Student] has never been physically aggressive in the school building, so there wouldn't be a reason for [the District] to create this." They shared their belief the DA provided stipulations the Parent and the Student would be responsible to "figure out."

    The Case Manager replied that, when they had the IEP meeting, the team discussed they "did not see the need" to have a behavior or safety plan. However, "when the situation occurred, [the Parent] wanted a safety plan." They indicated, after talking with the Special Education Coach, "the incident was not at school, and we only had verbal issues," so they did not create a safety plan.

44. On December 3, 2025, the Parent filed this Complaint.

45. In a December 4, 2025 email to the Department, the Parent stated, "[The District] did not maintain the extensive supports that were in place when [the Student] enrolled, including one-to-one assistance." They indicated this led to the first behavioral incident happening "seven days after enrollment."

46. In a December 5, 2025 email to the Department, the Director inquired if the District would be "responsible to provide Transition Services to a student who graduated with a standard diploma." The Department replied, "According to OAR 581-015-2045, A student who receives a regular high school diploma is no longer entitled to [a] FAPE. The only reason I could imagine that a district would be obligated to provide [a] FAPE and [s]pecial [e]ducation services is if they chose to do so or if they were required as a part of compensatory education agreement."

47. In a December 12, 2025 email to the Complaint Investigator, the Parent explained the Student was not driving due to anxiety and their driver's license was suspended. Additionally, the Parent reported the Student was attending the Transition Program in person due to Parent 2 "speaking directly with the classroom teacher and physically bringing [the Student] to school each day."

48. In an interview with the Complaint Investigator, the Parent explained why the Student did not graduate in [Former State] and how, when they came to Oregon, not having a diploma is what allowed them to enroll the Student in the District. "That's actually one of the reasons we allowed [the District] to cut [the Student's] [IEP] services back so hard was because I was so desperate to let them get [the Student] in [to the School]. One of the [staff members] from the District implied that they would modify [the Student's] diploma so that [they] would qualify for transition, but that [the Student] didn't qualify if [their] diploma was regular. And I think that they told me at the [September 23, 2025] meeting that they were trying to 'wink, wink, nudge, nudge' me … to have [the Student] take the health classes virtually so that [they] could get through them faster, so that [they] could get to the transition program sooner." The Parent noted they understood the consequences of the modified diploma, and "Part of the justification for the modified diploma was that the

previous school had [the Student] with a one-to-one aide for the entirety of [their] high school career. … [The Student] never learned how to deal with anything without that person present." They added the Student had three "behavioral incidents, one of which [the Student] backhanded the Principal," and the School told the Parent "it wasn't a big deal" because the School "was getting used to" the Student.

49. The Parent stated the District was "saying now that [the Student] graduated with a regular diploma or a university diploma, even though their own paperwork says that [the Student] got a modified diploma." They indicated the Case Manager made the suggestion the Student should go on a modified diploma, and "the IEP team that was present approved it. It was unanimous." They shared the Student's "grades on paper were really good," but the Former District "had just kind of been pushing [the Student] through. … There were modifications in [the Student's] IEP [in the Former District]. They were listed as accommodations rather than modifications, but we were able to show [the IEP team] the documentation." The Parent added the Case Manager "agreed that the [Former District] curriculum was modified" and reported they did not know how the work was graded in the health classes the Student took at the School. Those classes were "a box to check to get [the Student] into the transition program. … We were told that [the Student] [is] not eligible for the transition program if [they] get a regular diploma. So why would we have been having a meeting to put [the Student] in the transition program if [they] didn't have a modified diploma?"

50. The Parent reiterated, "In three weeks without a one-to-one aide, [the Student] had at least three different [behavioral] incidents." They clarified this was not the Student's typical behavior at school, "when [the Student's] got somebody who can manage [them], who knows [them], who knows how to deescalate, and [the School staff] didn't know [the Student]." They shared concern about the Student's ability to enter the workforce and the need to "have the skills to function."

