BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of Medford School District 1J	))))	FINDINGS OF FACT, CONCLUSIONS, AND FINAL ORDER Case No. 26-054-004

I. BACKGROUND

On January 8, 2026, the Oregon Department of Education (the Department) received a written request for a special education complaint (Complaint) from the parents (Parents) of a student (Student) residing in the Medford School District (District). The Parents 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 to engage in mediation or local resolution or for exceptional circumstances related to the complaint.[2]

On January 15, 2026, the Department's Complaint Investigator sent a *Request for Response (RFR)* to the District identifying specific allegations in the Complaint to be investigated and establishing a *Response* due date of January 29, 2026. On January 26, 2026, the Department's Complaint Investigator, sent a *Revised RFR* to the District. On January 29, 2026, the District submitted a *Response*, disputing the allegations described in the Complaint. The District submitted the following relevant items:

1. District Response
2. Letter from District to Families
3. Student IEP Progress Report, 3/21/2025
4. Student IEP Progress Report, 1/20/2026
5. Student Attendance Record
6. Student IEP, 5/16/2024
7. Student IEP Progress Report, 6/7/2024
8. Student IEP Amendment, 5/16/2024
9. Student IEP Progress Report, 3/31/2025
10. Notice and Acknowledgement, Abbreviated School Day, 5/16/2024
11. Prior Written Notice, 8/20/2024

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

12. Special Education Placement Determination, 5/16/2024
13. Prior Written Notice, 11/4/2024
14. Abbreviated School Day Program, 5/16/2024
15. Meeting Attendance/Summary, 11/4/2024
16. Meeting Attendance/Summary, 5/16/2024
17. Notice of Team Meeting, 10/31/2024
18. Notice of Team Meeting, 5/10/2024
19. Prior Written Notice, 5/16/2024
20. Notice and Acknowledgment, Abbreviated School Day, 5/16/2024
21. Meeting Attendance/Summary, 5/16/2024
22. Student Attendance, 2025—2026
23. Student IEP, 4/17/2025
24. Student IEP Progress Reprot, 1/20/2026
25. Manifestation Determination and Review, 11/12/2024
26. Prior Written Notice, 11/11/2024
27. Special Education Placement Determination, 4/17/2025
28. Prior Written Notice, 4/17/2025
29. Meeting Attendance/Summary, 11/12/2024
30. Meeting Attendance/Summary, 4/17/2025
31. Notice of Team Meeting, 3/3/2025
32. Notice of Team Meeting, 12/10/2024
33. Behavior Intervention Plan, 12/10/2024
34. Parent Statement Receipt of Rights, 5/12/2025
35. Student Discipline List, 1/8/2025—10/2/2025
36. Psychoeducational Evaluation Report, 11/13/2023
37. Student Evaluation Report, 11/13/2023
38. Student Demographics, 8/25/2025
39. District-Family Contact Log
40. Student Attendance Profile, 2025-2026
41. District-Family Contact Log

On January 14, 2026, the Department's Complaint Investigator interviewed the Parents. The Complaint Investigator reviewed and considered all these documents, interviews, and exhibits in reaching the findings of fact and conclusions of law contained in this order. This order is timely.

II. ALLEGATIONS AND CONCLUSIONS

The Department has jurisdiction to resolve this Complaint under 34 CFR §§ 300.151-153 and OAR 581-015-2030. The Parent's allegations and the Department's conclusions are set out in the chart below. The conclusions are based on the Findings of Fact in Section III and the Discussion in Section IV. This Complaint covers the one-year period from January 7, 2025, to the filing of this Complaint on January 8, 2026.

Allegations	Conclusions
When IEPs Must Be In Effect It is alleged that the District violated the IDEA when it did not make special education and related services available to the Student in accordance with their IEP. Specifically, it is alleged that between December 15, 2025, and January 9, 2026, the Student did not receive the services in their IEP due to the District closing the Student's classroom and moving them to home instruction. (OAR 581-015-2220; 34 CFR § 300.323 & 300.324)	**Substantiated** The District closed the specialized classroom the Student attended for 10 days. During this time the District provided packet work for home instruction, but the Student received none of their IEP services or accommodations
Placement of the Child It is alleged that the District violated the IDEA when, it changed the Student's education placement; a decision that was determined without a meeting that included the Parents; which did not consider the Least Restrictive Environment (LRE); and which was decided without considering the Student's IEP. (OAR 581-015-2250; 34 CFR § 300.116 & 300.327)	**Not Substantiated** The District's closure of the specialized classroom the Student was assigned did not result in a change of placement.
Free Appropriate Public Education (Denial of FAPE) It is alleged that the District violated the IDEA when it did not provide the Student with the services in their IEP from approximately December 15, 2025, through January 9, 2026; and, that the District changed the Student's educational placement without an IEP team meeting. It is alleged that these actions denied the Student a FAPE. (OAR 581-015-2040; 34 CFR § 300.101)	**Not Substantiated** While there was a pause in the delivery of IEP services, which occurred without a meeting involving the Parents, the effect was a shift in the dates of service. The record does not support that this change in the dates of delivery of IEP services had a detrimental impact on the Student.

