BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of Beaverton School District 48J	)	FINDINGS OF FACT,
	)	CONCLUSIONS,
	)	AND FINAL ORDER
	)	Case No. 26-054-010

I. BACKGROUND

On January 26, 2026, the Oregon Department of Education (Department) received a written request for a special education complaint investigation from the parents (Parents) of a student (Student) residing in the Beaverton School District 48J (District). The Parents requested 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 Parents 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 February 3, 2026, 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 February 18, 2026.

The District submitted a *Response* on February 18, 2026, denying the allegations, providing an explanation, and submitting documents supporting the District's position. The District submitted the following relevant items:

1. Report Card, 01/28/26
2. Eligibility Summary Statement, 12/11/25
3. Period Student Attendance Profile, 2025-26 School Year
4. Student Schedule, 2025-26 School Year
5. Administrative Student Transfer, 2025-26 School Year
6. Student Discipline Profile, 09/12/19-01/21/26
7. Individualized Education Program, 12/11/25
8. Special Education Placement Determination, 12/11/25
9. Medical Statement or Health Assessment Statement, 11/03/25

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

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

10. Meeting Minutes, 12/11/25, 10/08/25
11. Prior Notice of Special Education Action, 05/05/25
12. Individualized Education Program, 05/05/25
13. Meeting Minutes, 05/05/25
14. Daily Tracker, no date
15. Email, re: [the Student] Support and Expectations, 01/02/26-01/21/26
16. Email, re: [the Student] Report, 12/16/25
17. Email, re: [the Student], 12/04/25
18. Psycho-Educational Re-Evaluation, December 2025

The Parents submitted documents in support of the Parents' position on February 5, 2026. The Parents submitted the following relevant items:

1. Parent Communication, 09/06/25-01/27/26

The Complaint Investigator interviewed the Parent on March 4, 2026. On March 6, 2026, the Complaint Investigator interviewed District personnel. 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 Parents' 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 27, 2025, to the filing of this Complaint on January 26, 2026.

Allegations	Conclusions
Content of Individualized Education Program (IEP) The Parents alleged the District failed to develop an IEP that appropriately addressed the Student's disability-related behavioral needs, specifically failing to include necessary positive behavioral interventions and supports despite documented attention deficit hyperactivity disorder (ADHD) related behavior concerns. (OAR 581-015-2200(1)(b)(d), OAR 581-015-2205(1)(3)(a)(4); 34 CFR §§ 300.320(a)(2)(i)(4), 300.324(a)(1)(2)(i))	**Not Substantiated** The Student's IEP appropriately addressed their disability-related behavior needs.
Review and Revision of IEP	**Not Substantiated**

Allegations	Conclusions
The Parents alleged the District failed to properly review and revise the Student's IEP to address the Student's lack of progress in meeting behavior expectations. Despite documented behavioral concerns related to the Student's disability, the IEP team reportedly discussed removing the IEP or lowering instruction time during the December 11, 2025, meeting rather than implementing new interventions to support the Student's needs. (OAR 581-015-2225; 34 CFR § 300.324(b))	The District reviewed and revised the Student's IEP to address the Student's behavior.
Disciplinary Removals and Manifestation Determination Review (MDR) The Parents alleged the District failed to conduct a MDR meeting within 10 school days of deciding to revoke the Student's administrative transfer (AT), which constituted a disciplinary change of placement. The Principal's decision to revoke the transfer was explicitly based on the Student's "behavior" and "accountability," yet no meeting was held to determine if the conduct was a manifestation of the Student's disability. (OAR 581-015-2415(1-5), OAR 581-015-2420; 34 CFR § 300.530(a-f)(h))	**Not Substantiated** The District was not required to conduct a MDR meeting when the Student's transfer was revoked as this was a change in location and not a change in placement.
Prior Written Notice (PWN) The Parents alleged the District failed to provide PWN before changing the Student's educational setting. The revocation of the AT was effective "immediately" via email, depriving the Parents of the opportunity to participate in the decision-making process regarding the change in the Student's educational placement. (OAR 581-015-2310(2-4); 34 CFR § 300.503(a-b)(c)(1))	**Not Substantiated** The District was not required to provide the Parents with PWN when the Student's administrative transfer was revoked.