51. The Parent explained they informed the Case Manager about the Student's arrest, the DA's concern regarding the Student's "contact with minors," and how the DA initially "wanted the School to tell them how they would handle it if [the Student] came back to school." The Parent added, "I hoped that they could come up with [a safety plan] pretty quick … Because [in] the transition program, there are people with much higher needs than [the Student]. They're all supervised all the time. So I was like, 'I don't understand what the problem is.'" "I asked for [the Case Manager] to give me just something in writing to send." A hearing was held on September 17, 2025 and the Parent described "pestering" the Case Manager "a couple hours after I talked with [them]" to get a safety plan for the Student to take to that hearing. The Parent noted they "didn't think it was a big deal," they didn't think "[the Case Manager] thought it was a big deal," but the Director "overreacted, only heard part of what was going on, made a lot of assumptions, jumped to a bunch of the conclusions, and just said no and shut the door."

52. The Parent reported the Student lost their driver's license due to "paperwork" that was filed during the legal matter, so they requested transportation from the District. They

explained the District "had already agreed we were going to try to let [the Student] ride the bus in the winter when the snow starts," but "they came back and said that they wouldn't provide [the Student] bus service." The Student had never ridden a "regular education bus," and prior to getting their license, "rode [the] Special Education bus from the time [they were] in [an] early entry program."

When asked how the need for transportation was related to the Student's disabilities, the Parent stated the Student had "always done special education transportation" and "the anxiety that was preventing [the Student] from being able to drive and being scared of being out alone." They reiterated the IEP team had already talked about the possibility of transportation in the winter, but "the conversation about why it was needed" did not happen in the IEP meeting. Regarding those conversations at the meeting, the Parent shared, "I was at their mercy. If they didn't let [the Student] into school, if I was too difficult, they could have just not allowed [the Student] to enroll, and I wasn't going to do that." The Parent added, "When [the Student] had a regression and [was] unable to drive, then [they] needed to be able to get to school, and special education transportation has always been appropriate for [them]." The Parent concluded the District "mischaracterized" the Student's need for transportation and did not "consider the fact that prior to [the Student losing their] license, [they] had special education [transportation] because [they've] got all of those sensory needs. [They are] autistic. [They] don't deal with noise."

53. The Parent shared their belief that the crime the Student was alleged to have committed outside of school was "part of [the Student's] qualifying condition" of EBD, but the District told the Parent "it wasn't part of [the Student's] disability" and "there had been no behavioral incidents [at school]." This exchange led the Parent to believe the District did an "informal [MDR]" without them. They added at the IEP meeting "we talked about [the] need to develop a behavior plan for [the Student], but developing one at the high school and then turning around, sending [them] to the Transition program, and then having to do it all over again didn't make a lot of sense because it was going to be a very short period of time." The Parent was "okay with that" because they knew the Student would be in the Transition Program soon and receiving more support.

54. When asked about the timeline for the Student's attendance, the Parent reported the week of November 10, 2025, the Student was not at school because of "trauma," and the doctor told the Parent to take the Student home. The Student was arrested on November 16, 2025, released on November 17, 2025, and "could have gone to school the next day and they would not let [them]. But part of that was because they didn't get us a safety plan of any kind, not even a 'We won't do that.'" November 20, 2025 was the last day of school before Thanksgiving break, and "was also the day that we had the second hearing, and we got [the release agreement] modified [to] 'with supervision' so [the Student] could be with kids, there just had to be an adult."

55. The Parent shared the Student was ready to go back to school, but "they were refusing to let [the Student] go at all" because the release agreement stated the Student needed supervision when they were around minors, and the Transition program was in an

elementary school. Parent 2 was driving the Student to school and completed volunteer paperwork so they could supervise the Student. "They were requiring [Parent 2] to go in. … it was like the third day that [the Student] went there, [and] the teacher's like, 'I'll take [the Student]. You're good.'" The Parent reported this happened before the background check approval for Parent 2.

56. When asked if they had requested an IEP meeting throughout this process, the Parent stated, "I have. … They actually offered an IEP meeting, and I said, yeah," but only if there was a facilitator.

