**BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION**

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| In the Matter of North Clackamas School District 12 | ) | FINDINGS OF FACT, CONCLUSIONS, AND FINAL ORDER Case No. 25-054-095 |

## I. BACKGROUND

On December 18, 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 North Clackamas School District 12 (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 24, 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 January 16, 2025.

The District submitted a *Response* on January 21, 2026, 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 01/15/26 (*sent on 01/16/26, access provided 01/21/26*)
2. Emails between the Parties dated 04/13/25 through 12/16/25
3. Medical Progress Notes, 05/20/25
4. Medical Letter, 09/22/25
5. Comprehensive Function Based Behavior Support Plan, no date
6. Antecedent, Behavior, Consequence (ABC) Recording Sheet, 10/08/25
7. ABC Recording Sheet, 10/14/25
8. ABC Recording Sheet, 11/06/25
9. Daily Attendance Profile, 2025-26 School Year

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

10. Behavior Tracker, 09/08/25-09/24/25
11. Behavior Tracker, 09/25/25-10/22/25
12. Daily Tracker, 10/23/25-12/19/25
13. Student Discipline Profile, 2025-26 School Year
14. Individualized Education Program (IEP) AMENDMENT, 03/12/25
15. Comprehensive Function Based Behavior Support Plan, 04/15/25
16. Self-Regulation Menu, no date
17. IEP Progress Period Detail, 11/03/25
18. Special Education Placement Determination, 03/12/25
19. Meeting Minutes, 02/20/25
20. Prior Notice and Consent for Initial Provision of Special Education Services, 03/12/25
21. Psychoeducational Assessment Report, 02/20/25
22. Behavior Support Plan (BSP), 04/13/25
23. Team Meeting Notes (General), 10/02/25
24. Team Meeting Notes (General), 11/04/25
25. Parent Guardian Consent for Individual Evaluation, 11/06/25
26. Direct Messages between: [the Teacher], [the Parent], 09/05[25]-09/26/[25]
27. Prior Written Notice (PWN), 10/02/25
28. Report Card, 2025-26 School Year
29. Tools and Toys at School, no date

The Parent submitted a *Reply* on January 23, 2026, providing an explanation and rebuttal and documents in support of the Parents' position. The Parent submitted the following relevant items:

1. Parents' *Reply* to the District's *Response* to *RFR*, 01/23/26
2. [The Student] Functional Behavior Assessment (FBA) Parent Interview Responses, 12/01/25
3. IEP Meeting Notes, 10/02/25

The Complaint Investigator interviewed the Parent on January 26, 2026 and District personnel on January 27, 2026. The Complaint Investigator reviewed and considered all of these documents, interviews, and exhibits in reaching the findings of fact and conclusions of law contained in this order. This order is timely.

## II. ALLEGATIONS AND CONCLUSIONS

The Department has jurisdiction to resolve this Complaint under 34 CFR §§ 300.151-153 and OAR 581-015-2030. The Parent's allegations and the Department's conclusions are set out in the chart below. The conclusions are based on the Findings of Fact in Section III and the Discussion in Section IV. This Complaint covers the one-year period from December 19, 2024, to the filing of this Complaint on December 18, 2025.

| Allegations | Conclusions |
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| **When IEPs Must Be In Effect**<br><br>The Parent alleged the District failed to implement the Student's IEP and BSP during the 2025-26 school year, specifically regarding the provision of regulation environments, sensory breaks, adult-supported co-regulation, bathroom access, preventive strategies, and transportation.<br><br>(OAR 581-015-2220(1); 34 CFR § 300.323(a)) | **Not Substantiated**<br><br>The District implemented the Student's IEP and BSP during the 2025-26 school year, including the provision of regulation environments, sensory breaks, adult-supported co-regulation, bathroom access, preventive strategies, and transportation. |
| **Content of IEP**<br><br>The Parent alleged the District failed to conduct the data collection and progress monitoring procedures required by the Student's IEP and BSP. The Parent stated the data collected (such as daily logs and "unsafe body" tallies) was fabricated, inaccurate, or "sanitized," and therefore failed to provide a valid measurement of the Student's progress toward annual goals as defined in the IEP.<br><br>(OAR 581-015-2200(1)(c); 34 CFR § 300.320(a)(3)) | **Not Substantiated**<br><br>The District conducted data collection and progress monitoring through the procedures required by the Student's IEP and BSP. The collected data did provide a valid measurement of the Student's progress toward annual goals as defined in the IEP. |
| **Evaluation Procedures**<br><br>The Parent alleged the District failed to follow evaluation and data collection procedures regarding the FBA and ongoing behavioral data. Issues included: mislabeling antecedents as behaviors; omitting adult actions and BSP fidelity data; failing to document observable behavior preceding escalation; and using speculative function labels (e.g., "attention-seeking") without evidence.<br><br>(OAR 581-015-2110(3)(4), OAR 581-015-2115; 34 CFR § 300.304) | **Not Substantiated**<br><br>The District followed evaluation and data collection procedures regarding the FBA and ongoing behavioral data. |
| **Least Restrictive Environment (LRE)**<br><br>The Parent alleged the District removed the Student from the LRE by excluding them from participation with peers during lunch, recess, PE, and standard dismissal routines, and by requesting early pickups.<br><br>(OAR 581-015-2240, OAR 581-015-2250; 34 CFR §§ 300.114(a), 300.116) | **Not Substantiated**<br><br>The Student remained in the LRE as the District continued to deliver most services in the general education setting. The Student's removals from peer-based routines were intermittent and occurred in |

| Allegations | Conclusions |
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| | response to specific safety concerns. |
| **Parent Participation**<br><br>The Parent alleged the District denied meaningful parent participation by "gatekeeping information", providing "sanitized" and incomplete narratives, refusing to provide real-time accurate daily logs, omitting adult actions from reports, and restricting access to staff involved in critical incidents.<br><br>(OAR 581-015-2190(1-5); 34 CFR § 300.501) | **Not Substantiated**<br><br>The District did not deny the Parent meaningful participation by "gatekeeping information", providing "sanitized" and incomplete narratives, refusing to provide real-time, accurate daily logs, omitting adult actions from reports, and restricting access to staff involved in critical incidents. |
| **Access to Records**<br><br>The Parent alleged the District maintained inaccurate, misleading, and falsified educational records and limited the Parent's access to the Student's information.<br><br>(OAR 581-015-2300(2)(3)(b); 34 CFR §§ 300.613, 300.618) | **Not Substantiated**<br><br>The District maintained accurate educational records and did not limit the Parent's access to the Student's information. |
| **Free Appropriate Public Education (FAPE)**<br><br>The Parent alleged the cumulative effect of non-implementation of the IEP/BSP and removals from the LRE denied the Student access to instruction and a FAPE.<br><br>(OAR 581-015-2040; 34 CFR §§ 300.17, 300.101) | **Not Substantiated**<br><br>The District provided the Student a FAPE. |

| REQUESTED CORRECTIVE ACTION |
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| ● Correct all violations of IEP/BSP implementation and ensure full compliance going forward.<br>● Prohibit all seclusion-like practices and ensure compliance with Oregon restraint and seclusion regulations.<br>● Require staff retraining on Oregon restraint and seclusion laws, trauma-informed care, declarative language, adult-guided co-regulation, FBA, and data-based decision-making.<br>● Require a valid FBA conducted by a qualified professional not previously involved with the Student, with meaningful parent participation, and use the results to review and revise the BSP as necessary.<br>● Require corrected behavioral documentation practices aligned with OARs and the IDEA, including accurate ABC data, documentation of adult actions, preventive strategies, and implementation fidelity. |

- Require district-level monitoring for a minimum of 12 months to ensure sustained compliance with the IEP, BSP, restraint and seclusion laws, and documentation requirements, including periodic reporting to ODE.
- Require real-time, meaningful parent communication consistent with the Student's IEP and BSP, including timely access to accurate daily logs and adult-generated information necessary for collaborative decision-making.
- Require immediate cessation of informal removals and exclusionary practices not authorized by the Student's IEP or permitted under the IDEA and OARs.
- Require written assurance protecting the Student from retaliation, with clear expectations for staff conduct and ongoing oversight to prevent retaliatory or coercive practices.
- Require consideration of compensatory education and/or related services to address instructional loss, emotional harm, and denial of access to education resulting from the District's violations.

## 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 19, 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 and attends an elementary school in the District.

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

3. The Student is bright, sensitive, and deeply observant. They love to play games, teach, and help, and are musical and creative.

4. In a February 20, 2025 Psychoeducational Assessment Report, under "Developmental and Medical History," it was noted the Parent was concerned the Student "may be on the spectrum." It was also noted the Student had a diagnosis of Attention-Deficit-Hyperactivity Disorder (ADHD), which was documented in September of 2024, and the Parent indicated the Student was "unable to get through one school day without an adult 1:1 supporting [their] learning and behavioral needs."

5. In February 20, 2025 meeting minutes from the Previous District, it was noted the Student had missed "a fair amount of kindergarten due to [their] behaviors." Behavior tracking revealed the Student attended 50% of their class. They had "10 or 11 referrals" and the "most consistent behavior is disruptive conduct." The Parent indicated the Student "is speaking with [their] body and not verbally expressing what [they] need or want but using [their] body to

communicate." Also noted was the Parent indicating the Student did not respond well to schedule changes and was "grieving for [their] [other parent] who died."

6. In a March 12, 2025 Prior Notice and Consent for Initial Provision of Special Education Services, factors considered included "[The Student] is undergoing an outside evaluation for Autism Spectrum Disorder [ASD] in April 2025. The team agreed not to evaluate for ASD at this time, but may explore that eligibility category in the future."

7. In a March 12, 2025 Special Education Placement Determination, the Student's placement was "80% or more of day- Regular Class" with "push-in and pull out services and accommodations." Benefits of this placement included more support for social-emotional needs, more support for academic needs, more opportunities for increasing independence, the Student would attend the neighborhood school, participation in General Education Settings with non-disabled peers, supports established relationships, access to the general education curriculum, and more support for academic needs. Possible harmful effects were "not enough support for sensory needs" and "not enough support for behavioral needs." A placement of "40 to 79% of the day- Regular Class" was considered and rejected because there would be less access to the general education curriculum, not enough support for academic or social-emotional needs, and it would not be at the Student's neighborhood school.

8. The Student's April 22, 2025 IEP amendment included the following relevant information:
    a. Summary of Present Levels included the Parent's concern about the Student's "academics and work completion" and about "falling behind."
    b. An amendment update for April 22, 2025 noted a new social-emotional goal "to address eloping behaviors," additional accommodations, and more clarifications to existing accommodations. The BSP was updated "to address elopement and unsafe behaviors." to "provide verbal and visual prompting of options," for the use of "declarative language when redirecting," and to "check-in about grief about [the Student's] [other parent]."
    c. Special Factors included a "yes," the Student did exhibit behavior that impedes their learning or the learning of others, and positive incentives, relationship building strategies, sensory inputs, calm down space, and breaks outside the classroom were listed in the explanation.
    d. Goals for Social and Emotional Skills were as follows:
        i. "By [March 11, 2026], during a moment of frustration, and when offered a pre-taught calming strategy by a teacher, [the Student] will use the strategy within 2 minutes, for 4 out of 5 moments of frustration."
        ii. "By [March 11, 2026], when a peer conflict occurs and with adult prompts, [the Student] will: 1) Identify the problem and emotional correlation within the social context with 80% accuracy, first with provided scenarios and choices, then fading choices until [the Student] can identify the problem independently. 2) Use pre-taught strategies to calm down. 3) Identify a solution to the problem within a social context, first with choices and then fading choices to encourage

independent problem-solving. 4) Problem-solve with the peer to make a repair in 3 out of 4 opportunities, as measured by teacher-recorded data."

iii. "By [March 11, 2026], when [the Student] elopes from the designated learning space, with adult and visual support (feelings chart, first-then, timers, etc.), [the Student] will transition back to class within 20 minutes in 3 out of 5 opportunities as measured by teacher-recorded data."

e. The Goal for Classroom/School Skills was "By [March 11, 2026], given a familiar academic task (e.g. try out reading strategy, turn-and-talk with partner, develop science prediction), [the Student] will independently remain on-task (i.e. actively working on the task, minimal disruption to self/others, asking relevant questions of peers/teacher), for 5 minutes or until the task is completed as directed, for 3 out of 5 academic tasks."

f. The Goal for Reading was "By [March 11, 2026], given a word list of 10 regularly spelled, one-syllable [Consonant-Vowel-Consonant] CVC words (e.g., cat, sad, rug) and letter-sound anchor chart, [the Student] will verbally sound out each phoneme (e.g., tapping strategy) and then blend to read 8 out of 10 words aloud, on 1 out of 2 progress monitoring assessments."

g. The Goal for Study/Organizational Skills was "By [March 11, 2026], upon finishing an activity that requires materials from the desk (e.g. pens, notebook, eraser, notebook), [the Student] will independently return all items neatly back to their designated spot in the desk within 2 minutes of completing the activity for 8 out of 10 activities."

h. All Specially Designed Instruction (SDI) was to be provided by the Special Education Teacher weekly for the duration of the IEP. Social and Emotional Skills was 75 minutes, and Reading was 30 minutes, both in the Special Education setting. Study/Organizational Skills was 25 minutes, and Classroom/School Skills was 225 minutes, both in the General Education setting.

i. Related services included Occupational Therapy (OT) for 240 minutes per year and Psychological Service from a Qualified Mental Health Provider (QMHP) for 30 minutes per week, both for the duration of the IEP.

j. Accommodations to be provided for 390 minutes (unless noted differently) throughout the day in the classroom included: access to break space in class, access to noise reducing headphones, accommodate excessive movement, adult support for evacuations and assemblies (20 minutes per month), adult support for field trips (500 minutes per year), adult support to prompt to re-check work and assignments, allow extra time to self-regulate when dysregulated, alternative mediums for writing tasks, create novelty when possible with incentives, rewards, and breaks, flexible and preferential seating, morning check-ins, prompts to use sensory items, provide 2-3 choices for alternate activity, reduced writing tasks, reminders to have a safe body and to stay in the expected area, send unfinished work home, social stories, visual checklist for cleaning desk, visual checklists for task completion, visual daily schedule, visual list of self-regulation strategies, warnings and visuals for changes in schedule, and written plan for guest teachers.

k. Accommodations to be provided for 390 minutes (unless noted differently) throughout the day in the school-wide setting included: access to break space outside the classroom, access to feelings chart, access to sensory regulation tools/strategies,

access to sensory limiting opportunities, adult support in solving conflicts, allow multiple bathroom and water breaks, BSP, checks for understanding when given directions, chunk up tasks/assignments, first-then, heavy work opportunities, home-school communication, ignore minor misbehavior, meaningful jobs and leadership opportunities, model academic and behavioral expectations, offer force choices, positive descriptive behavior encouragement, positive behavior incentives, positive praise (even when dysregulated), pre-screened and pre-taught fidgets, prompts to make a positive choice, provide natural consequences, provide verbal and visual sentence frames to support communication, provide visuals for problem solving conflicts, reduced work, reminders and modeling of expectations, scheduled sensory breaks, timers, use declarative language rather than directive when possible, use humor as often as possible, use physical proximity for teaching expectations, and verbally and role-play reflect back to the Student their behavior and model expectations.

l. The Statement of Nonparticipation Justification indicated a 6% removal from general education settings for reading and social-emotional skills.