REQUESTED CORRECTIVE ACTION
The Parent requests that the District: • Restore the Student's full access to school and provide a Free Appropriate Public Education in accordance with their IEP.

III. FINDINGS OF FACT

1. The Student in this matter is 7 years of age and attends the second grade in a District elementary school. The Student is eligible for special education under the categories of Autism Spectrum Disorder (ASD), and Other Health Impairment (OHI).

2. The Student's April 17, 20205, IEP indicated that the Student is smart, creative, imaginative, passionate, loving, and energetic. The Student's progress toward their IEP goals, shows a trend toward more regulated behavior. The Student is reflective, has empathy, and engages in more restorative conversations. The IEP Parent concerns section included that the Parents had concerns about the Student's behaviors impeding their academic learning.

3. The Student's April 17, 2025, IEP, included measurable annual goals in social/emotional behavior, study skills, reading, mathematics, and written language.

4. The Student's social/emotional goal envisions that by the end of the IEP cycle the Student will be able to recognize how their emotions are linked to their behavior in 3 out of 5 opportunities as measured by teacher observation. The Student's IEP included 10,800 minutes per year of specially designed instruction (SDI) in this goal.

5. The Student's study skills goal envisions that by the end of the IEP cycle the Student will wait for a reasonable amount of time for the teacher to give their attention after following the classroom procedure for gaining attention without further gestures or comments in 4 out of 5 opportunities as measure by teacher observations. The Student's IEP included 3700 minutes per year of SDI in this goal.

6. The Student's reading goal envisions that by the end of the IEP cycle the Student will decode CVC, CVCC, CCVC one-syllable words with 80% accuracy in 3 out of 5 opportunities as measured by teacher observation and student work samples. The Student's IEP included 3700 minutes per year of SDI in this goal.

7. The Student's mathematics goal envisions that by the end of the IEP cycle the Student "will solve addition and subtraction word problems within the number of 20…with 80% accuracy in 3 out of 5 opportunities as measured by teacher observation and student work samples." The Student's IEP included 3700 minutes per year of SDI in this goal.

8. The Student's Written Language goal envisions that by the end of the IEP cycle the Student "will write 1 paragraph composing topic sentence and 2 details and a concluding sentence…scoring 80% on correct sentence sequence…in 3 out of 5 opportunities as measure by teacher observations and student work samples." The Student's IEP included 3700 minutes per year of SDI in this goal.

9. The Student's IEP included the related services of transportation, and social-emotional support.

10. The Student's IEP also included supplementary aids and services such as: allow fidget or calming toy; teach and reinforce established daily routine; repetition to mastery; offer choices to demonstrate knowledge; space to move, stand, wiggle; employ proximity control; model tasks and expectations; pair oral instruction with demonstration, visual example, and model; frequent adult assistance; reinforce on-task behavior; monitor and adjust for student attention/frustration; and, teach and reinforce self-regulation strategies. The IEP also included such supplemental services as: structured learning environment; break tasks into small steps; access to charts, math tools; capture student's attention before giving directions; allow movement breaks; letter line on desk; set alarm to regulate timing of tasks; small group setting/instruction; home/school communication system; reward system; provide scheduled attention break; reinforce expected behavior; preferential seating; repeat, simplify, or clarify directions; pre-teach expected behavior; shortened assignments; bus plan/accommodations; provide Student visual cues of expectations; model and prompt appropriate social skills; alert Student to changes in routine; and, written and/or visual schedule/transition cues.

11. The Student's IEP team determined that, due to the Student's disabilities causing them to become dysregulated, the Student would be removed from participating with nondisabled students 100% of the time to receive SDI, related services, or supplementary aids and services. The Student's educational placement dictated a specialized classroom within the District.