REQUESTED CORRECTIVE ACTION
1. The Student remain in place at their current school of enrollment.

III. FINDINGS OF FACT

IDEA regulations limit complaint investigations 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 January 27, 2025. 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 an 11-year-old in the sixth grade attending a school within the District (the School), that is not their school of residence (the Resident School). The Student qualifies for special education services under the IDEA disability category of Other Health Impairment (OHI).

2. The Student is a strong advocate for themselves, humorous, and hard-working when it is a topic of interest to them. The Student enjoys their friends, electric bicycles, and playing games.

3. An annual IEP dated May 5, 2025, included the following relevant information:

    a. Special Factors indicated the Student's behavior impeded their learning and the learning of others. Additionally, the Student required assistive technology.
    b. The Present Levels of Academic Achievement section stated the following:
        i. The Student was within the average range for reading, and there were no reading needs.
        ii. For writing, "[The Student] still can become dysregulated when asked to complete written assignments. [The Student] is successful when [the Student's] allowed to verbalize [their] thoughts first. … Transitioning to middle school requires ability to independently plan, draft, and revise multi-paragraph texts appropriate to genre and purpose. … This was an objective on [their] last IEP that will be continued."
        iii. The impact of disability indicated, "[The Student's] disability of OHI due to [Attention-deficit Hyperactivity Disorder] (ADHD) affects regulation and control of physical movement and verbal responses, with some impact on concentration or the ability to focus. This impacts access to writing-related instruction, and tasks such as (organizing thoughts before writing, sustained seated writing tasks)."
    c. The Present Level of Functional Performance section stated:
        i. Social-emotional/behavior rating scale indicated "clinically significant" for the areas of hyperactivity and impulsivity. Additionally, another behavior assessment indicated the Student experienced interpersonal difficulties, inappropriate behavior, unhappiness/depression, and physical symptoms of fear.
        ii. The Student's needs for behavior indicated, "[The Student] needs to work on staying calm and/or advocating for having a conversation at a later time when [the Student] is regulated. [Their] teacher reports that [the Student] can become dysregulated very quickly when [the Student] thinks [the Student] is in trouble or going to lose a privilege. [The Student] can become dysregulated by academic tasks that [they] perceive to be difficult, not important, or any nonpreferred task. [The Student] refuses to work in the resource room when offered a quiet alternate work space. [They] didn't

demonstrate progress toward [their] previous IEP goal and objectives in the area of behavior. [The Student] is very good at pushing [their] feelings/emotions down instead of expressing them."

iii. The Team agreed to add specially designed instruction (SDI) for self-direction.

iv. Additionally, "At various times during the school year, a daily sheet has gone home to [the Student's] [P]arents letting them know how [their] behavior was for the day. [The Student] was showing success during that time."

v. The Student's impact of disability stated, " ... disability of [OHI] due to ADHD affects regulation and control of physical movement and verbal responses, with some impact on concentration or the ability to focus. When dysregulated, [the Student] can escalate to the level where [they] will be noncompliant and verbally disrespectful and will not follow any instructions."

vi. Self-direction skills indicated, "[The Student] will not do anything [they] [do not] want to do. [The Student] is easy to anger and politely refuses to work on the given task. When this happens, [the Student] is given a 5-10 minute break to regulate and [the Student] is then expected to return to the task and attempt the work. [The Student] needs to attempt the task at least [two] times, including working on the task with adult support. [The Student] doesn't ask for help when [the Student] is unsure of [themself] and [their] ability to complete a task (can be as little as spelling a word correctly). [The Student] will sit and do nothing if allowed to."

d. The Student participated in Statewide assessments for math and language arts with the accessibility supports of a separate setting and allowed breaks.

e. Goals in the areas of writing and self-direction are to be reported on with progress notes when report cards are issued. The following relevant goals were stated:

i. Self-Direction: "By May 2026, during an assigned academic task, [the Student] will show [two] pre-taught on-task behaviors (use a self-monitoring check list, use emotional regulation strategy, engage with teacher help, etc.) for the duration of the activity or until completion of the task, for 8 out of 10 classroom tasks on 4 out of 5 observed opportunities. (baseline data: 2/5 opportunities)."