57. In an interview with the Complaint Investigator, the Director reported the School Counselor did a "side-by-side" with the Student's transcripts from the Former District and discovered they needed health classes in order to meet graduation requirements. They explained when they had the IEP meeting, they did not have all of the records from the Former District, so with the information they had, they decided "we'll complete the paperwork to consider if a modified diploma is appropriate. The team did that. As the term went on, it was discovered that [the Student] did not require any modifications. … So over the time of the week following [Thanksgiving] break, it was discovered that [the Student] met criteria for a standard diploma." "We only award modified diplomas for students who earn modified grades. … [The Student] didn't require additional curriculum [and] didn't require modifications. … So because [the Student] earns standard grades, [they] earn a standard diploma. … We don't want to make [the Student] more disabled than [they are] by giving [them] a modified diploma."

58. The Director shared the Student "had zero incidents that would flag a concern that any sort of behavior intervention plan, any kind of safety intervention, anything like that, nothing like that was ever set off any alarms during the time that [the Student] attended [the] School."

59. The Director indicated the Transition Program was "typically" for students who earn "a modified diploma or less." They shared the Student would not be eligible for the Transition Program because they "met criteria for a standard diploma," but "we need an IEP meeting in order to discuss all this and make a decision." They noted they asked the Parent for an IEP meeting on December 3, 2025 and have requested a facilitated IEP meeting from the Department.

60. The Director explained "the Student was absent from school between November 10 and November 14, [2025] by [the] Parent's choice," on November 17, 2025, they "learned that there was an incident that occurred outside of school on November 8, [2025]," the Student was in jail, and they needed a safety plan. The Parent "implied that the District had this responsibility to create a safety plan … in order to abide by the stipulations in the release agreement." They added the Student was released from jail with a release agreement stating "[the Student] could attend school, but that [they] would have to abide by the stipulations in the release agreement. … The Parent contacted the Case Manager essentially demanding that the District be responsible for meeting the criteria of the release

agreement, which is why [the Parent] was requesting door-to-door transportation, as well as essentially supervision throughout the day." The Case Manager scheduled a safety plan meeting for Tuesday, December 2, 2025 because there was no school between November 21 and November 30, 2025. The meeting "was not something that the Parent implied that they wanted to be a part of. The way that their conversations went was that this is a District responsibility. 'You need to figure it out and then give me the plan so that I can take it to the DA.'"

The Director shared with the Parent "multiple times" the limitations of the safety plan were placed by the DA and were not the responsibility of the District. They described a conversation with the DA where they shared public information about the Student's case, and "it was at that time that I learned the understanding that the District is not responsible to ensure that these stipulations are abided by that were outlined in the release agreement. That is not our responsibility. It's not part of the IEP." They clarified it was not the responsibility of the District, whether the Student was currently enrolled or had graduated, because "the incident had nothing to do with school, nothing to do with the IEP. … [The Student] had no incidents during the fall trimester that would have led us to change the IEP in any way."

61. The Director clarified, "It wasn't the District that was excluding the Student from school, it was the Parent choosing not to send [them] because they knew that it would've been a violation of the release agreement." Additionally, "none of the services that the Parent requested were necessary before the Student had been in jail and been faced with this release agreement. So, door-to-door transportation or the level of supervision that they were requesting at the time, none of that was necessary throughout the first trimester." "[The Student] did not attend school on December 1st and 2nd, [2025], but not because of anything that the District said or demanded. It was purely because the Parent was demanding the safety plan, and the plan meeting didn't occur until [December] 2nd, [2025]."

62. When asked about the allegation of the District holding an MDR, the Director stated, "There was no disciplinary action whatsoever. The incident happened off school grounds. It didn't affect what was happening in the school. … There was no referral. There was no suspension, no [MDR], no purpose for that route to even be considered."

63. The Director verified the Student was removed from the SIS on December 4, 2025, which was "a technicality on the back end. ... There was still no barrier to [the Student] accessing the transition program." They clarified November 20, 2025 was the date the Student finished all their credits and "met the criteria for a standard diploma" and they were waiting for the upcoming facilitated IEP meeting to "hash all this out and determine … if [the Student] even earned a standard diploma, do we provide transition services to the end of the term when [they] participate in graduation ceremonies …"

64. The Case Manager recalled at the IEP meeting, "The [Parent] was very clear [a one-on-one aide] isn't something that [the Student] needed. … [They were] very clear on that."