12. The Student receives their education in a specialized classroom in the District tailored toward students with behavior needs.

13. On March 31, 2025, the District produced an IEP progress report for the Student. At that time, when the Student was in first grade, the Student was not making progress toward their social/emotional goal, showing an increased level of behaviors that obstructed access to their education. The remainder of the Student's goals were too new to chart progress.

14. On June 4, 2025, the Student was making adequate progress toward their social/emotional, study skills, and math goals. The District did not then have sufficient data to show progress toward the Student's reading and written language goals.

15. As of October 27, 2025, the Student was making adequate progress toward their social/emotional, study skills, reading goal, and written language goals.

16. On December 12, 2025, the District sent a letter to the Parents informing them of the closure of the Student's specialized classroom for 10 days, effective December 15—19, 2025, and January 5—9, 2026. Due to planned breaks and intervening holidays, no

classes were scheduled, December 22, 2025, through January 2, 2026. The letter reported that the closure was due in part to injuries to staff that required changes to the classroom and additional training. The letter indicated that during this classroom closure students would be afforded "access to educational opportunities" through virtual learning platforms and/or instructional packets aligned to each student's ability level and IEP goals. The letter also indicated that the District intended to make up all instructional time missed during the closure. The District identified June 2026 for the makeup hours and stated that 100% of the missed instructional time would be made up at that later date. The letter detailed the reasons for the classroom closure, including injuries to staff.

17. On December 17, 2025, the District called the Parents to inform them that it would be dropping off instructional packets for the Student that day. The District subsequently provided the Student with instructional packets for home instruction.

18. On January 8, 2026, the Parents filed this complaint.

19. On January 12, 2026, the specialized classroom reopened, and the Student returned to school.

20. On January 14, 2026, the Department's Complaint Investigator interviewed the Parents regarding these issues. The Parents expressed concern for the lack of advance notice regarding the closing of the Student's classroom, and the impact that this had on the Student and family. The Parents confirmed that the Student's absence from school between December 15, 2025, and January 9, 2026, was not due to discipline imposed by the District, nor anything to do with the Student's IEP. The Parents reported that as of the date of the interview the classroom had reopened, and the Student had returned to in-person instruction.

21. On January 20, 2026, the District provided an IEP progress report for the Student indicating that they were then not demonstrating progress toward their social/emotional goal, with the Student demonstrating higher behaviors since the last IEP progress report. The Student's IEP progress report noted that the increased behaviors were observed since the last progress report (10/27/2025), with the District reporting that the Student required continued support and practice toward this IEP goal. The Student was demonstrating adequate progress toward their study skills, reading, math, and written language goals.

22. On January 29, 2026, the District submitted its *Response*. The *Response* reported that due to staff shortages and injuries to staff, the District decided to close the classroom the Student was then assigned to. This closure impacted all students assigned to that classroom. The District reported that during the closure staff assigned to the classroom made changes to the program and received additional training to address an increase in physically aggressive behaviors observed in the classroom. The classroom was closed for

a total of 10 school days to provide this training to staff and make changes to the program.

IV. DISCUSSION

When IEPs Must Be In Effect

It is alleged that the District violated the IDEA when it did not make special education and related services available to the Student in accordance with their IEP. Specifically, it is alleged that between December 15, 2025, and January 9, 2026, the Student did not receive the services in their IEP due to the District closing the Student's classroom and moving them to home instruction.

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. The district must provide special education and related service to a child with a disability in accordance with an IEP. As soon as possible, following the development of the IEP, special education and related services must be made available to the child in accordance with their IEP.[3] A district violates the IDEA when it materially fails to implement a student's IEP: "A material failure occurs when there is more than a minor discrepancy between the services a school provides to a disabled child and the services required by the child's IEP." The court in *Van Duyn* noted further that, "[t]he materiality standard does not require that the child suffer demonstrable educational harm in order to prevail. However, the child's educational progress, or lack of it, may be probative of whether there has been a significant shortfall in the services provided. For instance, if the child is not provided the reading instruction called for and there is a shortfall in the child's reading achievement, that would certainly tend to show that the failure to implement the IEP was material. On the other hand, if the child performed at or above the anticipated level, that would tend to show that the shortfall in instruction was not material."[4]
As the result of the classroom closure, the Student received packet work to complete at home during the ten school days the classroom was closed. The District indicated that such packet work was tailored to the Student's needs and IEP goals. When the classroom reopened, on January 9, 2026, in-person education and the totality of the Student's IEP services resumed. As part of the classroom closure, the District informed the Parents of the District's intention to make up the missed school days at the end of the school year. However, despite the District's efforts to mitigate the impact of the classroom closure, the Student received none of their IEP services for ten days as the result of the closure. This is more than a minor discrepancy and constitutes a material failure to implement their IEP.