(1) Short-term objective one: "After self-recognizing that a negative emotion (e.g. anger, frustration) is interrupting an academic task, [the Student] will use a self-regulation strategy (e.g. self[-]coaching, 6-Second Pause, Deep Breathing, take a break) and continue working on the task within 7 minutes, on 4 out of 5 observed opportunities. (baseline data: 2/5 observed opportunities)."

(2) Short-term objective two: "[The Student] will appropriately ask for help from a familiar adult and engage with the help that is provided (e.g. 'Will you help me with my spelling, please?') on 4 out of 5 observed opportunities.(baseline data: 2/5 observed opportunities)."

f. Specially Designed Instruction (SDI) with a starting date of May 10, 2025 through May 4, 2026, provided by the LEA, monitored by the special education teacher/provider in the provider's space in the following areas:

i. Writing for 240 minutes on a monthly basis; and

ii. Self-direction for 120 minutes on a monthly basis.

g. No related services were indicated.

h. Supplementary Aids and Service Accommodations with a start date of May 10, 2025 through May 4, 2026, provided by the LEA, in the provider's space and monitored by the special education teacher/provider included:
   i. "Visual supports as needed";
   ii. "[A]lternate location to complete assignments as needed";
   iii. "[O]ffer [two] acceptable choices for non-preferred activity throughout the day";
   iv. "Audio books/reading offered if available to use in combination with [their] own reading at [their] level as needed";
   v. "May take in-class assignment home to complete, with an agreed[-]upon due date daily";
   vi. "[A]ccess to snacks when taking stimulant medication, if teacher agrees during teacher[-]approved times";
   vii. "[A]ccess to work in a small group during independent work time throughout the day";
   viii. "[A]lternate options (digital pictures, digital resources) [instead] [of] drawing as needed";
   ix. "[H]ome/school communication as needed";
   x. "[N]otes provided through the day, daily";
   xi. "[S]entence starters/writing templates for writing tasks";
   xii. "[E]xtended time to complete class assignments and assessments as needed";
   xiii. "[A]ccess to a break space as needed";
   xiv. "[T]eacher check in for understanding throughout the day"; and
   xv. "[O]ffer alternate work on the same subject when refusing to complete in class activity."

i. Supports for school personnel indicated a start date of May 10, 2025 through May 4, 2026, provided by the LEA, with the special education teacher/provider responsible for monitoring in the provider's space in the following areas:
   i. Consultation with the teacher for 120 minutes per year.
   ii. Psychologist consultation for 30 minutes per year.

j. The nonparticipation justification statement detailed, "For the remainder of the 2025-20206 [*sic*] school year, [the Student] will be removed from the general education setting for 360 minutes per month to receive [SDI] in the areas of writing and self-direction. Starting for the 2025-2026 school year, [the Student] will be removed from the general education setting for one class period out of an [eight] period day to receive [SDI] in the areas of writing and self-direction." The reason stated the Student needed time to exercise and grasp the listed IEP skills.

4. IEP meeting notes dated May 5, 2025 described the purpose of the meeting as "[P]arent requested a meeting to adjust accommodations, develop a new annual IEP for [the Student] to transition to middle school." The team discussed concerns around the Student's work refusal and reviewed present levels. The team was in agreement that the self-direction goal should be "similar moving forward." Additionally, the team removed some accommodations that were "no longer needed and added more appropriate accommodations for middle school" and agreed to "pull out" services.

5. Prior Written Notice (PWN) dated May 5, 2025, indicated a proposal to change the provision of a free appropriate public education (FAPE) to the Student. The action was proposed because the Student was transitioning to middle school the following school year. The Elementary School IEP team, " … developed a new IEP for [the Student] to be supported next school year." The action was based on parent and teacher input, data, and student work. Other options considered were not changing the accommodations for the Student. The options were rejected due to the Student, " … no longer needs some of the accommodations that were on [their] previous IEP. The team adjusted them to better fit [their] needs when [they] transition to middle school." Other factors that were considered indicated, "[The Student] will transition to middle school for the 2025-2026 school year. The family has requested for [the Student] to attend [the School] (the [Resident School] is the home school) but the request has not yet been accepted."