65. The Case Manager shared the modified diploma "was the very first thing the Parent came to the school about." They explained the Student did not graduate in the Former District because they did not fill out a FAFSA form and when the Student came to the District, the Case Manager "had long conversations with the family [and] with [the Student]," where they learned the Student "was lacking some real skills to go out and kind of ... [The Student] needed some job coaching and more job support. … More experience in the community and being able to get some work skills." They stated, "To be able to be in a transition program in the state of Oregon, you have to be on a modified diploma." The Special Education Coach noted the Parent did not use the term modified diploma, but the team had a "discussion around what our program looks like compared to [the Former District]," whether it would be a good fit for the Student because they were "not lacking in the academic realm," but needed "everyday life things," and the Parent was "hoping to get [the Student] into that program." The Case Manager mentioned the Parent attempted to enroll the Student directly into the Transition Program when they moved into the District. The Case Manager said they did not feel pressured to put the Student on a modified diploma; they were trying to do their best to meet the Student's needs with the information they had.

66. The Case Manager recounted the Student had been arrested on November 16, 2025 and the Parent "had just been calling [the Student] out sick, so I wasn't aware until [they] contacted me [November 17, 2025]. … And then I remained in contact with [the Parent] pretty much daily from that point."

67. In an interview with the Complaint Investigator, the Case Manager shared the Parent "wanted me to create a safety plan immediately, to give to the court within hours, for [the Student's] arraignment hearing." They explained this was new to them and they could not do it that quickly because they needed to check with the Special Education Coach and the Director for guidance, and "That's kind of where the conversation of a safety meeting [started]." The Special Education Coach recalled the challenge of the timing because the Student was transitioning out of the School and into the Transition Program, "which meant that teacher [and] that school principal needed to be informed of what was happening." The Case Manager added they "felt very pressured by the [Parent] to create something and do it instantly. … [The Parent] [was] very, very aggressive … I tried to do things as quick as I can, but when you're dealing with so many people, it does take a little time, but I felt like I was communicating with [the Parent] so that [they] understood I wasn't not doing something."

    The Case Manager confirmed the "safety meeting" happened and included the Case Manager, the Special Education Coach, and the New Case Manager, who "created a list of concerns" based on what the Parent had shared with the Case Manager because they "never had anything official." The Special Education Coach clarified the meeting "was not in any form a decision-making [meeting] towards an IEP change or placement or anything," and the Case Manager added, "The IEP wasn't even necessarily discussed [and] it was more about what the requirements were from the judge to the family. … I did not invite a general education teacher. I did not invite [the] Parent. It was … a school meeting to see what

supports and services we actually had available between the two programs." The Case Manager reiterated the Parent did not request a safety meeting to come up with a plan together; they essentially told the Case Manager, "'You need to do this for [the Student] to come back to school and not go to jail.'"

68. The Case Manager reported the Student drove themselves every day while attending the School, and transportation "wasn't something that was ever in the IEP. So when [the Parent] brought that up, I had said that could definitely be a part of the conversation, but once I heard from [the Director] that these are stipulations that the court is putting on the family and not onto the school, really, there weren't any additional services that we needed to provide [the Student] because [they were] successful at [the School], and we had formulated an IEP to make [them] successful at the Transition Program." The Special Education Coach noted, "After we got the information that [it] was not our responsibility, then we were ready to serve." The Case Manager recalled the transportation conversation "had come into play originally because they were talking about potentially utilizing another district's transition program and [the Parent] wanted [the District] to transport [the Student]." They reiterated, "Transportation was never in [the Student's] IEP because [they] self-transported. The only reason [the Parent] wanted that put into the IEP was because [the Student] was no longer allowed to drive. And so it had nothing to do with [their] IEP."

IV. DISCUSSION

Content of IEP

The Parent alleged the District refused to provide reasonable supports (e.g., escorts, handoffs) and special education transportation necessary due to the Student's disability.