9. The Student's April 15, 2025 Comprehensive Function Based BSP included the following relevant information:
    a. A "Hypothesis Statement" that named the Student's strengths, noted the Student experiencing the most success "within the first hour of the morning routine" at school, and a consideration of context and culture for the Student.
    b. "Setting Factors" included "ADHD diagnosis, parent reports [they] suspect ASD but there is not a diagnosis," the Student was adjusting to kindergarten, they had a history of "sensory seeking 'big' behaviors with items and peers," the Student portrayed a "negative self-image (tells staff there is something wrong with [their] brain)."
    c. "Antecedent/Triggers" were going from a preferred activity to a non-preferred activity, non-preference for options offered, sensory overload, transitions, peer conflicts, and processing grief.
    d. "Behavior of Concern" was "elopement from classroom and school building," "hitting of peers," and "throwing items at school, pulling items from shelves, etc."
    e. "Consequences" were "[s]taff provides verbal and visual prompting of options, stays near [the Student] and works to engage [them] in safe decision making," calls or texts home, "support staff called, if unsafe behavior is eminent [*sic*]," "[the Student] loses time in the instructional setting."
    f. "Function/Need" was "avoid item/activity."
    g. "Lagging Skills" were frustration tolerance, "stamina for kindergarten setting," emotional regulation, and impulse control.
    h. "Baseline Data" demonstrated three or more times a day, 40 minutes to two hours in length for elopements with bursts of aggression.
    i. "Replacement Behaviors" were to check in with an adult, a sensory activity, a visual calm chart, and "'heavy work', etc."
    j. "Interventions" included daily structured sensory movement breaks, daily growth mindset Check-In Check-Out (CICO), both in the a.m. and p.m. Additionally, teaching verbal strategies for expressing emotion in class and during check-ins.

k. "Antecedent Based Strategies" for prevention were providing choice with "first/then" by offering activities with sensory input to aid in regulation, using timers for transitions and shifts in activities, and CICO for the Student to share their "zone," and problem-solve.
l. "Teaching Replacement Behavior" included "remain with group" and "safe hands/body," which both earned three stars toward "activity time."
m. "New Response to Unexpected Behavior" listed elopement with the following strategies: follow at a distance without chasing, notify building office, do not put hands on the Student or restrain them unless they are in immediate danger, and if the Student were to leave school grounds, notify the Parent and/or police. Additionally, if the Student was "in the "red zone," pick up items and count/inventory. Last, if the Student was in the "yellow zone," ask them to be a "helper" and give them a purposeful job. Examples were holding the door, looking for classmates, counting heads, letting a teacher know it is time to transition, or assisting peers.
n. "Reinforcing Replacement and Expected Behaviors" included helping the Student reflect when they were calm, earning activity time, and using specific, detailed, and praise for the right action.
o. "Data Collection" included the use of a "tracking sheet for 'safe body' and 'stay in expected place'," with success being 90% of the time for both. Also included was noting the tools used to regulate and how often the strategies are employed.
p. A school psychologist was responsible for training "BSP Implementers" and providing implementation feedback. The Case Manager was responsible for notifying staff and adding IEP goals. Both were responsible for a BSP review every six to eight weeks.
q. Photo examples were provided for the Student's "Self-Regulation" menu, which included eight strategies with photos of each. Also included were four strategies to be used with an adult, with photos of each.

10. A 13-page document from April 15, 2025, outlined and provided a narrative of the Student's BSP. This document included a narrative about the purpose of the BSP and the following items were outlined: "target behaviors and replacement skills," "prohibited practices," "sensory breaks, regulation strategies, and environmental supports," "1:1 adult support- restoration and specification," "instructional supports and emotional regulation," "instructional methods and new expectations," "social stories," "transition support plan," "monitoring and review," "team communication protocol," "staff training requirements," and "recommended visual aids and additional supports."

11. May 20, 2025 progress notes from a doctor's office visit described concerns the Parent brought to the Doctor over time about ASD. The Doctor noted as of September 11, 2024, "I continued to feel [the Student's] behavioral presentation was more consistent with ADHD than ASD. [They have] very significant challenges with behavioral regulation, which did impact [their] social interactions to a degree; however, [they were] generally socially engaged and responsive." As of April 4, 2025, an Autism Diagnostic Observation Schedule, Second Edition (ADOS-2) was completed, with the Student scoring "just at the cutoff between 'non-spectrum' and 'autism spectrum.'" It was noted the Student's inattention "significantly impacted" their ability to engage in conversation, they were "very impulsive when providing

responses to items with visual stimuli," they were "constantly moving" ," and "constantly chewing on [their] shirt sleeve or collar and spoke loudly." The Parent was "strongly opposed" to the "option of medication and then re-evaluation."

It was reported the Student showed "weaknesses in working memory and processing speed, which is not unexpected given the ADHD diagnosis." It was concluded, "ADHD symptoms are absolutely the most notable part of [the Student's] presentation, [but] there does seem to be enough underlying additional behavioral differences that a diagnosis of [ASD] is also being made."

12. In an August 29, 2025 email to a secretary at the School, the Parent attached the Student's BSP and stated, "Please note that the 'Required and Immediate Supports' document is officially attached to [the Student's] BSP as an expansion and comprehensive outline of how to help [them] in [their] BSP."

13. In a September 3, 2025 email to the Case Manager, the Parent attached the Student's diagnostic report for ASD, asked them to share it with the entire team, and stated, "I would like for the entire team to be on the same level of communication about [the Student] at all times."

14. In a September 8, 2025 email to the Parent, with the Teacher copied, the Case Manager shared a link to the Student's "school-home communication and daily tracker," noted the Parent's feedback was welcomed and appreciated, and they would "make every effort to update information daily as soon after school as possible, but there may be days that you will not see information added until several hours after school is out."

15. A spreadsheet starting on September 8, 2025, tracked the Student's behavior with the categories "remain with group" and a checkbox, "safe hands/body" and a checkbox, "Tools Used," "Teacher Notes," "Parent Notes," and "Staff Notes." The document had entries with "remain with group checked" on September 10, 11, 15, and 16, 2025. No boxes were checked for entries on September 8, 9, 12, 17, 18, 19, 22, 23, 24, and 25, 2025. Under the "Teacher Notes" column, all dated entries included a unique narrative regarding the Student on the respective day. The 12 entries that had entries in the "Tools Used" column included a minimum of three of the following tools: movement break, fidget, visual schedule/prompt, verbal prompt/praise, and calm corner. There were nine entries in the "Parent Notes" column and five entries in the "Staff Notes" column, four of which included a photo of the Student's home-incentive for the day.

    In an interview with the Complaint Investigator, the Case Manager clarified this spreadsheet was "my first-attempt-draft at sending this information home. Off to the side, you see there was a period of time too where we were trying to link at-home incentives into [the Student's] day."

16. In a September 15, 2025 email to the Case Manager, the Parent introduced the Board Certified Behavior Analyst (BCBA) and requested scheduling some time to observe the

Student at school. The Case Manager replied the same day and included the School Psychologist so they could work with the BCBA to schedule. In a September 26, 2025 email to the BCBA and the School Psychologist, the Parent requested these observations take place in the morning and the afternoon. The BCBA replied the same day and confirmed they would be observing the Student the following Monday morning and assured they were "working our best to coordinate care for [the Student]."

17. A September 22, 2025 letter from the Doctor indicated the Student had a diagnosis of ASD and ADHD, Combined Presentation. They noted the Student's behavioral differences "include, but are not limited to, loud and nonsensical vocalizations, sensory-related behaviors (e.g., actions such as crashing into things or stomping, noises), and periodic meltdowns." They added the Student "cannot control these behaviors and often times they are not consistently amenable to redirection." On the same day, this letter was shared with the Case Manager, the Teacher, and the Principal in an email from the Parent.

18. On September 22, 2025, the Coordinator completed a "Behavior Team Request Form" to request support with "student consultation" for "behavior or Autism" for the Student. They noted the Student was new to the District, had "significant behaviors as a kindergarten student in [the Previous District]," and requested the behavior team "observe, do fidelity BSP implementation check," and consult on "how to best support" the Student so "this year is more successful for [them]."

19. On September 22, 2025, the Case Manager sent a message to the School Counselor, the Teacher, and the Principal, and reminded them to fill out the shared spreadsheet for the Student with "more specific timed info." They added they were working on "a simpler, more comprehensive, synchronized data collection tool, but for now[,] I want to make sure we are documenting."

20. In a September 23, 2025 email to the Paraeducator, with the Case Manager copied, the Parent asked for clarification regarding the day's events, particularly during a transition to a break in the "resource room calm space." The Case Manager forwarded the email to the Principal and asked how they should respond. On September 24, 2025, they replied to the email, added the Teacher and the Principal, and requested the Parent direct questions or concerns about specific events to them or the Principal. The Parent replied the same day and shared their intent for gathering "real-time information," their understanding of "the desire for centralized communication," their concern for "restricting direct access to staff who witness or support critical moments of [the Student's] day," and they "appreciate continued flexibility in this area where appropriate." They concluded, "Transparency, consistency, and proactive communication are essential … ."

    The Parent sent a follow-up email on September 26, 2025, at 1:16 a.m., noting they had not received a response. The Case Manager replied the same day at 7:52 a.m., describing the events on September 23, 2025. They described the Student asking for a break, going to the resource room, and spending time there with the Assistant Principal. The Student "entered a period of escalation again" and "wandered" the halls until the Assistant Principal "helped [the

Student] calm down" and they returned to class. They clarified the Teacher knew the Student was "either in class, taking a break, or had eloped," so they were unsure what the Parent meant by the Teacher being "unaware" of the Student taking or asking for a break.

21. A 2025-26 Student Discipline Profile for the Student included a September 25, 2025 incident of "theft" where the Student was "stealing [a] cheese stick from [a] peer, [and] hurt [their] hand in doing so." The disposition was a "restorative process" with the Principal.

22. In a September 25, 2025 email to the Case Manager, the Parent requested they share the "tool for the data" and provided an email address for sharing.

23. A spreadsheet dated September 25, 2025 through October 22, 2025 included the following columns with ratings for the Student, "0" being "minimal/none," "1" being "partial," and "2" being "successful":
    a. 8:30-9:00 a.m., "Morning Meeting": "With Gen[eral] Ed[ucation] Class" had 13 ratings of "2" and one rating of "1"; "Engaged in Class Activity" had 11 ratings of "2" and three ratings of "1"; "Engaged in Academic Task" had eight ratings of "2," two ratings of "1," and one rating of "0." Behaviors listed included "out of seat/area" once, "not following directions" three times, and "elopement" twice.
    b. 9:00-9:30 a.m., "Math": "With Gen[eral] Ed[ucation] Class" had 10 ratings of "2" and four ratings of "0"'; "Engaged in Class Activity" had seven ratings of "2," two ratings of "1," and five ratings of "0"; "Engaged in Academic Task" had seven ratings of "2," two ratings of "1," and five ratings of "0." Behaviors listed included "out of seat/area" and "physical aggression" twice, and "not following directions" three times.
    c. 9:30-10:00 a.m., "Math/Recess": "With Gen[eral] Ed[ucation] Class" had nine ratings of "2," one rating of "1," and four ratings of "0"; "Engaged in Class Activity" had five ratings of "2," four ratings of "1," and four ratings of "0"; "Engaged in Academic Task" had four ratings of "2," two ratings of "1," and four ratings of "0." Behaviors listed included "elopement" three times and "not following directions" once.
    d. 10:00-10:30 a.m., "Phonics": "With Gen[eral] Ed[ucation] Class" had eight ratings of "2," three ratings of "1," and four ratings of "0"; "Engaged in Class Activity" had two ratings of "2," three ratings of "1," and 10 ratings of "0"; "Engaged in Academic Task" had two ratings of "2," three ratings of "1," and nine ratings of "0." Behaviors listed included "out of seat/area" four times, "not following directions" seven times, "elopement" five times, and "physical aggression" twice.
    e. 10:30-11:00 a.m., "Social Skills": "With Gen[eral] Ed[ucation] Class" had six ratings of "2" and nine ratings of "0"; "Engaged in Class Activity" had three ratings of "2," three ratings of "1," and nine ratings of "0"; "Engaged in Academic Task" had two ratings of "2," three ratings of "1," and eight ratings of "0." Behaviors listed included "elopement" six times, "out of seat/area" four times, "physical aggression" three times, and "not following directions" five times.
    f. 11:00-11:30 a.m., "Lunch/Recess": "With Gen[eral] Ed[ucation] Class" had 13 ratings of "2" and one rating of "0"; "Engaged in Class Activity" had nine ratings of "2," one rating of "1," and one rating of "0"; "Engaged in Academic Task" had one rating of "2" and one

rating of "1." Behaviors listed included "physical aggression," "elopement," and "not following directions" once each.