The Department substantiates this allegation.

[3] OAR 581-015-2220(1)—(3)
[4] *Van Duyn v. Baker Sch. Dist. 5J*, 502 F3d 811 (9th Cir. 2007)

Placement of the Child

It is alleged that the District violated the IDEA when it changed the Student's educational placement, a decision that was determined without a meeting that included the Parent; which did not consider the Least Restrictive Environment (LRE); and was decided without consideration of the Student's IEP.

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. The placement determination should be made in conformity with Least Restrictive Environment (LRE) provisions and be based on the child's current IEP. In selecting the least restrictive environment, the district should consider any potential harmful effect on the child or on the quality of services which they need.[5] "If the exclusion is a temporary emergency measure (generally 10 consecutive school days or less), the provision of services such as online or virtual instruction, instructional telephone calls, and other curriculum-based instructional activities, to the extent available, is not considered a change in placement."[6]

Here, the specialized classroom that the Student was assigned to as part of their educational placement was closed for a period of ten days. For those ten days the Student was not provided with all of their IEP services in the school environment as envisioned by their IEP, but rather provided with packet work, aligned to the Student's IEP goals, for them to complete at home. Given the classroom closure was limited to ten days, and the Student was returned to their regular educational setting following the closure, the change in delivery of IEP services does not amount to a change in the Student's educational placement.

The Department does not substantiate this allegation.

Free Appropriate Public Education (Denial of FAPE)

It is alleged that the District violated the IDEA when it did not provide the Student with the services in their IEP from approximately December 15, 2025, through January 9, 2026; and, that the District changed the Student's educational placement without an IEP team meeting. It is alleged that these actions denied the Student a FAPE.

School districts must provide FAPE to all school-age children with disabilities for whom the district is responsible.[7] Procedural violations may only lead to a finding that a child did not receive a FAPE if they: "(I) impeded the child's right to a free appropriate public education; (II) significantly impeded the parents' opportunity to participate in the decision making process

[5] OAR 581-015-2250(1)—(4)
[6] *Questions and Answers on Providing Services to Children with Disabilities During the Coronavirus Disease 2019 Outbreak*, 76 IDELR 77 (2020)
[7] OAR 581-015-2040

regarding the provision of a free appropriate public education to the parents' child, or (III) caused a deprivation of educational benefits."[8] In determining whether a student was denied a FAPE, courts review a district's compliance with both the procedural and substantive components of the Student's education. Reviewing courts must inquire whether the school district complied with the procedural requirements of the IEP, and whether the school district met the substantive requirements to develop an IEP reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances.[9]

The specialized behavior classroom the Student attended in the District was closed for ten days. During that time the Student received packet work aligned to their IEP goals. While the Student did not receive the totality of their IEP services during that period, the District announced the intention to make up the lost class time at the end of the school year. Here the District changed the date of delivery of IEP services, from that anticipated by the Parents, December and January 2025, to June 2026. The ten-day classroom closure is mitigated by the District's announced intent to provide in-person instruction, equivalent to that missed in the December and January time frame, within the same school year. Furthermore, there is no evidence in the record that this change in the delivery of the Student's IEP services had a detrimental impact on the Student's progress toward their IEP goals.

The Department does not substantiate this allegation.

VII. CORRECTIVE ACTION

In the Medford School District
Case No. 26-054-004

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

Action Required	Submissions	Due Date
1. The District will develop and conduct training for all staff responsible for implementing IEPs on the District's responsibility to provide educational services in accordance with a student's IEP.	Training agenda/materials to ODE District Support Specialist for review/approval. Sign-in sheet for training.	May 15, 2026 June 1, 2026

[8] 20 USD § 1415(f)(3)(E)(ii)
[9] *Endrew F.*, 137 S.Ct. at 999.

Dated: this 6 Day of March 2026



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Crystal Brumfield
IDEA Programs Director
Office of Enhancing Student Opportunities

Appeal Rights: Partied 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 provision of ORS § 183.484. (OAR 581-015-2030 (14).)