In developing, reviewing, and revising the child's IEP, the IEP team must consider the strengths of the child, the concerns of the parents for enhancing the education of their child, the results of the initial or most recent evaluation of the child, and the academic, developmental, and functional needs of the child. Special factors such as the communication needs of the child and whether the child needs assistive technology devices and services must also be considered. Additionally, for a child whose behavior impedes the child's learning or that of others, the IEP team must consider the use of positive behavioral interventions and supports, and other strategies to address that behavior. If, in considering these special factors, the IEP team determines that a child needs a particular device or service (including an intervention, accommodation, or other program modification) for the child to receive free appropriate public education, the IEP team must include a statement to that effect in the child's IEP. Nothing in this rule may be construed to require the IEP team to include information under one component of a child's IEP that is already contained under another component of the child's IEP.[3]

[3] OAR 581-015-2205; 34 CFR § 300.324(a)

The IEP must also 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. These must be to help the child advance appropriately toward attaining the annual goals, to be involved and progress in the general education curriculum, to participate in extracurricular and other nonacademic activities, and to be educated and participate with other children with disabilities and children without disabilities.[4]

The District's refusal to provide transportation was based on the fact that the Student previously self-transported and that the current need arose from a court-ordered release agreement rather than an educational disability. While the Student's [Former State] IEP included special transportation in 2024, the Student drove themselves to school in both the Former District and the current District. The Parent argued that the need for transportation was tied to the Student's EBD and ASD, citing regression and increased anxiety after the arrest, as well as a lack of "situational awareness." The District contended that the loss of the Student's driver's license was a legal consequence, not an educational one. The Director stated that door-to-door transportation was not necessary during the first trimester for the Student to access their education.

The Parent requested a "safety plan" involving constant adult supervision to comply with a court order prohibiting unsupervised contact with minors. The Student's release agreement required a responsible adult to be present at all times where incidental contact with minors might occur. Because the Transition Program was housed in an elementary school, the Parent requested the District provide this supervision. The District maintained that ensuring compliance with criminal release agreements is not an obligation under the IDEA. The Director argued that the Student's school behavior did not warrant such intensive supervision as an educational necessity. District staff met to discuss potential supports on December 2, 2025, but did not include the Parent or develop a formal safety plan or IEP amendment.

The District acknowledged that an IEP meeting was necessary to "hash all this out" and determine if amendments were needed for the Student to access the Transition Program. The District sought to have an IEP meeting, which the Parent indicated they would attend only if a facilitator was present.

The Department does not substantiate this allegation.

Parent Participation

The Parent alleged the District refused to convene an IEP or safety plan meeting with Parent involvement after a request on November 17, 2025 and held a meeting on December 2, 2025 without the Parent or the IEP team.

School districts must provide one or both parents with an opportunity to participate in meetings with respect to the identification, evaluation, IEP, and educational placement of the

[4] OAR 581-015-2200(1)(d); 34 CFR §§ 300.324(a), 300.34(a), 300.42

child, and the provision of a FAPE to the child. A written meeting notice must be provided to parents sufficiently in advance to ensure that one or both parents will have an opportunity to attend. The written notice must state the purpose, time and place of the meeting and who will attend, inform the parent that they may invite other individuals whom they believe have knowledge or special expertise regarding the child, inform the parent that the team may proceed with the meeting even if the parent is not in attendance, and inform the parent of whom to contact before the meeting to provide information if they are unable to attend. Additionally, the school district must take whatever action is necessary to ensure that the parent understands the proceedings at a meeting. A meeting does not include informal or unscheduled conversations involving school district personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision if those issues are not addressed in the child's IEP. A meeting also does not include preparatory activities that public agency personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting. A meeting may be conducted without a parent in attendance if the school district has given the parent appropriate and lawful notice.[5]