g. 11:30 a.m.-12:00 p.m., "Literacy": "With Gen[eral] Ed[ucation] Class" had 12 ratings of "2," two ratings of "1," and one rating of "0"; "Engaged in Class Activity" had six ratings of "2," seven ratings of "1," and one rating of "0"; "Engaged in Academic Task" had three ratings of "2," four ratings of "1," and two ratings of "0." Behaviors listed included "out of seat/area," "elopement," and "physical aggression" twice each, and "not following directions" three times.
h. 12:00-12:30 p.m., "Literacy": "With Gen[eral] Ed[ucation] Class" had 12 ratings of "2" and three ratings of "1"; "Engaged in Class Activity" had six ratings of "2," seven ratings of "1," and one rating of "0"; "Engaged in Academic Task" had six ratings of "2," five ratings of "1," and two ratings of "0." Behaviors listed included "out of seat/area three times, "not following directions" four times, and elopement once.
i. 12:30-1:00 p.m., "Literacy/Free Choice": "With Gen[eral] Ed[ucation] Class" had 14 ratings of "2" and one rating of "1"; "Engaged in Class Activity" had nine ratings of "2," five ratings of "1," and one rating of "0"; "Engaged in Academic Task" had five ratings of "2," four ratings of "1," and one rating of "0." Behaviors listed included "not following directions" three times and "out of seat/area" once.
j. 1:00-1:30 p.m., "Writing": "With Gen[eral] Ed[ucation] Class" had 15 ratings of "2"; "Engaged in Class Activity" had nine ratings of "2," three ratings of "1," and three ratings of "0"; "Engaged in Academic Task" had eight ratings of "2," three ratings of "1," and three ratings of "0." Behaviors listed included "out of seat/area" three times and "not following directions" once.
k. 1:30-2:00 p.m., "Art": "With Gen[eral] Ed[ucation] Class" had 11 ratings of "2" and three ratings of "0"; "Engaged in Class Activity" had eight ratings of "2," one rating of "1," and five ratings of "0"; "Engaged in Academic Task" had five ratings of "2," one rating of "1," and five ratings of "0." Behaviors listed included "elopement" three times and "out of seat/area" and "not following directions" twice each.
l. 2:00-2:30 p.m., "Specials": "With Gen[eral] Ed[ucation] Class" had 11 ratings of "2" and three ratings of "0"; "Engaged in Class Activity" had 10 ratings of "2" and four ratings of "0"; "Engaged in Academic Task" had six ratings of "2" and four ratings of "0." Behaviors listed included "elopement" and "not following directions" twice each.
m. Of the 15 days entered, 10 had unique notes specific to the Student's behavior that day.

In an interview with the Complaint Investigator, the Case Manager clarified this spreadsheet was "when we were getting to know [the Student] and family and trying to be responsive to [the Parent's] requests and needs … [The sheet] was another attempt to capture the information that [the Parent] was looking for at home while also getting the information that the team needed and wanted for planning purposes and progress monitoring purposes." They added this was a paper form that was transferred to an online worksheet.

24. In a September 26, 2025 direct message to the Parent, the Teacher requested the Parent pick the Student up in the office at dismissal because they had "struggled to keep [their] body safe, and we feel this is the safest option for pick up." The Parent replied, "I need to clarify that [the Student] is capable of participating in standard dismissal with [their sibling], like all

other students. Unless there is a real-time, active safety emergency, I do not consent to [the Student] being isolated in the office. This approach feels unnecessary and stigmatizing, and it's not aligned with supporting [the Student's] inclusion. I need [the Student] outside today and moving forward."

25. In a September 26, 2025 email to the Parent, with the Teacher, the Case Manager, the School Psychologist, and the Coordinator copied, the Principal offered to discuss "creating a plan for the end of the day pick-up" and stated, "our number one priority is student safety." They described the Student's behavior that day as "consistently unsafe" and their concern about the Student being "outside of the school during dismissal." They explained, "When students are showing us unsafe and unpredictable behaviors, waiting in the office is a significantly safer option and one, though inconvenient, we will continue to consider in order to keep [the Student] safe. [The Student] was never left alone or isolated in the office." They noted during the Student's unsafe behavior, "adults consistently offered redirection, options, timers, visuals, and incentives, which were unfortunately unsuccessful." They also addressed the September 23, 2025 email exchange with the Case Manager about communicating directly with the Paraeducator. "In all situations in our school and District, we request our paraeducators redirect all inquiries or conversations about students to the appropriate licensed staff." They added they would continue to "adhere to [the Student's] IEP, collecting data in accordance with [their] goals, and we will keep [the Student's] safety at the center of our work."

    On September 27, 2025, the Parent replied to this email and stated, "I've consistently requested access to the behavior data being collected for [the Student]," the Case Manager had not shared it with them "despite multiple requests," and the data tool that had been shared showed "a concerning decline in quality and usage." They cited September 26, 2025 as an example where there were no entries "despite" the Student being "excluded from [their] peers and usual dismissal routines." They noted, "If behavior is being cited as justification for exclusion or removal from standard routines, that data must be collected consistently and shared openly with me immediate [*sic*]." They "formally" expressed their concern regarding the Student "being repeatedly removed from the standard dismissal routine despite having the same behavior challenges the entire time [they have] attended [the School]." They contended the Student's dismissal routine was part of their access to the LRE and "changes to that routine should be treated with the same procedural rigor as any other change to placement or service delivery." They added they would "continue to communicate respectfully and directly with any staff member who supports my child" and "the directive to funnel all communication through a single point of contact not only restricts collaboration — it undermines the legally mandated team-based approach of the IEP process." They requested a "prompt response and access to the data forms and tools being used."

26. In a September 29, 2025 email to the Parent, the School Psychologist requested the Parent complete an attached consent form to get their permission to have the district-wide behavior team "help us better support [the Student] at school" and "observe and offer some additional suggestions." The Parent replied the same day and asked if they would have access to "the

observations and any other data" the district-wide behavior team recorded. The School Psychologist replied the same day and stated, "Typical practice is for the observation data to be shared with the school staff involved," but they would communicate to the team doing the observations, the Parent would like to see the data.

27. In a September 29, 2025, 7:45 a.m. email to the Principal, the Teacher, and the Case Manager, the Parent stated, "After a promising start to the school year, things are now rapidly spiraling." They listed the following concerns:
    a. Behavior reports were becoming "vague and generalized";
    b. Their "openness" was being met with "silence and withholding";
    c. The Student's behaviors had not changed, and they were being "removed from routines and increasingly isolated";
    d. The Parent was being "shielded from data and regular updates about [the Student], despite repeated, clear requests";
    e. The data entry on the online sheet had "sharply declined";
    f. The Teacher "provided on input" on that Thursday; and
    g. Data was being "selectively reported."

    They claimed their "ignored requests for access to data … suggest that the School is documenting behavior while actively excluding me," and asserted this was so the School could make "unilateral decisions about [the Student's] placement or services" without the Parent's involvement. They requested "all data tools and forms to be shared now," "daily communication that is honest, specific, and properly attributed," "access to view ABC data," "to be treated as an equal member" of the IEP team, and for the School to "treat [the Student] like [they] belong here." They added, "This isn't just about compliance, it's about restoring trust."

    The Case Manager replied at 5:55 p.m. the same day and addressed each of the listed concerns:
    h. They clarified, "as we discussed last week," the team had been changing formats for gathering and reporting information to make it "useful in planning" and to "be responsive to [the Student's] areas of strength and areas of need." They clarified the form had been shared that morning, and the "spreadsheet has the information" from the days in question. They reminded the Parent this was "a fluid system" and "a work in progress," and expressed their effort to share "any and all data" with them "in the most immediate way possible, acknowledging the work of teachers during the school day (serving and supporting students in real time) will always take priority."
    i. They stated they were unaware of any communication that had not been responded to.
    j. They indicated the Student had "a slight increase in elopement last week" and assured the team was continuing to respond. They noted an "increase in the use of attempting to reward replacement behavior with a chance for brain and/or body breaks" after each session of the Student's day. They asserted the Student had not been removed from school routines, and they were "trying to encourage a return to school and classroom routines and integration with [the Student's] classroom peers and [the Student] often elopes or removes [themselves] from [their] classroom and [their]

peers." They explained the Parent was asked to "come inside and pick [the Student] up last Thursday and Friday due to [their] unsafe behaviors (running away from adults, ignoring directions to move to a safe area or return to [their] classroom, throwing items at students and adults, hiding from adults) prior to dismissal." They clarified, "These decisions were in no way meant to be punitive or isolating, only to ensure [the Student's] safety and integrity."

k. They reported they had tried to respond to every request for access, and the Parent had access to "any and all data that has been recorded thus far."
l. They clarified the online tracking sheet had been replaced with an online form the previous Thursday, and the team would need to clarify "what specific information about [the Student's] day to track and report, and how to make that information accessible to you in the best way." They again assured the Parent they had access to "any information that has been recorded" at that time, and they would "add a notes section on the [online] form going forward."
m. They acknowledged the data collection had shifted, and reporting got less specific due to a change in methods. They suggested they should "problem-solve as a team" to mitigate.
n. They reiterated all data had been shared and no decisions about the Student's LRE had been made.

They responded to the Parent's requests by stating the data had been shared, they looked forward to having a plan to meet the Parent's needs and one that would be "doable/sustainable for teachers" for both the daily communication and the ABC data, there had not been unilateral decisions made about the Student's IEP and the team meeting on Thursday would address changes that needed to be made, and the team was "working each day to the best of our ability to ensure that [the Student] does feel safe, seen, and supported." Finally, they added the "notes" about the Student's day for September 29, 2025. The Principal replied to the Parent's email on September 30, 2025, and stated they looked forward to meeting with them on Thursday.

28. In a September 29, 2025, 9:38 a.m. email to the Student's IEP team, the Parent expressed their desire to "ensure that our upcoming IEP meeting for [October 2, 2025] remains a collaborative process." They asked for confirmation "that any proposed changes to [the Student's] services, placement, or supports will be presented for full discussion at the meeting and not implemented unilaterally." They also requested copies of "any draft IEP documents, proposed service changes, or data that will be used to inform decisions at this meeting in advance" so they could "meaningfully participate."

    The Case Manager replied the same day at 3:07 p.m. and clarified the October 2, 2025 meeting was a check-in and "not a meeting to change [the Student's] services, placement, or support." They reiterated they wanted to check in and "if any changes or decisions come out of the meeting, we can have an action plan or make amendments to [the Student's] IEP at that time with the whole team present."

    The Parent replied the same day at 11:07 p.m., acknowledged the meeting would be a "check-in," and stated, "I want to be absolutely clear: no changes to my child's services, placement,

supports, or any so-called 'action plans' may be made without my informed consent and express agreement. My presence at a meeting does not imply agreement." They clarified they wanted to be "meaningfully involved in all decisions that impact [the Student's] education," they would "not accept any decisions made unilaterally or presented after the fact under the guise of team collaboration," and indicated an attempt to do this without their agreement "may result in the filing of a formal state complaint." They requested "any behavioral data, observations, or tools prepared for Thursday's meeting" be shared with them in advance so they could "participate in an informed and collaborative manner." Additionally, they claimed their message was "documentation of my intent to invoke stay-put protections under the IDEA should any changes be implemented without my informed consent." They shared the Student's "trauma" from the Previous District and the trust with the District being "eroded" due to "reprimands" and "increasingly negative reporting," along with "exclusions from typical dismissal procedures three times during one week." They indicated the Student had been labeled an "eloper" and requested school staff approach the Student with "evidence-based behavioral science with competent applications for neurodivergent individuals."

29. In a September 30, 2025 email to employees of the Previous District, the Coordinator inquired about a "13[-]page '[BSP]' dated April 13, 2025, that was provided by the Parent that appears to be parent[-]generated or AI[-]generated." They specifically asked if this document was part of the IEP team discussion and included in the Student's IEP or "whether it is something from the Parent that you said you would include in [the Student's] file, but not part of [their] IEP."

    One of the staff from the Previous District replied on October 1, 2025, noting there was an IEP meeting with an amendment on April 22, 2025, "where revisions were made to both the IEP and the BSP." They attached the April 22, 2025 IEP to the email.

    One of the staff from the Previous District replied on October 2, 2025 and shared they were not the Student's case manager, but provided a lot of support and coordination with their IEP and BSP. They noted they believed the Parent had a complaint filed with the Department about concerns with compliance. They provided a few times they would be willing to connect with the Coordinator. The Coordinator replied the same day and asked in reference to the document titled "Required and Immediate Supports for BSP…", "Did you ever review the attached document or was this developed by the team?" A case manager from the Previous District replied on October 3, 2025 and stated, "I believe the interim school psychologist added it as a separate attachment to [the Student's] school IEP. This document, according to my understanding, was solely created by [the Parent]. We incorporated some of the info into [the Student's] FBA/BSP and then attached the document as a separate attachment."

    They included an email the Parent sent to staff at the Previous District on April 13, 2025, which had the 13-page document attached and stated, "I am writing to formally submit the attached document titled, 'Required and Immediate Supports for BSP [the Student] April 2025' for immediate consideration and integration into [the Student's] current BSP." The Parent claimed the document had been "developed in close alignment with [the Student's] individualized needs." They added this document did not contain "suggestions or enhancements," but were "non-negotiable, legally required accommodations." They

asserted the Previous District had failed to provide the BSP supports and the "current BSP [was] ineffective." The Parent requested written confirmation that "all of these supports will be adopted and integrated into the IEP and BSP without delay" and if there were "questions or objections," they should be "clearly outlined" in a PWN. They stated, "Given that the current BSP continues to rely on ineffective strategies, as reflected by ongoing behavioral challenges, this revised plan must be implemented immediately and without delay."