6. A 2025-26 Administrative Student Transfer form, completed by one of the Parents, included the following relevant information:
   a. A transfer could be initiated during any point of a school year by a parent or guardian, an eligible student, or an administrator.
   b. "The principal of [a] student's home school will initiate contact with the principal at the school where the student has applied to attend. Both principals must agree to the transfer for it to be considered approved. After the two principals come to agreement (either approval or denial), the decision is final and there is no appeal. The school where the student will attend will contact the parent/guardian and email the signed transfer form to the parent/guardian as well as the other school."
   c. Both principals would take into consideration the capacity at the receiving school and hardship.
   d. "All students must qualify for hardship in order to be approved for an Administrative Student Transfer regardless of grade level, sibling status on open enrollment, siblings of students in specialized programs, or parent employment with the [D]istrict."
   e. "The receiving school principal may revoke the Administrative Student Transfer at any time if there is no evidence the student has benefitted from the transfer, as evidenced by behavior, attendance, or academic achievement."
   f. The home school was listed as the Resident School. The receiving school was indicated as the School.
   g. The presence of a Hardship was indicated by a checked box of, "medical condition that necessitates transfer".
   h. The reason for transfer stated, "We are requesting that [the Student] be permitted to attend [the School] for the [20]25-26 school year. [The Student] has [a] diagnosis of ADHD and is currently on an IEP. [The Student] relies on peer support and sibling support for school success. [Their] [sibling] is currently enrolled at [the School]. … the majority of [the Student's] peer supports will attend [the School] … ."
   i. A medical note from the Student's current provider was attached.
   j. One of the Parents signed the document on April 11, 2025. Subsequently, both the School's Principal and the Resident School's Principal marked the application as "Approved" on May 22, 2025.

7. An Evaluation Planning Meeting was convened on October 8, 2025. According to the Meeting Minutes the purpose of the meeting was to conduct evaluation planning for the Student's three-year re-evaluation. One of the Parents described the Student's behavioral challenges at home and noted the Student's ADHD medication dosage had been decreased and that the Student had been allowed to "self-determine" their need for the medication. The team also addressed the Student's performance in the classroom. One of the Parents highlighted that a daily check-in had previously been a successful intervention for the Student. The Language Arts Teacher suggested implementing a "carry card" as a behavioral support.

   Additionally, one of the Parents shared, "[The Student] is a guest at [the School] on interdistrict transfer. [The School] doesn't have to keep [the Student] if [the Student] is disruptive and causes problems. [The Student] doesn't want to go to [their] [Resident School]. We will go over this again." One of the Parents agreed to sign the Consent to Evaluate.

8. A Medical Statement dated November 3, 2025, indicated the Student had diagnoses of ADHD and insomnia.

9. In a December 4, 2025 message to the School Counselor, Teacher on Special Assignment (TOSA), Assistant Principal, and Learning Specialist, the Student Manager stated they had, "received another communicator for [the Student] yesterday. This brings the total for the semester to nine; the behaviors are mostly disruptive, defiance, and refusal to work or participate. Notes, in [database], portray most challenges in math and [physical education] PE (this is also true for the communicators). The behaviors presented in both notes and communicators raise the need for a Behavior Support Plan (BSP) or carry card plan. Teachers have voiced the need to remind [the Student] of [their] admin[istrative] transfer, which I have done previously."

10. The December 2025 Psycho-Educational Re-evaluation report included the following assessment results:

    a. The Behavior Assessment System for Children 3: No clinically significant ratings. The Student's adaptability was considered "at risk" by the Teacher. At home, the Student was rated as having "significant" difficulties with hyperactivity and self-control.
    b. The Comprehensive Executive Function Inventory: Areas of significant concern at school included initiation, flexibility, self-monitoring, organization, and working memory. The Parent's rating scales indicated "low average to just below average indicating [the Student] has some difficulty with each area [of] executive functioning."