School districts must take steps to ensure that one or both of the parents of a child with a disability are present at each IEP or placement meeting or are afforded the opportunity to participate. They must notify parents of the meeting early enough to ensure that they will have an opportunity to attend and schedule the meeting at a mutually agreed-upon time and place. An IEP or placement meeting may be conducted without a parent in attendance if the school district is unable to convince the parents that they should attend. If the school district proceeds with an IEP meeting without a parent, the district must have a record of its attempts to arrange a mutually agreed-upon time and place, such as detailed records of telephone calls made or attempted and the results of those calls, copies of correspondence sent to the parents and any responses received, and detailed records of visits made to the parent's home or place of employment and the results of those visits. The school district attempts to convince parents to attend are considered sufficient if the school district communicates directly with the parent and arranges a mutually agreeable time and place (and sends written notice to confirm this arrangement) or sends written notice proposing a time and place for the meeting and states in the notice that the parent may request a different time and place, and confirms that the parent received the notice. "Sufficient attempts" may all occur before the scheduled IEP or placement meeting, and do not require the scheduling of multiple agreed-upon meetings unless the team believes this would be in the best interest of the child.[6]

Following the Student's arrest on November 16, 2025, the Parent contacted the District requesting a "safety plan" with the intent to obtain a document for the court to satisfy release conditions that required the Student to be supervised around minors. The Case Manager informed the Parent that a plan could not be created "instantly" and would require a team to ensure the safety of the Student and others. The District later determined that the requested "safety plan" and adult supervision were stipulations of a criminal release agreement, rather than requirements arising from the Student's disability or educational needs. The District asserted that it was not obligated to ensure compliance with court-ordered release terms.

[5] OAR 581-015-2190(1-5); 34 CFR §§ 300.322, 300.501(b)(c)
[6] OAR 581-015-2195(1)(3); 34 CFR §§ 300.322

The District held a meeting on December 2, 2025, which the Parent alleged was an improper IEP or placement meeting held without their involvement. The District's timeline and interviews clarify that this was a "staffing" rather than an IEP team meeting. Participants included the Case Manager, the Special Education Coach, and the New Case Manager. The Case Manager and the Special Education Coach reported that the meeting was not a decision-making forum regarding an IEP change or placement. Instead, it was held to "jot down" notes and explore what supports and services might be available between programs to address the Parent's requests. Because the District characterized this as internal staff coordination regarding the court's requirements, not an IEP meeting, they did not invite the Parent or other required IEP team members.

The District did not "refuse" to meet, but rather disagreed on the purpose and urgency of the requested meeting. On December 3, 2025, the Director invited the Parent to an IEP meeting to discuss how the Student's disability might impact their access to the Transition Program in light of the new circumstances. The Parent agreed to an IEP meeting only on the condition that it be facilitated by the Department. The Director subsequently requested a facilitated meeting from the Department to "hash out" the issues of graduation and transition services. A "safety meeting" was briefly scheduled for December 4, 2025, but was canceled by the District. The District's stance remained that the safety plan was a parental responsibility related to the DA's office, not an IEP-driven service.

The evidence indicates that the December 2, 2025 meeting was an internal staff coordination session regarding the logistical impact of the Student's court-ordered release conditions. Because no formal changes were made to the IEP or the Student's educational placement during this session, it did not trigger the parental participation requirements of the law.

The Department does not substantiate this allegation.

Manifestation Determination

The Parent alleged the District made a unilateral determination that the situation was not disability-related, acting as an informal MDR outside of the IEP process, without parent participation, the IEP team, or procedural safeguards.

Districts must conduct a Manifestation Determination Review (MDR) whenever the district decides to change the placement of a child with a disability because of a violation of a code of student conduct. This requirement is triggered when a student is subjected to a disciplinary removal for more than 10 consecutive school days or subjected to a series of removals that constitute a pattern.

In determining whether the child's behavior is a manifestation of the child's disability, the school district, the parent, and relevant members of the IEP team (as determined by the parent and the district) must review all relevant information in the student's file, including the child's

IEP, any teacher observations, and any relevant information provided by the parents to determine if the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability or if the conduct in question was the direct result of the school district's failure to implement the IEP. If the school district, the parent, and relevant members of the IEP team determine that either of these applies to the child and situation, the conduct must be determined to be a manifestation of the child's disability. If the basis for the team's determination is that the school district did not implement the child's IEP, the school district must take immediate steps to remedy those deficiencies.[7]

The District maintained that no formal or informal MDR was required or conducted because the school took no disciplinary action. The Director stated there was no referral, suspension, or disciplinary action following the November 8, 2025 incident because it occurred off-campus and was not connected to school activities. While internal communications show the District team discussed the relationship between the incident and the Student's disability, the Case Manager, after consulting with the Special Education Coach, concluded they "did not see the need" for a behavior or safety plan because the incident "was not at school" and the Student only had "verbal issues" while at the School. The Director informed the Parent that legal stipulations were the responsibility of the Parent and the Student, asserting the incident was "not part of the IEP."