Staff from the Previous District included another email the Parent sent to their staff on April 15, 2025. The email outlined multiple concerns and noted the Parent had reached out to a school psychologist in the Previous District to "review BSP additions and attach the 'Required and Immediate Supports' [document] to [the Student's] BSP as agreed in the meeting today, [Tuesday, April 15, 2025]."

On October 3, 2025, a case manager from the Previous District replied to the Coordinator's email asking if they still had questions. They stated, "As far as I know, that document is AI-generated. We used [the Parent's] requests from that document through AI to add to [the Student's] IEP, which we amended. … As for the BSP, it was another document or that document that was added on as an attachment from our interim school psychologist per [the] Parent['s] request." The Coordinator replied they spoke with another staff member on October 2, 2025 and they had everything they needed "for right now."

30. In an October 1, 2025 email to the Coordinator, the Case Manager requested the Coordinator facilitate and lead the October 2, 2025 meeting because they were "feeling pretty worn down and stressed by the interactions and treatment from this situation," though they were ready to be a "meaningful and prepared participant." They indicated the transfer IEP "reflects the IEP dated [March 12, 2025] because this was the most recent document I had when we held the transfer IEP meeting. I had no documentation of the [April 22, 2025] meeting, and [the Parent] did not say anything at the transfer IEP meeting or since. … I did have the three page FBA/BSP and have made sure we are following that document to the best of our abilities; I also had the 13 page support document (both of which we reviewed at [the] transfer IEP meeting) and made sure teachers and adults working daily with [the Student] have read it and are following those recommendations to the best of our ability (per [the Parent's] request)." They clarified they had shared access to data tracking with the Parent and the School Psychologist was working on making the data display in a way that would be "helpful to planning" and easier "for the team to interpret."

    The Coordinator replied the same day, agreed to facilitate the meeting, said they would share with the Parent they had an updated IEP from the Previous District, along with showing where the revisions were made with a new PWN.

31. In an October 2, 2025 email to the Parent, with the IEP team copied, the Case Manager outlined the agenda for their "Team Check-in Meeting" and requested the Parent review it and let them know if they had any revisions or additions. They attached graphs with the Student's data, which was "the same information [the Parent] already [had]." They also noted the Previous District recently provided the April 22, 2025 IEP with "a few minor changes"

compared to the IEP that was reviewed at the August 29, 2025 meeting. The agenda outlined a 45-minute meeting to include "introductions and purpose of meeting," "student strengths," a review of the April 22, 2025 meeting and "differences from" the March 12, 2025 IEP, "review of behavioral data," "address parent concerns- team develop and discuss data collection system and home-school communication," "other parent concerns," and "summarize next steps."

32. October 2, 2025 Team Meeting Notes (General) indicated the IEP Team received an IEP amendment from April 22, 2025 and the "only differences" from the March 12, 2025 IEP the IEP Team originally reviewed on August 29, 2025 were a "social/emotional goal around eloping" and some clarifications of accommodations, specifically "access to feelings chart, offer choices, positive description of behavior even when [the Student's] dysregulated, use of declarative language (ex. I wonder if you're feeling … ), use humor as often as possible, verbally and roleplay reflect back to [the Student] [their] behavior and expectations." It was noted the IEP team would "accept the [April 22, 2025] IEP with the exception of counseling." The Parent noted their request that the Student see a counselor through a local organization, and the Coordinator suggested changing the language in the IEP to say "'access to psychological services,' instead of QMHP'. [The] Team agreed to this related service change." The team noted the Student was "more engaged" in the afternoons. The Case Manager "shared the reason for collecting our current data is to see if interventions and supports are working and for progress monitoring;" the Teacher noted concerns about the Student asking for breaks after recess, choice time, and whole class movement breaks and concern the Student was using breaks to avoid work; and it was noted the BCBA was using first/then with the Student and suggested imitating this at home to "generalize skills."

    Under "Address Parent Concerns," it was noted the Team developed and discussed a data collection system for home-school communication, the Parent did not feel the Previous District's FBA represented the Student, and the Coordinator indicated the school team "should consider conducting another FBA in the future if they are needing more information about [the Student]."

    "Plan of Action/Follow-up Notes" indicated the Team would share tracked data on IEP goals, the Parent wanted "antecedent" tracked "as often/reasonable as possible," the Parent wanted "language to reflect curiosity and learning new things," the Parent wanted school-home communication to include successes in the Student's day, the Case Manager would create a social story and chart to teach the Student about appropriate break spaces and times in the classroom, and the new communication tool would be shared with the Parent.

33. October 2, 2025 meeting notes provided by the Parent outlined the IEP revisions that were revisited from the April 22, 2025 IEP amendment. This included adding a new social/emotional goal to address eloping behavior, updating the BSP to address elopement, "access to a feelings chart" that was confirmed the Student already had access to, "positive praise (even when dysregulated)," declarative language rather than directive language, and use of humor. The Parent expressed concerns about the Student being labeled as an "eloper." The Parent advocated to keep "QMHP" in the IEP language, but it would be changed to

"psychological services professional." Also noted was a discussion and team agreement to keep the service on the Student's IEP. Regarding behavioral data, the Parent noted they wanted to include the Student's "positives and strengths," the Teacher noted academics were a "trigger" for the Student, the Student was asking for multiple breaks a day, and they revisited the word "break," wondering if the Student knew what that means, if the Case Manager could explain the roles of a break, and the Teacher contemplated if the Student "feels like a 'break' means [they] can leave." Last, the notes indicated the Parent requested a new FBA and listed the reasons why.

34. A PWN dated October 2, 2025, proposed the provision of a FAPE based on the October 2, 2025 meeting, where the Team reviewed the updated IEP provided by the Previous District and accepted it. All portions of the PWN were completed, and relevant actions included the agreed-upon decision to keep psychological services as a related service and the "minor differences" of "a social/emotional goal, addition of a few accommodations, and some clarification around existing accommodations."

35. In an October 3, 2025 email to the Parent, with the IEP Team copied, the School Psychologist stated they had "spent some time today re-thinking the idea of a break space for [the Student] to better fit [their] needs," due to a conversation in "yesterday's meeting" about transitions being "challenging" for the Student. They listed multiple strategies that would be used "starting Monday," including a mood meter visual, tools in the classroom to support focus and regulation, a visual on the Student's desk to remind them to ask for a tool within the "yellow or red zone," a box of tools including a drawing tablet, theraputty, and fidgets, and a plan to teach the Student the difference between a tool and a toy during "social skills time." Photos and a PDF were attached to the email.

36. On an October 8, 2025 ABC Recording Sheet, the target behavior of physical aggression was documented twice in reading groups for that day. Antecedents listed were a "peer telling [the Student] what to do" and a "peer walking past" the Student. Target Behavior 1 (physical aggression) was "checked" under "Behavior" for both antecedents. Consequences indicated were "Peer walked away" and "ignored/nothing happened."

37. On an October 14, 2025 ABC Recording Sheet, the target behavior of physical aggression was documented once in "phonics independent work at desk" for the Student that day. Antecedents listed were a "peer in [the Student's] personal space- leaning in close to [their] face." Target Behavior 1 (physical aggression) was "checked" under "Behavior." Consequences indicated were "Peer walked away."

38. Behavior tracking sheets ranging from October 23 to December 18, 2025 included time/activity in the left-hand column with each goal ("in area," "calm voice and body," and "appropriate participation") in its own column at the top. Each time/activity had the possibility of being rated a "0" for "did not meet expectation," a "1" for "partially met expectation," and a "2" for "successfully met expectation with typical levels of adult support." The bottom of each sheet had a tally for "elopement" and "unsafe body," along with a box to write "celebrations/positive." The Student's data was recorded as follows:

a. October 23, 2025, 14 out of 18 for “In area,” 13 out of 18 for “calm body and voice,” and 8 out of 18 for “appropriate participation.” Tallies were one for “elopement” and two for “unsafe body.”
b. October 24, 2025, 14 out of 22 for “In area,” 14 out of 22 for “calm body and voice,” and 10 out of 22 for “appropriate participation.” Tallies were four for “elopement” and three for “unsafe body.”
c. October 27, 2025, 9 out of 22 for “In area,” 7 out of 22 for “calm body and voice,” and 6 out of 22 for “appropriate participation.” Tallies were three for “elopement” and nine for “unsafe body.”
d. November 4, 2025, 22 out of 22 for “In area,” 22 out of 22 for “calm body and voice,” and 16 out of 22 for “appropriate participation.” There were no tallies.
e. November 5, 2025, 22 out of 22 for “In area,” 21 out of 22 for “calm body and voice,” and 22 out of 22 for “appropriate participation.” There were no tallies.
f. November 6, 2025, 22 out of 22 for “In area,” 22 out of 22 for “calm body and voice,” and 20 out of 22 for “appropriate participation.” There were no tallies.
g. November 7, 2025, 20 out of 22 for “In area,” 20 out of 22 for “calm body and voice,” and 19 out of 22 for “appropriate participation.” Tallies were two each for “elopement” and “unsafe body.”
h. November 10, 2025, 18 out of 22 for “In area,” 18 out of 22 for “calm body and voice,” and 16 out of 22 for “appropriate participation.” Tallies were one for “elopement” and two for “unsafe body.”
i. November 12, 2025, 16 out of 22 for “In area,” 12 out of 22 for “calm body and voice,” and 7 out of 22 for “appropriate participation.” Tallies were two for “elopement” and four for “unsafe body.”
j. November 14, 2025, 12 out of 22 for “In area,” 12 out of 22 for “calm body and voice,” and 11 out of 22 for “appropriate participation.” Tallies were four for “elopement” and five for “unsafe body.”
k. November 17, 2025, 16 out of 22 for “In area,” 13 out of 22 for “calm body and voice,” and 11 out of 22 for “appropriate participation.” Tallies were two for “elopement” and three for “unsafe body.”
l. November 18, 2025, 14 out of 22 for “In area,” 13 out of 22 for “calm body and voice,” and 8 out of 22 for “appropriate participation.” Tallies were four for “elopement” and five for “unsafe body.”
m. November 19, 2025, 11 out of 22 for “In area,” 11 out of 22 for “calm body and voice,” and 6 out of 22 for “appropriate participation.” Tallies were seven for “elopement” and five for “unsafe body.”
n. November 20, 2025, 13 out of 22 for “In area,” 13 out of 22 for “calm body and voice,” and 11 out of 22 for “appropriate participation.” Tallies were four for “elopement” and four for “unsafe body.”
o. December 8, 2025, 10 out of 22 for “In area,” 9 out of 22 for “calm body and voice,” and 8 out of 22 for “appropriate participation.” Tallies were five for “elopement” and two for “unsafe body.”
p. December 9, 2025, 14 out of 22 for “In area,” 13 out of 22 for “calm body and voice,” and 10 out of 22 for “appropriate participation.” Tallies were five for “elopement” and three for “unsafe body.”

q. December 10, 2025, 19 out of 22 for "In area," 15 out of 22 for "calm body and voice," and 13 out of 22 for "appropriate participation." Tallies were two for "elopement" and five for "unsafe body."
r. December 16, 2025, 13 out of 22 for "In area," 13 out of 22 for "calm body and voice," and 11 out of 22 for "appropriate participation." Tallies were four for "elopement" and four for "unsafe body."
s. December 17, 2025, 5 out of 6 for "In area," 5 out of 6 for "calm body and voice," and 3 out of 22 for "appropriate participation." Tallies were one each for "elopement" and "unsafe body."
t. December 18, 2025, 13 out of 22 for "In area," 13 out of 22 for "calm body and voice," and 13 out of 22 for "appropriate participation." Tallies were three each for "elopement" and "unsafe body."

39. In an October 24, 2025 email to the Teacher, the Parent responded to a whole-class parent message about Halloween candy and indicated they allowed the Student a "small Friday treat" at school to "build a more positive association with school." They claimed the portion was small, "not disruptive," and their hope was that a "small weekly exception" would be supported by the Teacher.

    The Teacher replied on October 28, 2025, stating they were "working hard on keeping [the Student] regulated throughout the day." They explained that phonics was after snack-time, and this was the time of day the Student was "struggling with the most" and when "elopement typically happens." The Teacher requested the "candy reward" be given at home at the end of the day, "so that we can continue to promote the routine of eating a healthy snack that helps [the Student] focus, stay regulated, and do [their] best learning at school."

    The Parent replied the same day and requested phonics be "given and presented" to the Student in "smaller doses." They noted "mountains of progress" when doing this at home and that having "nothing to do with snack," which demonstrated the Student's "sheer overwhelm" with the quantity of work "visually available" to them. They asserted they would "continue to give [the Student] sweet treats as a reward in the school environment on Fridays."

40. In an October 27, 2025 email to the Case Manager, the School Psychologist, and the Parent, the BCBA shared the Student's success "transitioning from preferred activities to phonics" and outlined what they did to create that success. The Case Manager replied the same day and shared that the Student had been "experiencing some success with staying in class and accessing phonics instruction." They noted the eloping behavior had returned and wondered what was different because "classroom routines and the tools available" had been the same. They wondered if a snack might be helpful because the Student had mentioned they were hungry in the morning "several times after eloping and dysregulated behavior."

41. In an October 27, 2025 email to the Parent, with the IEP team copied, the Case Manager informed them they started using new daily information/data tracking sheets on October 23, 2025. They noted the sheet would be "coming home by email right at the end of the school

day[,] starting today," and this would replace the previously used form. The Case Manager attached data from the previous Thursday and Friday. They added these sheets were not meant to capture "everything" about the Student's day, but "the intention is for everyone to have the same information about [the] Student's day and to be able to see patterns so we can celebrate and problem solve as a team." They also reported the Student's "previous pattern of elopement" had returned, "after a good period of success." Additionally, they noted, "Today was particularly challenging, with [the Student] showing several unsafe behaviors such as opening an umbrella and swinging it around, climbing on desks and shelves, hitting an adult's arm when [they were] blocked access to items, jumping from tables in the hallway[,] and swiping entire shelves of library books onto the floor. After calming and regulating activities were offered or accessed, any attempt to have [the Student] rejoin [their] class or school day was met with running away from the adult and sometimes an even bigger escalation." They proposed a check in on November 6, 2025 to "talk about what is working and what needs to be added/changed in order for [the Student] to continue to be happy, successful, and remain safe at school." The Parent replied the same day and asked for a different date. Through a series of replies, the team settled on November 4, 2025.