11. A December 11, 2025 IEP included the following pertinent information:

    a. Parent concerns noted the Student was having the most difficulty in PE and in math, and the Student struggled with note-taking.
    b. Present Levels of Academic Achievement indicated the following:
        i. On May 5 and May 8, 2025, State assessments scores indicated the Student met standards for reading and writing and needed improvement for math.

ii. Districtwide assessment showed the Student's reading grade level equivalency as 7.6, and math grade level equivalency as 5.2.
iii. The Student's math and writing skills were measured using the Wechsler Individual Achievement Test -Fourth Edition (WIAT IV), indicating the Student's math skills were at grade-level and their writing skills were at or above grade level.

c. The Present Levels of Developmental and Functional Performance section included the following, in addition to assessment results from the December 2025 Evaluation:
   i. The Student "when regulated" was diligent with their work. The Student's needs were described as, "[The Student] can demonstrate resistant behavior when asked to engage in a non-preferred task. The behaviors include: work refusal, off-task behavior such as talking with peers, engaging in arguments with adults and using disrespectful language."
   ii. The Student's self-direction strength was described as they work hard when they feel a task is "worthwhile." The Student's needs were stated as, "[The Student] can be easily distracted by peers or preferred interests. When [the Student] feels a task is not beneficial or interesting to [them] or something [the Student] does not want to do, [they] will refuse to engage with the task. [The Student] can display disrespectful behaviors when [the Student] is asked to do a non-preferred task. Those behaviors include telling the teacher to "go away" and engaging in a power struggle with the adult."

b. The impact of the Student's disability stated, "[The Student's] disability of [OHI] for a medical diagnosis of ADHD affects [their] ability to maintain long periods of focus, which impacts [their] involvement and progress in the general education curriculum. The [S]tudent requires [SDI] and accommodations to support access to grade-level content and promote academic success."

c. The Special Factors section indicated the Student's behavior impeded their learning and the learning of others and lists a "behavior carry card (daily)" as an intervention used to address the behavior. Additionally, the Student needed assistive technology with "Access to voice typing and keyboarding rather than handwriting."

d. The Student participated in Statewide assessments for math and language arts with accommodations. Accommodations included breaks and a smaller testing environment with fewer distractions.

e. Annual goals were to be reported concurrently with report cards. Goals included:
   i. Self-direction in the general education setting with a baseline of 0%; "During an assigned academic task, when presented with a non-preferred task or instruction, [the Student] will consistently demonstrate on-task behavior by implementing a pre-taught choice strategy (ie: writing in a document to explain why the task is non-preferred or logging into [programs]) in 80% of opportunities."
   ii. Behavioral goal in the general education setting, "Given a direction or request to begin a non-preferred academic task, [the Student] will use a pre-taught self-regulation or communication strategy (e.g., requesting a brief break, using a visual cue, engaging in a positive self-talk script, or asking a clarifying question) instead of engaging in work refusal (e.g., verbal protest or task avoidance) in 80% of given opportunities."

f. Services with a starting date of December 16, 2025 through December 10, 2026, provided by the LEA, monitored by the special education teacher/provider across the school-wide setting in the following areas:
   i. Behavior for 30 minutes each month.
   ii. Self-direction for 60 minutes each month.

g. Supplementary aids and service accommodations with a start date of December 16, 2025 through December 10, 2026 provided by the LEA, in the provider's space and monitored by the general education teacher and special education provider for 360 minutes per day included:
   i. "Access to a break space";
   ii. "[A]lternate location to complete assignments";
   iii. "[A]ccess to snacks when taking stimulant medication, if teacher agrees";
   iv. "[H]ome/school communication";
   v. "Access to teacher notes (to supplement [the Student's] notes)";
   vi. "[A]lternate options (digital pictures, digital resources) in lieu of drawing";
   vii. "Teacher check for understanding";
   viii. "[V]isual supports";
   ix. "Access to writing tools: voice typing, keyboarding, sentence frames, graphic organizers";
   x. "[O]ffer 2 acceptable choices for non-preferred activity (type in [word processing] doc explaining why task is non-preferred, [programs listed]";
   xi. "Opportunity to type notes (when possible)"; and
   xii. "Opportunity to listen to music via headphones during independent work time."

h. The non-participation justification described that for 90 minutes per month, the Student would be removed from the general education setting to receive their SDI to make progress towards their IEP goals.