The Parent asserted the District made a unilateral determination regarding the Student's disability that functioned as a gatekeeper to educational access. Believing the alleged crime was "part of [the Student's] qualifying condition" of EBD, the Parent claimed the District's statement the incident "wasn't part of [the Student's] disability" implied that an "informal [MDR]" occurred without their participation. The Parent argued the District's refusal to create a safety plan, which the court required for the Student's return, effectively excluded the Student from the classroom.

On December 2, 2025, the District held a meeting to discuss the Student's "safety plan" and legal stipulations. The District explicitly noted this "did not include the Parent or [the] Student" and was a "staffing to discuss the potential of a safety plan." While the District argues this was not an MDR, participants discussed the Student's "struggle with authority" and potential "liabilities." The Case Manager confirmed they "did not invite [the] Parent" for this "school meeting to see what supports and services we actually had available." The Director eventually concluded that supervising the Student was a criminal matter rather than a District obligation, and the Student could access services without additional District-provided supervision.

The requirement to hold an MDR is tied to a "change of placement" resulting from a code of conduct violation. Because the November 8, 2025 incident was off-campus and independent of school activities, the District issued no disciplinary referral, suspension, or expulsion. Consequently, the legal threshold for an MDR was never met.

The December 2, 2025 staffing did not constitute an "informal MDR"; its purpose was to determine the District's capacity to provide court-ordered supervision, not to determine if the

[7] OAR 581-015-2420; 34 CFR § 300.530(e)(f)

conduct was a manifestation of a disability. Evidence shows the Student's absence resulted from an inability to meet court-ordered conditions, rather than a District-imposed removal. The District remained "ready to serve" the Student under the existing IEP once the family satisfied court requirements.

The Department does not substantiate this allegation.

Free Appropriate Public Education (FAPE)

The Parent alleged the District provided no services, instruction, or placement from November 17, 2025 through the date of the complaint, and relied on criminal proceedings to deny services, constituting 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. The requirements of this rule also apply to children with disabilities who have been suspended or expelled from school.[8]

A district must admit an otherwise eligible student who has not yet reached 21 years of age on or before September 1 of the current school year. A student who receives a regular high school diploma is no longer entitled to a FAPE. A regular education diploma does not include an alternative degree that is not fully aligned with the state's academic standards, such as a certificate or general educational development credential (GED). If a school district chooses to provide special education to a student with a regular high school diploma, that student remains eligible for a FAPE. The obligation to make a FAPE available to individuals with disabilities 18 through 21 years old who have been convicted as adults and are incarcerated in an adult correctional facility applies only to those individuals who, in their last educational placement before their incarceration in the adult correctional facility were identified as being a child with a disability or had an IEP.[9]

Following the Student's release from jail on November 17, 2025, the Parent immediately requested a "safety plan" from the District to satisfy court-ordered release conditions. These conditions prohibited the Student from having unsupervised contact with minors. The District maintained that the responsibility to comply with the DA's release stipulations rested solely with the Parent. The Director argued that because the Student had shown no physical aggression at school, there was no educational basis for a safety plan or additional adult supervision within the IEP. The Parent argued that the Student could not navigate the required supervision independently due to their disabilities (ASD and EBD) and the District's refusal to provide a plan or supervision effectively barred the Student from attending school. While the District is not responsible for enforcing criminal release agreements, it remains obligated to provide a FAPE to eligible students. The District's response was to offer the Student "virtual"

[8] OAR 581-015-2040; 34 CFR §§ 300.530(d), 300.17
[9] OAR 581-015-2045(1-4); 34 CFR § 300.101(a)

access via a Chromebook on December 3, 2025, rather than providing the in-person supports necessary for the Student to attend the transition program safely.