On November 4, 2025, the Parent replied to the Team and provided their perspective regarding "the narrative." They stated they intended to "support a shared understanding" of how the sequence of events and responses "contributed to [the Student's] escalation." They indicated the wording "offered or accessed" was vague, and the statement about the Student running away when attempts were made for them to rejoin class reflected "a compliance-demand approach," was a "known escalation trigger," and was "an implementation failure." The Parent claimed the District described the situation as "unsafe and requiring 2-4 adults" when it was "not a crisis." They added their belief this was "not legally compliant" because there was no "data showing which supports were implemented beforehand." They listed their concern about no documentation of the supports used prior to escalation, and all of the support they believed should have happened before the Student escalated. They explained the Student runs away from adults when "demands exceed regulation capacity." They added the words from the narrative, "even bigger escalation," confirmed support was not sufficient, and "if supports were implemented correctly and consistently, escalation would decrease, not intensify." They listed multiple perceived "implementation gaps," which led to the Student eloping, destroying property, and aggressively responding. The Parent clarified that before adding or changing the IEP/BSP, they would require documentation of interventions implemented, ABC data, and fidelity tracking, FBA initiation, and staff training.

On November 5, 2025 the Case Manager replied to the Coordinator and indicated they would draft a response to this email from the Parent because "much of it uses direct quotes from my account of [the Student's] day on Monday, [October 27, 2025] (the day [the Principal] called [the Parent] to suspend [the Student]), but am not sure. I want to make sure I am refuting any misinterpretations of what I did or said … ."

On November 7, 2025, the Coordinator replied to the Parent, "As we discussed during Tuesday's meeting, we will communicate more details about the antecedents, preventions, and de-escalation strategies used," for times when they contacted the Parent regarding the

Student's unsafe behavior. The Coordinator attached a document they would use for this communication, which included the Student's BSP with "areas or recording strategies used, who implemented the strategies, when they were implemented, and the outcome." They also confirmed they were seeking the Parent's consent for conducting an FBA and attached the consent form to the email.

On November 10, 2025, the Parent replied and requested confirmation the document would be completed "in real time," each entry would specify "the exact antecedents, preventative strategies, interventions, staff involved, timing duration, and outcomes," the entries would provide insight into "staff responses or environmental conditions," and they would have "ongoing access" to the document with "real-time sharing." They asserted this level of detail would require more work now, but would help the Student have "less dependence on intensive support" over time.

On November 12, 2025, the Coordinator replied the document would be shared with the Parent "as soon as possible whenever behavioral escalation occurs that requires parent contact and no later than one school day following that incident." They clarified the document contained preventive strategies, interventions, staff involved, timing, and outcome, and added the FBA would include additional data regarding antecedents, durations, and timing of behaviors, outcomes, and environmental conditions that were impactful to the Student. They stated the FBA would be completed within 45 school days, a draft would be shared with the Parent a week before the FBA meeting, and the School team would continue to provide the daily sheet with data for the Student's goal areas.

On November 16, 2025, the Parent replied and stated they were committed to ensuring "a shared understanding of the level of documentation required." They outlined their expectations for what the form "must include," which was "antecedents," "preventative strategies attempted," "staff responses and environmental factors influencing the Student," and "timing/duration of supports and behaviors." They reiterated that these "must be documented in real time (or same day) and not deferred exclusively to the FBA." They added the document "must be" completed and shared, "when early signs of dysregulation appear," "when BSP/IEP preventive strategies or interventions are implemented," "when adult actions or environmental changes occur," "when [the Student's] behavior deviates from [their] baseline," "during predictable high-challenge periods," "any time the team considers calling home, early pickup, or labeling behavior as 'unsafe'," and "when reviewing [the Student's] daily goal data." They again noted the importance of the document being shared with them and a "same-day live document with timestamps." The Parent requested confirmation of "the team's plan for implementing this expectation."

The Coordinator replied on November 19, 2025, with a plan to discuss the communication form and data the Parent would like communicated at the upcoming meeting between the two of them on December 5, 2025.

The Parent replied on November 21, 2025 that the items outlined in their previous message "were not suggestions, but required components" of the Student's IEP/BSP. They wanted

their request to fulfill the requirements in the email needed to be confirmed before their December 5, 2025 meeting. They reiterated they "need" written confirmation the daily communication would include the four previously listed items, those would be documented in "real time," the document would be a shared and live document, and it would be completed "during the specific situation listed" in their previous email.

42. In an undated Communication and Information Gathering Document, the Student's BSP was outlined and included specific behaviors, outcomes, interventions, antecedent based strategies, the Student's response, and reinforcement of replacement behaviors. Times were documented when the Student accessed the replacement behaviors, along with adults involved. Interventions included structured sensory movement breaks, growth mindset CICO, and teaching verbal strategies for expressing emotion. Each of these included tallies, times, and specific adults involved, along with a narrative of the Student's behavior and response to each. Antecedent base strategies were "first/then" choices, timers, sensory activities, frequent positive affirmations, CICO, and a visual schedule. Response to behavior included elopement, "in the red zone," and "in the yellow zone." Reinforcing replacement behaviors were beginning to reflect on behaviors, "first/then" to encourage participation, proactively build a relationship with the Student, and daily affirmations. Each of these three categories included a specific narrative for each item, and the narratives included the adults involved, times (when pertinent), environment, and the Student's behavior and response to each.

    In an interview with the Complaint Investigator, the Coordinator explained this document was an attempt to "use the behavior plan" and show "what aspects of the behavior plan were implemented at what time during, before, and after an escalation." They drafted this tool, talked about it with the Team, and decided if there was ever a time the Student needed to be picked up because of a safety issue at school, this would be a document "that we can use that can help the team, guide the team, [and] get [the Parent] the information that [they were] wanting about this, about the incident." The Coordinator said the Parent's response to this document was wanting "live documentation, and as a school team, we were saying, well, we can't give you live communication because we are working with [the Student] at the time." They explained the impossibility of implementing the strategies for the Student while also documenting it in real time.

43. The Student's quarter one report card for the 2025-26 school year indicated a score of "3" demonstrated "practicing: frequently, with reminders," a "2" demonstrated "with guidance: occasionally demonstrates the behavior, requires repeated reminders," and a "1" demonstrated "emerging: rarely demonstrates the behavior without adult intervention and assistance." Additionally, a "P" indicated progress toward grade level standards and an "N" indicated "not making progress toward grade level standards."
    a. Social Emotional Learning- Self-Awareness and Self-Management had scores of a "3" and a "1." Social Awareness and Relationship Skills had two scores of "2."
    b. Language Arts- Writing had two scores of "P" and three scores of "N."
    c. Language Arts- Speaking and Listening had two scores of "P."
    d. Math had a score of "P."
    e. Math- Algebraic Reasoning: Operations had a score of "P."

f. Math- Numeric Reasoning had two scores of "P."
g. Math- Data Reasoning had a score of "N."
h. Comments indicated the Student was receiving 15 minutes of additional small group reading support and was "making progress in adding and subtracting."

44. The Student's November 3, 2025 IEP Progress Period Detail reported the following:
    a. Study/Organizational Skills goal progress reported was a "3."
    b. Reading goal progress reported was a "4."
    c. Social Skills goal progress reported was a "3."
    d. Of the three Self-Management goals, one goal, for the use of calming strategies, had progress reported as a "3". The remaining two Self-Management goals did not include a score.

45. In a November 4, 2025 email to the Parent, with the IEP team copied, the Case Manager reminded them about the check in meeting and provided an agenda, which included "review protocols for in-school and out-of-school suspensions; Clarify when and why a phone call home happens," "Review current supports and plan for [the Student's] engagement, participation and remaining in the classroom," and "Add/Change any needed supports or services that may support [the Student's] engagement and/or participation in the classroom."

    The Parent replied on the same day (after the meeting) to "document key points" and share their perspective and understanding of "what was and was not agreed to."
    a. They noted a discussion about dysregulation, elopement, non-compliance, tantrums, and meltdowns not being a crisis or imminent risk of serious physical harm. They stated the team acknowledged a staff member called the Student a "bad boy" and removed their recess.
    b. They spoke about the fidelity of implementation of the IEP and BSP, emphasizing "interventions must be implemented consistently throughout the day, proactively, and prior to escalation." They noted no disagreement with this. They stated the School staff "acknowledged that the School's current practice reflects a compliance-based lens" and "Ongoing documentation of IEP and BSP implementation fidelity and data was requested to inform adjustments," for which there was "no objection raised." They added there had been "inconsistent implementation" of the IEP and BSP and that had "interfered with [the Student's] access to [a] FAPE in the LRE."
    c. The FBA "agreed upon during our last meeting on October 2, 2025," had not been initiated, and the prior FBA did not reflect the Student's needs. The Parent requested the FBA consent be provided by November 7, 2025. The Parent noted "the delay in initiating the FBA further contributes to the lack of data needed to ensure the Student receives [a] FAPE in the LRE."
    d. The Parent stated their lack of support for "informal removals, early pickups, shortened/modified 'Plan B days,' or denial of transportation for dysregulation, behavioral escalation, or meltdown periods." They want the Student to continue to ride the bus on all school days, "including challenging days." They stated the Team confirmed there was no documented history of the Student being unsafe on the bus, and the Parent "explicitly stated, 'meltdowns and dysregulation do not justify

detainment at school or denial of transportation,'" and this was "preventable with consistent implementation of the IEP and BSP and do not warrant exclusion or detainment."

e. They clarified "no changes to [the Student's] IEP or BSP were agreed to" at this meeting, "no consent was provided to add a crisis plan or make any changes to supports or services," and "no additions or changes will be considered until [the] IEP and BSP implementation fidelity and data are transparently shared with me in real time and reviewed."

The Parent requested a response within five school days "if you believe any part of this recap is inaccurate."

The Principal replied on November 7, 2025 thanking the Parent for "summarizing your perspective" from the November 4, 2025 meeting. The Principal indicated the District took notes that would "serve as official meeting minutes and school record." The Principal attached the notes to the email and pointed out where the Parent could find the agreements made in the meeting.

The Parent replied the same day to document "clarifications for accuracy." These included "the agreed-upon deadline for the District to provide FBA consent or a PWN" being November 7, 2025 and "no disagreement was raised regarding the need for proactive, consistent implementation of IEP and BSP supports and collection of ABC/fidelity data," with a request to "ensure this data collection begins immediately." The Parent also reported the District meeting notes indicated the Student would not be placed on the bus if they were "not regulated and safe." The Parent cited OAR 581-021-0079 and insisted "[The Student's] right to return home via [their] standard bus transportation must be maintained."

46. November 4, 2025 Team Meeting Notes (General) included discussion notes where the Principal clarified the importance of the Student being at school every day and stated, "the only reason that we send students home is due to behavior unsafe for [themselves] or others. The team follows behavior interventions and support plans and responds to the unsafe behaviors using the plan." The Parent indicated their concern about "allowing [the Student] to escalate to the point when [they are] being unsafe" and they wanted to make sure the BSP and IEP were being followed when the Student was starting to escalate. The BCBA indicated eloping was also a behavior at home. The Case Manager provided ideas to incentivize the Student, and the Parent noted they wanted the Student to build adaptive skills and "we need to document the parts of the IEP and BSP that are being implemented and how they are being implemented."

    The Parent also clarified the Team needed to "make sure that [the Student] gets on the bus because I'm not able to pick [them] up." The Principal noted, "If we are calling, it is because of a safety issue. I cannot put a student on the bus if they are unsafe." The Parent stated they wanted "safety issues documented" and noted the Student couldn't go to recess, was called a 'bad boy,' and the BSP "outlines that we can't use negative punishment." The Case Manager responded, "The day [the Student] had to step out of the game at recess was a

different day than the day that [they were] escalated and unsafe and sent home. If there was language used that [the Student] was a bad boy, [the Principal] and I will address that because that's not okay. What happened on that day was [the Student] and 3-4 other students had gotten very rough at basketball and ended up on the ground together, and punches were being thrown. All students were told they needed to take a break." The Case Manager assured there would be a reminder to staff on the playground about how to respond to those situations, and they would not deny the Student opportunities for gross motor and heavy work.

The Parent brought up home-school communication about what is being implemented in the IEP and BSP, and the Case Manager assured them they would work on the communication to include "what is being implemented." They added, "We are following [the Student's] BSP and IEP every day." The Parent inquired about the progress of the FBA, and the Coordinator pointed out the Team had not yet started the FBA because they wanted to get to know the Student better and "if the team feels that the current function identified in the previous FBA is not accurate or if there is new information to consider, we would look to open another FBA."

The Plan of Action indicated:

a. "Topic - Review protocols for in-school and out-of-school suspensions; Clarify when and why a phone call home happens. Decision - Reasons for calling home or suspensions are when [the Student] is continuing to demonstrate unsafe behaviors to [themselves] or others. If [the Student] is continuing to demonstrate behaviors that pose a safety risk to [the Student] or others at the end of the day, [they] will not be put on the bus if [they are] not regulated and safe. [The] Parent will be called to transport home."
b. "Topic - Review current supports and plan for [the Student's] engagement, participation, and remaining in the classroom. Decision - No decisions were made about changes to [the] current BSP or IEP. More detailed information will be shared with [the Parent] about antecedents, preventions[,] and de-escalation strategies used from [the Student's] BSP for escalations that result in a call home."
c. "Topic - Add/Change any needed supports or services that may support [the Student's] engagement and/or participation in the classroom. Decision - No decisions were made about changes to [the] current BSP or IEP."
d. "Topic - [The] Parent['s] request for an FBA. Decision - district team will respond to request within 3 days (by [November 7, 2025]) with consent for evaluation - FBA or a PWN with refusal to conduct an FBA."