12. IEP Meeting Minutes dated December 11, 2025, detailed the team's determination of the Student's eligibility for special education services, and noted that while math and writing skills remained within the average range, task initiation was the Student's significant academic hurdle. The School Psychologist highlighted that the Student will "do something if they see the point or value [in the task]." Because teachers had not observed a significant academic impact to justify a daily Learning Strategies class, the team decided to transition the Student to a "check-in" model at the start of the second semester. Additionally, to better support the Student's transition to middle school, the team updated accommodations, specifically addressing one of the Parent's note-taking concerns and adjusting extended time to reduced assignments, agreed on eligibility, and that services would begin on December 16, 2025.

13. A Special Education Placement document dated December 11, 2025, detailed the Student spent 80% or more of their time in the regular education setting and had access to all general education activities. Possible harmful effects described that the general education setting may "limit" the Student's ability to access SDI and deter progress towards their IEP goals. Also stated, "[SDI] may not be delivered by [a] Special Education Teacher." Modifications/Supplementary aids and services considered to maintain the Student in the

LRE were listed as "Check for understanding/repeated directions [and] access to writing tools." The rationale for this selection stated, "This placement best meets the [S]tudent's needs at this time."

14. A December 11, 2025 Eligibility Statement detailed the following:
    a. Documents used to determine eligibility included assessments, observation, file review, medical statement, a behavior assessment, and a functional inventory.
    b. The primary disability was OHI.
    c. Existing information reviewed included Parent input and information, the Student's cumulative file, and previous IEPs.
    d. The eligibility determination for OHI indicated the disability criteria as met with checked boxes in all areas.

15. In a January 2, 2026, email to the Student's School teachers, the Principal indicated they had met with one of the Parents and discussed the AT requirements "for all admin[istrative] transfer students." Out of this discussion came these steps for staff to follow:
    a. "Develop clear and concrete expectations for [the Student], so they know if X happens then [they] will get a communicator and [one of the Parents] will get a phone call. It seems that [their] refusal to follow adult directions is the common thread in the communicators, so I'd like to start there."
    b. "Reinforce with [the Student] that [their] carry card needs to be completed each day. Parent[1] has said that [they] can follow up with immediate consequences at home when [one of the Parents] gets this info. I reminded [them] as well that if [the Student] brings home a blank card, this is also a behavior for which [the Student] can have consequences."
    c. "Hold restorative conversations with [the Student] and teachers, if needed."
    d. "If [the Student] gets a communicator, please let [one of the Parents] know as soon as possible so [they] can hold [the Student] accountable."
    e. "Please make sure that [the Student] [was] being offered the accommodations listed in [their] IEP before [they] [are] given a communicator for behavior."

16. In a January 20, 2026, message between the School Principal and the Parent, the School Principal indicated the School staff had been working to support the Student since the December IEP meeting and the School staff reviewed all "admin[istrative] transfers" at the end of the semester and would appreciate the Parent's input. The Parent expressed concern that the IEP interventions were not attempted before disciplinary referrals were issued. The Parent requested the Student be given another semester to evaluate success once all teachers agreed to follow IEP accommodations prior to "escalating situations." Additionally, the Parent requested a change in teachers for the Physical Education class to mitigate a "personality struggle" between the Student and the Health Teacher.

17. In a January 23, 2026 message to the Parent, the School Principal revoked the Student's AT, citing a failure to meet requirements for "attendance, behavior, and grades." The School Principal stated, "The standard must be the same for all [AT] students or it undermines the process and is not fair to all involved, and the fact is that [the Student] has not been

meeting the behavior expectation all year, despite exhaustive efforts from teachers and adults to help [them] do so."

The Parent responded the same day and shared their belief that the revocation was directly related to the Student's behavior due to their disability. The Parent requested a "stay put" and a manifestation determination meeting in order to determine next steps.