The Student was absent from November 10 through November 20, 2025. While the initial absences (November 10 through 14, 2025) were by "parent choice" due to trauma, the subsequent absences occurred while the Parent was actively seeking a way for the Student to return under the new legal restrictions, although the District was not restricting the Student from attending school. The Student was scheduled to begin the District's Transition Program on December 1, 2025. However, the program was housed in an elementary school. The Elementary Principal and the District team initially deemed this placement "inappropriate" because of the Student's legal restrictions regarding minors, yet no alternative in-person placement was immediately provided. A "safety meeting" was held by District staff on December 2, 2025, but it excluded the Parent and the Student. This meeting was described as a "staffing," rather than an IEP team meeting, to discuss necessary changes to placement or services.

A complicating factor was the evolving status of the Student's graduation. The District claimed that, on November 20, 2025, it was discovered the Student met the criteria for a standard diploma, which would terminate their right to a FAPE. However, the Student's existing IEP and signed "Consideration for Modified Diploma" explicitly placed the Student on a modified diploma track to allow for transition services. The District did not hold an IEP meeting to formally change the diploma status or notify the Parent of the termination of FAPE eligibility during the period of the complaint.

In evaluating the District's obligations, the evidence demonstrates that despite the complexities of the Student's legal restrictions, the District maintained an available educational placement and did not formally bar the Student from attending. While the confusion regarding the Student's diploma status and the logistical challenges of the Transition Program's location created significant friction, the District attempted to bridge the gap by offering virtual access and maintaining the Student's enrollment. The District did not affirmatively deny the Student access to their educational program.

The Department does not substantiate this allegation.

ADDITIONAL FINDING

Review and Revision of IEPs

School districts must ensure that the IEP Team reviews the child's IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved. The IEP Team must revise the IEP as appropriate to address any lack of expected progress toward the annual goals and in the general education curriculum, if appropriate. The Team must also address the results of any reevaluation, information about the child provided to, or by, the parents, the child's anticipated needs, or other matters. The regular education teacher of the child, as a member of the IEP Team, must, to the extent appropriate, participate in the review and revision of the IEP. This participation includes assisting in the determination of appropriate

positive behavioral interventions and supports and other strategies, and supplementary aids and services, program modifications, and supports for school personnel.

In making changes to a child's IEP after the annual IEP Team meeting for a school year, the parent of a child with a disability and the school district may agree not to convene an IEP Team meeting for the purposes of making those 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 without a meeting, the school district must ensure that the child's IEP Team is informed of those changes. Upon request, a parent must be provided with a revised copy of the IEP with the amendments incorporated.

Following the Student's arrest, the Parent provided the District with a copy of the release agreement. That agreement provided a clear indication of a change in the Student's circumstances related to their supervisory needs in order to maintain a safe environment. While the IEP team may ultimately have decided that no changes were required in the IEP, the District had an obligation to ensure that the IEP team reviewed the information, and it failed to do so.

Rather, the District made a unilateral determination that information provided by the Parents would not result in changes to the IEP.

V. CORRECTIVE ACTION[10]

In the Matter of Redmond School District
Case No. 025-054-088

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

Action Required	**Submissions**	**As Soon As Possible But No Later Than Due Date**
1. The District must provide notice and convene an IEP meeting to review and consider the information provided by the Parent about the Student's supervision needs, and revise the IEP, as appropriate.	The District shall submit to the ODE the following: Notice of Team Meeting, IEP meeting notes, IEP amendments, if any, and PWN.	February 23, 2026

[10] 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)).

2. The District must ensure that all the District's staff and administrators responsible for the review and revision of IEPs receive training in this regulation, specifically on the need to convene an IEP meeting to consider parent concerns and a student's anticipated needs.	Training agenda/materials to ODE for review/approval. Sign-in sheet for training.	February 23, 2026 April 3, 2026

Dated: this 30 Day of January 2026



_____

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).)