47. In a November 6, 2025 Parent Guardian Consent for Individual Evaluation, the District requested written informed consent to evaluate the Student, which would include an FBA and observation. This was consented to and signed by the Parent on November 10, 2025.

48. In a November 6, 2025 ABC Recording sheet, activities, antecedents, behaviors, and consequences were listed as follows:
    a. Activity- "Full group reading instruction- read aloud with questions to [the] whole class," Antecedent- "Full group reading instruction," Behavior- "coloring on hand,"

Consequence- left blank. Also listed for this activity and antecedent was Behavior- "hand raised participation," Consequence- "positive verbal praise from teacher."

b. Activity- "small group reading instruction at table- 4 students with teacher," Antecedent- "transition/teacher says time for small groups," Behavior- "[the Student] transitioned to literacy table with teacher," Consequence- left blank. In the second row listed for this Activity was Antecedent- given instructions on what to highlight, Behavior- the Student "shows teacher what was highlighted," Consequence- the Teacher said "good noticing." In the third row listed for this Activity was Antecedent- "instructed to read in a whisper voice," Behavior- the Student "touches first word," Consequence- the Teacher said "OMG [the Student] has [their] finger on it like I asked- excellent."
c. Activity- "Writing at small group," Antecedent- "transition to writing," Behavior- "[the Student] put away book and got out whiteboard," Consequence- left blank. In the second row listed for this Activity was Antecedent- "another student responded," Behavior- the Student "went to desk to get [their] dry erase marker," Consequence- left blank. In the third row listed for this Activity was Antecedent- the Teacher asked "how are you going to start with I," Behavior- the Student "writes big letter on board," Consequence- the Teacher said to the whole group "remember when we write you need to keep between 2 lines." In the fourth row listed for this Activity was Antecedent- the Teacher told the whole group to write between two lines, Behavior- the Student "erases and fixes I," Consequence- the Teacher said "good job [the Student]." In the fifth row listed for this Activity was Antecedent- the Teacher said "you know how to write 'like'," Behavior- the Student "looks in [their] book and writes like," Consequence- left blank. In the sixth row listed for this Activity was Antecedent- a timer goes off to transition to the next group, Behavior- the Student "puts away materials in bag and gives to teacher, gets [their] book box and goes to carpet with a chair," Consequence- left blank.
d. Written notes under the table included that the Teacher used a timer to signal transitions, the sensory menu was on the Student's desk, the sensory box was on a shelf "nearby," and the band was on the chair. There were "frequent positive affirmations- 8 positives from [the] Teacher directly to [the Student] observed in eight minutes of [the] reading group." The visual schedule for the whole class was referenced, and the slides had schedules for transitions.

In an interview with the Complaint Investigator, the Coordinator confirmed this document was a fidelity check for the IEP/BSP. "I took [the Student's] IEP or BSP and hand[-]wrote notes on that … like, yes, there was a sensory bin and box and tools. Here is when 'first/then' language was used. I counted the number of positive tallies. … Yes, [the Student] has a mood meter on there, there is flexible seating." They added they did not share this fidelity check with the Parent because they "don't usually share fidelity [with parents]" rather, they "share it with teams for our purpose to see if we're doing a good job implementing the student's IEP and needs."

49. In a November 7, 2025 email to the Parent, the Coordinator offered a monthly 30-minute meeting to "review your perspective on [the Student's] progress and any concerns you might

have." The Parent replied to the email on November 10, 2025 that they were "open to a monthly 30-minute meeting" to review the Student's progress, identify patterns and opportunities for proactive adjustments, ensure ongoing alignment, and track the effectiveness of the provided supports over time. They also requested "a brief summary or notes" at the conclusion of these meetings. The Coordinator replied on November 12, 2025 and proposed the first Friday of every month. The Parent replied the time would work and asked if they would be virtual meetings. On November 17, 2025, the Coordinator replied with seven dates that corresponded with a Friday each month for the remainder of the 2025-26 school year, and clarified the agenda would include data review, review of the Student's current IEP/BSP supports, parent concerns, and next steps or recommendations to pass along to the team.

50. In a November 10, 2025 email to the Case Manager, the Parent informed them they returned the signed FBA consent via the Student's backpack that morning.

51. In a November 12, 2025 email to the Parent, with the IEP Team copied, the Case Manager sent the data sheet for November 10 and 12, 2025, and noted the Student had "eloped from class today and was out of class for an extended amount of time," so they linked the communication document for that, as well.

52. In a November 13, 2025 email to the Parent, the School Psychologist requested time with the Parent to complete a parent interview for the FBA. They offered in-person, virtual chat, or an online form. The Parent replied the same day, asking for an online form and a deadline to complete it. The School Psychologist emailed the form link on November 17, 2025 and asked for its completion by December 1, 2025. The Parent emailed on December 1, 2025, informing the School Psychologist the FBA parent interview was complete.

53. In a November 18, 2025 email to the IEP Team, the Parent stated they received a voicemail the day before stating the Student "'hit a metal cabinet out of anger,' but no other information was provided." They indicated they received the daily goal sheet, but expected a "written narrative" with "context, antecedents, staff actions, injury check, or [a] follow-up description of the situation." They noted this information was "required under our communication expectations."

    The Case Manager replied on November 19, 2025 with a detailed account of events from November 17, 2025. They included antecedents, adult actions, a sequence of events, adults present, interventions or preventive strategies implemented, staff response, "regulation before/after," injuries assessed, and the resolution.

    The Parent replied on November 21, 2025 and noted eight "critical elements" they believed were missing, which included "antecedents were not identified," preventive strategies were not implemented or documented, the Student's request for regulation support was "treated as a behavior to block," "demands and earned-time contingencies were used during dysregulation," the narrative centered the Student's escalation and "minimizes adult actions," the description of attention-seeking was an assumption and not data, the resolution

included exclusion and loss of recess, and the Student "did not receive adult-guided co-regulation or support to build adaptive skills." The Parent requested the narrative "be revised immediately" and "written corrective steps and documentation of adherence moving forward are required."

On November 24, 2025, the Coordinator replied to the Parent noting they would meet with the team after the November break to review the incident "in an attempt to get a better understanding of the event and antecedent that caused [the Student] to leave from class, staff responses to the behavior, and [the Student] missing lunch with peers," and would get back to them with more information aligned to their requests.

54. Notes from a Parent Teacher Conference on November 25, 2025 indicated the Student was considered "high risk." It was noted the Student's writing was "kindergarten level," and the Parent was working on confidence in writing.

    In an interview with the Complaint Investigator, the Teacher indicated they did not write these notes, but "the notes [were] basically … it was kind of snapshots of what I was sharing with [the Parent] with where [the Student] is academically."

55. In a December 1, 2025 email to the Parent, the Coordinator sought confirmation of their December 5, 2025 meeting. They added that, since the Parent had filed a formal complaint with the District regarding the November 17, 2025 incident, they would spend time in the meeting discussing and developing a "data-tracking tool".

    On December 2, 2025, the Parent replied they would not engage in meetings until the investigation was complete "to avoid parallel processes and protect the integrity of the investigation." They confirmed they would "respond promptly and thoroughly to all written questions.

56. In a December 16, 2025 email to the Parent, the School Psychologist requested they fill out and return the "reinforcement survey" that was placed in the Student's backpack, to help the team identify "a larger variety of possible reinforcers" for the Student.

    On December 17, 2025, the Parent dropped off the completed survey to the office. They clarified "activities and all other items identified as preferred should be used to support [the Student's] regulation and emotional safety and not as contingent rewards or earned access for compliance. Reinforcement should not be used to delay or replace access to required supports, including sensory input, breaks, bathroom access, or adult-supported regulation." The School Psychologist confirmed their receipt through email on December 18, 2025. The Parent replied the same day and repeated what they stated in their previous email.

57. The Student's Daily Attendance Profile for the 2025-26 school year, from September 4, 2025 through December 17, 2025, indicated nine days with a "Tardy," one day with a "Tardy-Verified," seven full days and one-half day with an "Absent-Verified," six full days with an "Absent-Sick," and four half days with a "Left Early- Verified."

58. An undated photo of the Student's desk depicted a menu of emotions and pictures of various tools taped to the surface.

59. In an interview with the Complaint Investigator, the Parent clarified their issue was the Student "was excluded from regular dismissal practices because they labeled [the Student] unsafe because [they were not] compliant." They added the Student had "never proven unsafe or harm to anybody else during any dismissal routine ever. It's not documented, not even speculative, nothing." The Parent added the Student came home on the bus "safely" with "no incident." They explained that, before picking the Student up, they asked the School staff what they had implemented from the BSP and IEP, but "they were unable to answer my question, and they told me that they would talk about it another time." When they asked again, they felt the District was dismissive, and the Case Manager told them they could not ask a paraeducator, but only had to contact them or the Principal, "even if they're not there." They explained their concern with this was, "I'm going to get secondary information. I'm not going to get any real-time recounts of what's going on." They explained the District "never changed their stance on that" and did not provide them with a reason.

60. When asked if the Student was being taken out of class early, the Parent stated they believed the Student had "been pulled out of class and put in the office early," but that was coming from the Student because the District does not answer them when they ask clarifying questions.

61. The Parent asserted both the "IEP and BSP both say that I need daily home-school communication for [the Student's] day," but "we're not getting that." The District provides "really delayed narratives about what happens. And when they give me these narratives, I'm identifying things like they're taking [the Student] out of class and [they are] missing a lot of class time. … I'm repeatedly asking staff to give me real-time information about what's going on. They added the home-school communication started as a live document where they could enter "whatever was going on in real time," and the Parent could see it in real time. "They quit doing the [online document] abruptly and started doing these zero-to-two tally logs that are not live documents." They insisted, "I've repeatedly reached out about how those logs that they're sending me home are not helping and what I can use to be helpful. And they're not changing it."

62. The Parent claimed "if [the District staff] follow [the Student's] IEP and BSP appropriately and guide [the Student], and do things proactively from the BSP and IEP, then [the Student] won't be dysregulated for an hour and a half, two hours, two and a half hours. … There's a time window that if you support [the Student] and use those implementation tactics on the IEP and BSP, [they'll] come down from that escalation pattern and [the Student] will fall back on track."

63. The Parent noted their request to have data being collected shared with them, but they "never saw" the data "they claimed to be collecting, and were "not really sure what they're referring to when they're saying that they're collecting data." They clarified "the data

doesn't measure what the IEP and BSP require. It just tallies and gives zero to two ratings describing [the Student's] behavior, but not adult implementation." They believe the data is "very deficit-based. They're only focusing on the things [the Student is] not doing and how [they're] not compliant and how it makes their day hard." They indicated, "I would really also like to see any data collected, even if it's not obviously FBA aligned, or maybe if there's some issues, I just want to have more information on what's going on."

64. The Parent stated the Student was not receiving breaks they were requesting and would come home and say, "They wouldn't let me use the bathroom until I did A, B, and C for them" and "They wouldn't let me have a break when I asked for a break today."

65. The Parent claimed the District started to "reduce their transparency" and that "undermined their accountability" and "excluded my participation and ability to verify the fidelity of [the Student's] IEP and BSP."

66. When asked about the 13-page document, the Parent stated it was "an attachment that [the Previous District] … made official to [the Student's] BSP and it was adopted by [the Previous District] and transferred to [the District]." They added "it's a part of the entire BSP, and it was adopted as a part of [the Student's] BSP by [the Previous District] and was transferred to [the District] just that way, and they accepted [the Student's] IEP and BSP as written." When asked who authored the document, the Parent stated, "It was myself and the [Previous District's] IEP and BSP team." They recounted the discussion in the IEP meeting at the Previous District and said the document was discussed as "an attachment that is a detailed part to reinforce [the Student's] BSP and that is officially a part of [their] BSP.

67. In an interview with the Complaint Investigator, the Coordinator stated when they first saw the 13-page document, they thought it looked "like parent-generated input" and decided to "find out whether that's part of [the BSP]." They emailed "back and forth" with the Previous District, and when they spoke with someone, they found out the Previous District "did not develop [the document] together as a team." The Previous District told the Coordinator the document may have been attached as parent input, but "was not part of the agreed-upon documents." They added the document did not come through with the Previous District records; rather, they believed the Parent handed it to the Case Manager or a School secretary.

68. In an interview with the Complaint Investigator, the Case Manager explained they requested communication about the Student's day or incidences during the day go through them or the Principal "because I'm the Case Manager of [the Student's] plans, [the] implementation of BSP, IEP, all of those things that we just want to make sure we are the ones communicating directly with parents."

69. The Case Manager shared their iterations of school-home communication, which started off with a spreadsheet the Teacher was primarily responsible for filling out, though the Case Manager was also including information. In response to feedback from the Parent, the Case

Manager was trying to find something that provided the Parent with what they needed, but also was "doable for us at school." They stated their intention for collecting data and reporting, and clarified their primary goal was for the information to be for the whole team to be able to communicate, "if what we're doing is working and give me information on what I could change or do differently to support students." They shared this spreadsheet with the Parent, the Teacher, the Principal, and the School Psychologist.

70. The Case Manager reported as the year progressed, "[the Parent] was really looking for what [they] kept referring to as 'realtime' information and 'realtime' data." In meetings and phone conversations, the Case Manager "tried to clarify with [the Parent] what that meant … because for the Team it was hard for us to think about keeping that data in real time when we were also simultaneously serving students, and serving [the Student], and carrying out the plan." The Case Manager "tried to be clear [with the Parent] the form would be filled out as close to the end of school as possible." They indicated this became unsustainable, so they "briefly" changed to another shared document, and that also didn't go well." The Case Manager indicated they and the School Psychologist then created a school-home communication tool to give a "snapshot of their students' day, every day." The Case Manager explained, "That's the current form. That was late October [2025]. The first couple of days and weeks … we were adjusting things, but now I've gotten in a rhythm of sending that home. That is the one with, it has three categories on it, and we're rating that throughout the day and keeping track of some other things that [align with IEP goals]. And then we have a box on there for positives and celebrations." They clarified this change was opened to the Parent for feedback, and they wanted a tool for the Team to collect data and for communicating with the Parent. The Case Manager has "stayed the course" with the referenced document because the Parent did not want to meet, they did not want to have parallel processes going on, and they wanted everything in writing.