18. The report card for the first semester the Student defined behavior learning target indicators as: "C/I, Consistently/Independently; G, Generally, R, Rarely/Sometimes (Needs Improvement)." The following behavior indicators and attendance was reported for each of the Student's classes:
    a. Language arts: Two absences and a behavior learning target for "Self-directed learning" was met rarely. Comment: "[The] Student's impact on other students [was] significant, and not wholly explainable … by impulsivity and fear of failure."
    b. Social Studies: Two absences and behavior learning targets for "Manages responsibilities as a student" and "Self-directs learning" were rarely met. Comment: "[The] Student needs to use technology applications for their intended purpose."
    c. Science: Two absences and behavior learning targets for "Manages responsibilities as a student; Self-directs learning; Effectively communicates and works effectively within a team or group; and recognizes the rights, responsibilities, and opportunities of living, learning and working in an interconnected digital world, and acts in ways that are safe, legal, and ethical," all indicated a "G." No comment indicated.
    d. Mathematics: Two absences and a behavior learning target of "Manages responsibilities as a student," indicated a "G." Comment: "Student [was] progressing but not meeting targets."
    e. Learning Strategies: Two absences and behavior learning targets for "Manages responsibilities as a student; self-directs learning; effectively communicates and works effectively within a team or group; recognizes the rights, responsibilities, and opportunities of living, learning and working in an interconnected digital world, and acts in ways that are safe, legal, and ethical," all indicated a "G." Comment: "Student [was] meeting targets and making progress."
    f. Band: Five absences, and behavior learning targets for "Manages responsibilities as a student, CI; self-directs learning, CI; and effectively communicates and works effectively within a team or group, G." No comment indicated.
    g. What I Need (WIN): Three absences and behavior learning targets for, "Manages responsibilities as a student, R; self-directs learning, R; effectively communicates and works effectively within a team or group, G; recognizes the rights, responsibilities, and opportunities of living, learning and working in an interconnected digital world, and acts in ways that are safe, legal, and ethical, G." Comment: "Student needs to use class time appropriately."
    h. Physical Education (PE)/Health: Five absences and behavior learning targets for "Manages responsibilities as a student, G; self-directs learning, G; effectively communicates and works effectively within a team or group, G; recognizes the rights, responsibilities, and opportunities of living, learning and working in an interconnected digital world, and acts in ways that are safe, legal, and ethical, CI." Comments indicated,

"The Student needs to turn in work on time. The [S]tudent needs to use class time appropriately. The [S]tudent needs to follow directions accurately."

19. A Student Discipline report for the 2025-26 school year indicated two incidents for the current year, no in-school suspensions, no out-of-school suspensions, and no expulsions. The two incidents included:
    a. On January 21, 2025, the Student's role was "offender" with a violation of "Disorderly or Disruptive Conduct." The manifestation of disability section was not recorded.
    b. Additionally, later that day, the Student's role was "offender" with a violation of "Disorderly or Disruptive Conduct" and "Defiance of Authority." The manifestation of disability section was not recorded.

20. The Student's attendance profile for the 2025-26 school year detailed the following:
    a. Period 1, three excused absences and one unexcused absence.
    b. Period 2, no marks.
    c. Period 3, three excused absences and one unexcused absence.
    d. Period 4, no marks.
    e. Period 5, one excused absence and one unexcused absence.
    f. Period 6, four excused absences and one unexcused absence.
    g. Period 7, four excused absences and four unexcused absences.

21. On January 24, 2026, the Parents filed this Complaint.

Parent Interview

22. In an interview with the Complaint Investigator, the Parent indicated the Student was on an IEP for ADHD, and the IEP contained both academic and behavior goals. They reported the Student's administrative transfer was "based on a medical need, which was signed off by [the Student's] pediatric psychiatrist." The Parent explained the Student's sibling and the majority of their peers from the Elementary School attended the School, which the Student's medical care team believed would be beneficial support for the Student. The Parent stated they understood an administrative transfer may be revoked at any time "if [the School] fe[lt] that the transfer is not benefiting the student."

23. The Parent shared prior to the December 11, 2025 IEP meeting, they primarily received feedback about the Student's behavior through emails from the Health Teacher and the Math Teacher. The Parent stated they received a printed document around December 11, 2025 detailing the Student's various behaviors. They indicated they spoke to the Student Manager after receiving the document. According to the Parent, the Student Manager told them "if these documented behaviors … escalate into in-school suspensions or out-of-school suspensions, then we would have to reconvene and discuss whether or not the administrative transfer that [the Student] was on would be continued."