71. The Case Manager clarified the accommodation in the Student's IEP requires school-home communication, but there were "no other details." They indicated there were conversations with the Parent to clarify what the Team would track would be "directly tied to [the Student's] IEP and [their] goals." They added the current data tracking sheets provide "a good snapshot of the day and also help us monitor progress on IEP goals." They also shared that they "tried to explain the purpose of the data" to the Parent, but "felt like [the Parent] wasn't hearing me."

72. The Case Manager indicated they had "several conversations" with the Parent about "the purpose of ABC data" and why that data "was contained to an FBA." They explained the ABC data is observational data for a separate person from the one who is actually implementing the plan with a student. "That seemed to be a sticking point with [the Parent]. … That's how we collect the data to write a good, strong plan, to then have [a] good, strong implementation of the plan. … [Then], … every once in a while do those fidelity checks."

73. The Case Manager confirmed the Student had access to a bin of sensory tools at all times, a social story around the difference between a tool and a toy, time with the Occupational

Therapist (OT) “figuring out those tools,” visuals of the tools on the Student’s desk, teachers offering the tools, access to a space at the School for sensory regulation, a schedule to access this room at least three times per day, and if the Student expresses they want to go to this room, “the message has been to all adults working with [the Student] that if it’s available and [they are] requesting it, that [the Student] has access to that area.” They described a break space in their classroom the Student can access, along with a band on the Student’s chair.

74. In regard to the BSP, the Case Manager confirmed they provide the Student with three choices as they are escalating, they offer to “co-regulate with [the Student],” a visual the Student can use to point out feelings, and access to a sensory break, a walking break, or sensory tools. They added there was also a “one through ten option” for emotion labeling and a sentence frame for regulation.

75. The Case Manager stated the Student “goes to specials at 2:05 [p.m.], which is actually a really successful part of [the Student’s] day,” and they were not aware of a time when the Student eloped from “specials” and missed instruction during those times. They explained the dismissal routine was to go straight from specials and the Student “joins [their] line, walks out, [and] gets on the bus.”

76. During an interview with the Complaint Investigator, the Principal indicated that, on September 26, 2025, an email was sent to the Parent following a day marked by the Student’s escalated behaviors, which included “opting out” and running through the library to strip books from shelves. These safety concerns intensified during a crowded dismissal of over 600 students, prompting staff to call the Parent for assistance in getting the Student home. Upon arrival, the Parent became visibly upset, but because the office was crowded with other families, the Principal deferred a detailed discussion to a more private setting. A subsequent email was sent to acknowledge the Parent’s frustration and emphasize the School’s desire for a collaborative partnership. The Principal indicated that they called the Parent one other time to say, “Hey, we need some support.” The Principal stated the Student runs away multiple times a day to avoid anything the Student “perceives as work.”

    The Principal indicated they utilized individualized de-escalation strategies—such as sensory inputs and incentives—that aligned with the Principal’s standard approach to student regulation while remaining tailored to the Student’s specific needs. Although the Parent later alleged that the Student was “excluded” from activities like the bus and recess, the Principal clarified that these were temporary safety interventions, such as a brief “reboot” after a playground physical altercation or a deferred dismissal to avoid a dangerous hallway situation, rather than a denial of access. The subsequent email aimed to bridge this gap in perception and reaffirm the School’s commitment to a collaborative partnership with the Parent during difficult behavioral moments for the Student.

77. During an interview with the Complaint Investigator, the Principal stated when administrative intervention and parental support were required to manage these situations, the Principal utilized individualized de-escalation strategies consistent with their standard

approach for all students, while addressing allegations of "exclusion" by clarifying that temporary safety measures were used rather than a denial of access to routines. To ensure these accommodations were followed consistently, the School provided staff with access to full IEP documents and held targeted meetings led by school psychologists and resource teachers. Furthermore, for both permanent and guest paraeducators, the administration implemented summarized, non-negotiable accommodation checklists within their daily schedules—highlighting specific supports like star charts and choice-offering—to ensure the Student's needs were met in real-time across all environments.

78. During an interview with the Complaint Investigator, the Teacher indicated that, on October 24th, 2025, the Parent emailed the Teacher in response to a class-wide message regarding healthy snack policies, specifically advocating for the Student to have a small candy reward on Fridays to accommodate their sensory sensitivities and reinforcement routine. The Teacher had originally requested that all students bring non-candy snacks to maintain regulation during the 9:40 a.m. refueling period before lunch. Despite the Teacher's follow-up request to save the treat for after school to mitigate the Student's ongoing dysregulation, the Parent insisted on continuing the practice. Ultimately, the Teacher chose not to pursue the matter further, noting that the Teacher felt unable to overrule the Parent's decision to send the candy.

79. The Teacher shared the Student's typical dismissal procedure involved the Teacher collecting the class from "specials" and escorting students to their designated bus or parent pickup areas. However, during instances of elopement or unsafe behavior, the Student was frequently in a different location rather than with the general education class. Because these behaviors often coincided with the Teacher's scheduled prep time, the Teacher was not personally present during the Student's periods of dysregulation at the end of the day. The Teacher recalled approximately two occasions when the Student was directed to wait in the front office for transportation due to safety concerns, noting that while specials were generally a preferred activity for the Student, their routine required adjustments when the Student was not in a safe state to transition with their peers.

80. In response to allegations of non-compliance, the Teacher detailed the comprehensive implementation of the Student's IEP and BSP accommodations. The Teacher confirmed that the Student was never denied sensory breaks or regulation environments; rather, the Student was explicitly taught to use a classroom "break space" and a personalized sensory tool bin. Additional supports included walking breaks, access to a "Zen Den," and a sensory kick band on the Student's chair. Regarding bathroom access and co-regulation, the Teacher clarified that bathroom requests were never denied, though they often required a paraeducator escort to prevent elopement, while classroom regulation was supported through mood meters and adult-led choice-offering. Preventative strategies were consistently applied through morning check-ins, visual schedules, pre-warnings with timers, and "first-then" language. In addition, the Student was provided with preferred seating, math manipulatives, and an incentive-based star chart to encourage task engagement. While the Parent alleged a failure to provide the required frequency and duration of services, the Teacher maintained that these supports were integrated into the Student's

daily routine from the start of the school year, along with constant modeling and non-punitive responses to dysregulation.

81. On December 18, 2025, the Parent filed this Complaint.

82. In the January 15, 2025 District *Response*, the District provided a chart including all the Student's IEP accommodations with evidence of implementation next to each one and 23 of the 40 included specific dates where implementation occurred.

## IV. DISCUSSION

**When IEPs Must Be In Effect**

The Parent alleged the District failed to implement the Student's IEP and BSP during the 2025-26 school year, specifically regarding the provision of regulation environments, sensory breaks, adult-supported co-regulation, bathroom access, preventive strategies, and transportation.

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.[3]

The Student's IEP and BSP included multiple provisions for sensory and regulation support, including access to a break space, sensory items, and scheduled breaks. The Case Manager and Teacher confirmed the Student had constant access to a sensory tool bin, a classroom "break space," a "Zen Den," and a sensory kick band on their chair. A fidelity check conducted in November of 2025 verified the presence of the sensory menu, sensory box, and specialized seating. The Parent alleged the Student was denied breaks upon request. However, the School staff noted that, while breaks were provided, the Student occasionally used them to avoid academic tasks. Additionally, staff worked to teach the difference between a "tool" and a "toy" to maintain instructional engagement.

The IEP required the use of positive praise, declarative language, "first-then" prompting, and visual schedules to prevent escalation. The Teacher's interview and observation data indicated staff consistently used timers for transitions, "first-then" language, and frequent positive affirmations (e.g., eight positives in eight minutes). During periods where the Student was on the path to dysregulation, the Case Manager reported offering three choices, using mood meters for emotion labeling, and providing sentence frames for regulation. The Parent argued that escalations were evidence of implementation failure. Conversely, the District maintained that, despite the consistent application of these supports, the Student demonstrated unpredictable and "unsafe behaviors" that occasionally exceeded the capacity of standard de-escalation.

The Parent reported the Student felt bathroom access was contingent upon completing academic work. The Teacher explicitly denied that bathroom access was ever withheld.

[3]OAR 581-015-2220(1); 34 CFR § 300.323(a)

However, due to the Student's history of elopement, bathroom trips often required a paraeducator escort to ensure safety, which may have been perceived by the Student as a restriction.

A significant portion of the dispute centered on the "real-time" nature of communication. The District utilized three different versions of tracking sheets (spreadsheets, forms, and daily PDF logs) to find a balance between the Parent's request for detail and the staff's need to prioritize student supervision. While the Parent felt the data was "deficit-based" and lacked "adult implementation" tracking, the District asserted the data was designed for progress monitoring on specific IEP goals.

The evidence suggests the District implemented the core components of the Student's IEP and BSP. While the Parent and District disagreed on the effectiveness and documentation style of the interventions, the District demonstrated that regulation environments, preventive strategies, and co-regulation supports were integrated into the Student's daily routine.

The Department does not substantiate this allegation.

**Content of IEP**

The Parent alleged the District failed to conduct the data collection and progress monitoring procedures required by the Student's IEP and BSP. The Parent stated the data collected (such as daily logs and "unsafe body" tallies) was fabricated, inaccurate, or "sanitized," and therefore failed to provide a valid measurement of the Student's progress toward annual goals as defined in the IEP.

The IEP must include a description of how the child's progress toward meeting the annual goals will be measured and when periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided.[4]

The District implemented multiple iterations of data collection and progress monitoring tools throughout the 2025-26 school year to track the Student's IEP goals and BSP. In September 2025, the District used a shared spreadsheet to track categories like "remain with group" and "safe hands/body," alongside qualitative teacher and staff notes. The District eventually moved to a more granular spreadsheet (with data collected through an online form) that rated the Student's engagement and behaviors (on a 0–2 scale) across 30-minute intervals throughout the school day. Starting October 23, 2025, the Team implemented a daily tracking sheet that specifically monitored goal areas: "In area," "calm voice and body," and "appropriate participation" using a rating system, alongside tallies for elopement and unsafe behavior.

The Parent alleged that the data was "fabricated," "inaccurate," or "sanitized" and failed to measure adult implementation of the BSP. However, the record contains extensive evidence of contemporaneous data entry. The District provided detailed behavior tracking logs from

[4]OAR 581-015-2200(1)(c); 34 CFR § 300.320(a)(3)

September through December 2025. The Coordinator conducted a "fidelity check" on November 6, 2025, specifically observing and documenting the implementation of the Student's BSP strategies (e.g., use of timers, sensory menus, and positive affirmations). Contrary to the Parent's claim that they were "shielded" from data, the District shared ABC recording sheets and provided a comprehensive "Communication and Information Gathering Document" that detailed specific behavioral incidents, interventions used, and the Student's response.

The Student's IEP required progress reporting, which was provided on November 3, 2025. The progress reports utilized the data collected through the various tracking tools to assign progress scores for goals in Study/Organizational Skills, Reading, and Social-Emotional Skills. The Case Manager and the Coordinator clarified the data collection methods were "fluid" and evolving to better capture information necessary for both planning and communication with the Parent. While the Parent requested "real-time" or "live" documentation, the District maintained that such a requirement was not feasible while simultaneously providing instruction and behavioral support to the Student.

The evidence indicates the District did not fail to conduct data collection. Rather, the District utilized multiple data-tracking instruments that aligned with the Student's IEP goals and BSP. The presence of detailed, interval-based logs, ABC data, and quarterly progress reports refutes the allegation that data was fabricated or insufficient to measure progress toward annual goals.

The Department does not substantiate this allegation.

**Evaluation Procedures**

The Parent alleged the District failed to follow evaluation and data collection procedures regarding the FBA and ongoing behavioral data. Issues included: mislabeling antecedents as behaviors; omitting adult actions and BSP fidelity data; failing to document observable behavior preceding escalation; and using speculative function labels (e.g., "attention-seeking") without evidence.

In conducting an evaluation, the public agency must use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent that may assist in determining whether the child is a child with a disability under the law, and the content of the child's IEP, including information related to enabling the child to be involved in and progress in the general education curriculum. The public agency must not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child, and use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.[5]

[5]OAR 581-015-2110(3); 34 CFR § 300.304

For other evaluation procedures, each public agency must ensure that assessments and other evaluation materials used to assess a child are selected and administered so as not to be discriminatory on a racial or cultural basis, are provided and administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to do so. Each public agency must ensure that assessments and other evaluation materials used to assess a child are used for the purposes for which the assessments or measures are valid and reliable, are administered by trained and knowledgeable personnel, and are administered in accordance with any instructions provided by the producer of the assessments.[6]

For other evaluation procedures, assessments and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient. Assessments must be selected and administered so as best to ensure that if an assessment is administered to a child with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure). The child must be assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities. The evaluation must be sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified, and includes assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child.[7]

As part of an initial evaluation (if appropriate) and as part of any reevaluation, the child's IEP team, and other qualified professionals, as appropriate, must review existing evaluation data on the child, including evaluations and information provided by the parents of the child, current classroom-based, local, or state assessments, and classroom-based observations, and observations by teachers and related services providers. On the basis of that review, and input from the child's parents, the child's IEP team must identify what additional data, if any, are needed to determine whether the child is, or continues to be, a child with a disability, the present levels of academic achievement and related developmental needs of the child, whether the child needs, or continues to need, EI/ECSE or special education and related services, and for reevaluation, whether the child needs any additions or modifications to special education and related services to enable the child to meet the measurable annual goals in the child's IEP, and to participate, as appropriate, in the general education curriculum or, for preschool children, appropriate activities.[8]

The team may conduct this review without a meeting. If a public agency holds a meeting for this purpose, parents must be invited to participate. The public agency must administer tests and other evaluation materials as may be needed to produce additional data. If the child's IEP

[6]OAR 581-015-2110(4); 34 CFR § 300.304
[7]OAR 581-015-2110(4); 34 CFR § 300.304
[8]OAR 581-015-2115(1); 34 CFR § 300.305

team determines that no additional data are needed to determine whether the child is or continues to be a child with a disability, and to determine the child's educational and developmental needs, the public agency must notify the child's parents of that determination and the reasons for it, and of the right of the parents to request an assessment to determine whether, for purposes of services under this part, the child continues to be a child with a disability, and to determine the child's educational and developmental needs. The public agency is not required to conduct an assessment of the child unless requested to do so by the child's parents.[9]

When the Student transferred into the District, the team initially relied on the FBA and BSP provided by the Previous District. The Parent contended this FBA did not accurately represent the Student's needs. On October 2, 2025, the Coordinator acknowledged the need to consider a new FBA if more information was required. Formal intent to conduct an FBA was confirmed on November 7, 2025. The District requested written consent for a new FBA on November 6, 2025, which the Parent signed four days after. The District established a 45-school-day timeline for completion. To inform the FBA, the School Psychologist engaged the Parent in a formal interview via an online form and conducted a reinforcement survey to identify specific motivators for the Student.

The District utilized three distinct iterations of data collection to address the Parent's requests for "real-time" information including the initial spreadsheet, which tracked "remain with group" and "safe body" with unique narrative notes, the online form/rating scale, which used a rating system for specific time blocks throughout the day, and then the daily information sheets, which were introduced in late October 2025 to provide a "snapshot" of the day, including goal progress and a "positives" box.

The District recorded ABC data on several occasions (e.g., October 8, October 14, and November 6, 2025). These logs documented specific antecedents, such as "peer walking past" or "transition/teacher says time for small groups," and the subsequent adult or peer consequences. The Parent repeatedly requested documentation of what supports were implemented prior to escalation to verify BSP fidelity. The Case Manager and the Coordinator clarified that while they attempted to document adult actions (e.g., offering choices, timers, visuals), "real-time" live documentation was often impossible while simultaneously managing an escalation and ensuring safety.

The Coordinator conducted a handwritten fidelity check on November 6, 2025, verifying the presence of sensory tools, "first/then" language, and positive affirmations. However, this internal check was not initially shared with the Parent as it was considered a tool for the team.

The Parent expressed concern over the Student being labeled an "eloper," and the District's reporting was "deficit-based." While the Parent alleged the use of speculative labels like "attention-seeking," the District staff noted the Student often eloped to avoid tasks they perceived as "work." The 2025 BSP identified the function as "avoid item/activity." Following a significant incident on November 17, 2025, the Parent challenged the District's narrative for

[9]OAR 581-015-2115(2-4); 34 CFR § 300.305

missing “critical elements” like specific antecedents and minimizing adult actions. The District responded by offering to meet and review the incident to better understand the sequence of events.

The evidence shows the District took iterative steps to respond to the Parent’s requests for data, moving from simple checklists to more complex rating scales and eventually a standardized “snapshot” tool. While the Parent felt the data lacked sufficient detail regarding adult implementation and fidelity, the District provided documentation of specific antecedents and consequences through ABC logs and conducted internal fidelity checks. The District followed procedural requirements by initiating a new FBA once the team and the Parent agreed the existing data was insufficient.

The Department does not substantiate this allegation.

**Least Restrictive Environment (LRE)**

The Parent alleged the District removed the Student from the LRE by excluding them from participation with peers during lunch, recess, PE, and standard dismissal routines, and by requesting early pickups.

School districts must ensure that to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who do not have a disability, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.[10]

School districts must ensure that the educational placement of a child with a disability is determined by a group of persons, including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options, is made in conformity with the LRE provisions of the law, is based on the child’s current IEP, is determined at least once every 365 days, and is as close as possible to the child’s home. Alternative placements are available to the extent necessary to implement the IEP for each child with a disability. Unless the child’s IEP requires some other arrangement, the child must be educated in the school that he or she would attend if not disabled. In selecting the LRE, consideration is given to any potential harmful effect on the child or on the quality of services which he or she needs, and a child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum.[11]

Documentation and interviews confirm that, on at least two or three occasions in late September 2025, the District required the Student to wait in the front office for pickup rather than participating in the standard dismissal with peers. The Principal and the Teacher justified these actions as temporary safety interventions necessitated by the Student’s “consistently

[10]OAR 581-015-2240; 34 CFR § 300.114(a)
[11]OAR 581-015-2250; 34 CFR § 300.116

unsafe" and "unpredictable" behaviors at the end of the day, including running through the library and stripping books from shelves during a crowded dismissal of over 600 students. While the Parent argued this was stigmatizing and lacked procedural rigor, the District maintained that the Student was never isolated and that the measures were taken to ensure physical safety.

The Parent alleged the District requested early pickups, which functioned as informal removals from the LRE. The Principal noted they called the Parent for support when behaviors became unsafe. The District argued these were not unilateral changes in placement but responses to "unsafe behaviors" that posed a risk to the Student or others. The District's position, documented in meeting minutes, was that if the Student was not "regulated and safe" at the end of the day, they would not be placed on the bus and the Parent would be called to transport them home.

On one occasion, the Student was required to "step out of a game" and take a break after a physical altercation involving several students during basketball. The District clarified this was a "reboot" rather than a denial of access to gross motor opportunities. The Case Manager and the Teacher reported that "specials" (which included PE) were actually a highly successful part of the Student's day. There is no evidence in the record of the Student being systematically removed from PE instruction. The Parent cited an incident on November 17, 2025, where the Student missed lunch with peers. The Coordinator acknowledged the need to review this incident to understand why the Student missed this peer interaction.

The District provided evidence of extensive implementation of the Student's IEP and BSP accommodations intended to support their presence in the general education classroom. While elopement remained a significant challenge—with data showing the Student frequently out of their seat or the classroom area—the District maintained these removals were student-initiated (elopement) rather than staff-directed exclusions.

The evidence indicates the Student's removals from peer-based routines (dismissal and lunch) and the requests for early pickup were intermittent and reasonably prompted by specific safety concerns related to the Student's behavior.

The Department does not substantiate this allegation.

**Parent Participation**

The Parent alleges the District denied meaningful parent participation by "gatekeeping information", providing "sanitized" and incomplete narratives, refusing to provide real-time accurate daily logs, omitting adult actions from reports, and restricting access to staff involved in critical incidents.

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 child, and the provision of a FAPE to the child. School districts must provide parents with a

written notice of the meeting 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. The school district must take whatever action is necessary to ensure that the parent understands the proceedings at a meeting, including arranging for an interpreter for parents who are deaf or whose native language is other than English.[12]

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 notice.[13]

The Principal and the Case Manager directed the Parent to funnel all inquiries through licensed staff, rather than communicating directly with paraeducators. The Case Manager clarified this was to ensure communication regarding the implementation of the BSP and IEP remained centralized and accurate. The Parent argued this created "secondary information" and undermined the team-based approach required by the IDEA. While the IDEA mandates parent participation in the IEP team, it does not explicitly grant parents a right to unfettered direct communication with every staff member (such as paraeducators) during the school day, provided the responsible licensed staff remain responsive.

A central conflict involved the Parent's request for "real-time" and "live" documentation of every antecedent and adult action. The District attempted multiple formats, including an online spreadsheet, an online form, and eventually a daily rating log. The Coordinator and the Case Manager argued that "real-time" live documentation was impossible because staff needed to prioritize serving the Student and maintaining safety during escalations. The Parent contended the logs shifted from descriptive narratives to "deficit-based" tallies that failed to track whether staff were actually implementing the IEP/BSP with fidelity. However, the District did provide daily sheets and linked additional "Communication and Information Gathering" documents for major incidents.

The Parent alleged that reports omitted adult actions and provided "vague" descriptions of escalations. In response to specific concerns (e.g., the November 17, 2024 cabinet-hitting incident), the Case Manager provided detailed follow-up narratives including antecedents, adult actions, and the sequence of events. Additionally, the Coordinator conducted handwritten fidelity checks, but acknowledged these were for "internal team purposes" and were not typically shared with parents. While the District is not strictly required to share

[12]OAR 581-015-2190(1-3); 34 CFR § 300.501
[13]OAR 581-015-2190(4-5); 34 CFR § 300.501

internal fidelity checks, withholding the results of how the IEP is being implemented could have contributed to the Parent's feeling of exclusion from the process.

The record indicates that the District took several steps to facilitate the Parent's participation. They held multiple "Team Check-in" meetings (e.g., October 2 and November 4, 2025) specifically to address the Parent's concerns regarding data and communication. When the Parent requested an FBA, the District provided consent within the agreed-upon timeframe. Following meeting discussions, the School Psychologist developed new visual supports (e.g., mood meters, toolboxes) and shared photos of these with the Parent to ensure alignment.

The District provided continuous, if not "real-time," data through various tools, facilitated frequent meetings and adjusted the Student's environment based on the Parent's input (e.g., changing "counseling" language and adding elopement goals), and maintained a centralized communication protocol which, while frustrating to the Parent, was a common administrative practice to ensure the accuracy of the information shared. While the Parent disagreed with the method and frequency of the data, the District demonstrated a consistent effort to respond to requests and include the Parent in the decision-making process for the Student's program.

The Department does not substantiate this allegation.

**Access to Records**

The Parent alleged the District maintained inaccurate, misleading, and falsified educational records and limited the Parent's access to the Student's information.

This provision includes all education records with respect to the identification, evaluation, and educational placement of the child, and the provision of a FAPE to the child. The program, district, agency, or contractor must comply with a parent's request to inspect and review records without unnecessary delay and provide copies of these records to the parent before any meeting regarding an IEP, or any due process hearing, or resolution session related to a due process hearing, and in no case more than 10 business days after the request has been made.[14]

The right to inspect and review education records under this section includes the right to a response from the participating agency to reasonable requests for explanations and interpretations of the records, the right to request that the agency provide copies of the records containing the information if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records, and the right to have a representative of the parent inspect and review the records. An agency may presume that the parent has authority to inspect and review records relating to their child unless the agency has been advised that the parent does not have the authority under applicable State law governing such matters as guardianship, separation, and divorce.[15]

[14]OAR 581-015-2300(2)(3)(b); 34 CFR § 300.305
[15]OAR 581-015-2300(2)(3)(b); 34 CFR §300.613

A parent who believes that information in the education records collected, maintained, or used under this part is inaccurate or misleading or violates the privacy or other rights of the child may request the participating agency that maintains the information to amend the information. The agency must decide whether to amend the information in accordance with the request within a reasonable period of time of receipt of the request. If the agency decides to refuse to amend the information in accordance with the request, it must inform the parent of the refusal and advise the parent of the right to a hearing.[16]

The evidence demonstrates the District made multiple attempts to provide the Parent with access to behavioral data and daily updates, though the methods of delivery shifted over time. The Parent repeatedly expressed concerns about "vague" reports, "silence and withholding," and being "shielded from data." On September 27, 2025, the Parent claimed they had not been granted access to behavioral data despite multiple requests. However, the Case Manager asserted that the Parent had access to all recorded data. Additionally, regarding a district-wide behavior team observation, the School Psychologist informed the Parent that, while typical practice was to share data with school staff, they would communicate the Parent's request to see that data to the team.

A significant point of contention regarding record accuracy involved a 13-page BSP document. The Parent claimed it was an "official" part of the BSP transferred from the Previous District. However, the Previous District staff informed the District that the document was Parent-generated and was not a product of the IEP team. On November 18, 2025, the Parent requested a revision of an incident narrative from November 17, 2025, claiming it minimized adult actions and lacked context regarding antecedents. The Coordinator agreed to review the incident with the team to gain a better understanding of the event.

While the Parent felt the records were misleading because they did not reflect the Parent's specific interpretations of "fidelity" or "real-time" data, the evidence shows the District maintained various logs and shared them with the Parent. Disagreements over the content of a behavioral narrative (e.g., whether a situation was a "crisis") or the origin of a document (e.g., the 13-page BSP) do not necessarily constitute "falsified" records under the IDEA, provided the records accurately reflect the District's observations and actions.

The Department does not substantiate this allegation.

**Free Appropriate Public Education (FAPE)**

The Parent alleged the cumulative effect of non-implementation of the IEP/BSP and removals from the LRE denied the Student access to instruction and 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

[16]OAR 581-015-2300(2)(3)(b); 34 CFR §300.618

but have not yet reached 21 years of age on or before September 1 of the current school year.[17]

The District provided substantial evidence of the implementation of the Student's daily accommodations as listed in their IEP, including environmental supports, preventative strategies, behavioral interventions, and fidelity checks to ensure implementation. Despite these efforts, the Parent challenged the fidelity and transparency of implementation, noting that narratives often focused on the Student's deficits rather than the proactive implementation of supports. While the Student experienced behavioral challenges, including elopement and physical aggression, the District's actions to these were temporary responses to ensure the physical safety of the Student and their peers, rather than as a punitive removal from instruction.

Despite the Student's behavioral challenges, progress reports from November 3, 2025, indicate the Student was making steady progress toward goals in Reading, Study Skills, and Social Skills. The Student's Quarter 1 report card confirms they were meeting or "making progress" toward grade-level standards in Language Arts and Math. This academic advancement demonstrates that the cumulative effect of the District's management of the Student's behavior did not deny the Student access to the curriculum. The District provided a FAPE by implementing the IEP/BSP with fidelity and making necessary, safety-based adjustments to the Student's routine that allowed the Student to remain in the school setting and make measurable academic and social progress. The removals alleged by the Parent were localized responses to behavioral crises and did not result in a loss of educational opportunity or a denial of a FAPE.

The Department does not substantiate this allegation.

## VII. CORRECTIVE ACTION

*In the North Clackamas School District 12*
*Case No. 25-054-095*

The Department does not order corrective action in this matter.

Dated: this 13 Day of February, 2026

Ramonda Olaloye

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Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

[17]OAR 581-015-2040; 34 CFR §§ 300.17, 300.101

E-mailing Date: February 13, 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).)