24. Regarding the December 11, 2025 IEP team meeting, the Parent reported it was a three-year eligibility meeting, and the team planned to discuss the Student's behaviors. They stated

during the meeting, the team recommended moving the Student from an IEP to a 504. The Parent indicated they were surprised by the suggestion and verbally disagreed. They explained "I felt like there were still behaviors that were directly related to [the Student's] ADHD. The team felt that [the Student] was willfully engaging in these behaviors and they were not a manifestation of [the Student's] disability." The Parent reported the team came up with new interventions to support the Student's behavior concerns during the second semester of the school year. They shared they believed those interventions were not implemented.

25. The Parent reported they "had a meeting with the Principal subsequently to … discuss some of the behavior things … on that list. And I did talk to [the Principal] extensively that I felt the interventions were not being followed. The IEP was not being followed. And [the Principal] took a bunch of notes … and said that [they] would follow up with the [special education] team to make sure that these things were in place."

26. The Parent reported they were informed by email in January 2026 the Student's administrative transfer was under review, initially due to the Student's behavior. They stated "I was told by the Principal that there were extensive behavior concerns that were not improving." The Parent expressed they told the Principal they believed the Student's IEP was not being followed. They requested the interventions discussed at the December 11, 2025 IEP meeting be implemented, and the IEP team reconvene at the end of the quarter to evaluate the Student's behavior progress. They also requested a staffing change because "[the Student] was having specific complaints from one teacher almost exclusively, … I felt there was a profound personality conflict, and that teacher was not following [the Student's] IEP." The Parent reported they "only see two disciplinary actions in the file that the [District] reported" and they believed both incidents were manifestations of the Student's exceptionality.

    The Parent shared that they encouraged the Student to talk to the Principal, and the Student expressed they believed "[the School] wanted to remove [the Student] and that [the School was] going to remove [the Student], regardless of what was said on [the Student's] side."

27. Examples from the Parent of accommodations not being followed were not allowing the Student to use speech-to-text, not allowing the Student to have different choices on assignments, and not allowing the Student to take assignments home. The Parent stated the Student reported primarily the Math Teacher and the Health Teacher refused these accommodations.

28. The Parent reported the transfer was officially revoked within a week of being informed it was under review, and the reason given was the Student's attendance. The Parent explained "[The Student] fell below what they considered to be acceptable attendance standards, which was under, I think, 92 or 90%. [The Student] was at an 89.5 at that time." The Parent shared "The words that they use are 'it's not benefiting [the Student]', … that they had tried extensive exhaustive measures to improve the situation, that [the Student] was affecting

quality of peers and teachers, and that they hoped … [the Student] would learn accountability for [their] actions by having this consequence."

29. Regarding attendance, the Parent described a conflict between meeting one of the Student's accommodations and being on time to PE class. The Parent explained, due to medication, the Student has an afternoon snack written into their IEP. They stated the snack was currently scheduled just before PE, and the Student was allowed to sit in the hallway and eat. The Parent believed "That teacher was very upset about the fact that [the Student] was consistently missing the warmup time. So, if [the Student] was a minute or two late eating [their] snack, [the Health Teacher] would mark [the Student] absent for that class." The Parent reported they reached out to the Health Teacher to adjust the accommodation and change the absences to tardies, and the Health Teacher continued to mark the Student absent. The Parent stated during the December 11, 2025 IEP team meeting they asked to change the scheduled time of the Student's afternoon snack to avoid the conflict. However, they "did not see that that was ever addressed. [The Student] continued to have snack time at the same time. It wasn't moved and [the Health Teacher] continued to complain and mark [the Student] absent for being late to that class."

30. Regarding IEP team involvement in the transfer decision, the Parent stated "the team, to my knowledge, was not involved in the decision to remove [the Student] from the school unless they met without me. I was never invited to a team meeting regarding the behaviors and the transfer." They reported they did not receive any special education documentation or contact from the IEP team regarding the revocation of the transfer. The Parent expressed "if the teachers are seeing a behavior that they feel indicates a referral to administration, I would like to see a narrative of what interventions from the IEP they tried and failed before … a referral was made. Which I thought was the agreement with the Principal, but that did not happen after that meeting … about it. On my end, I didn't see any attempts to provide [the Student] support for [their] disability that was a direct cause of the events leading to this." They indicated they believed there was a lack of communication and documentation from the School.

Principal Interview

31. In an interview with the Complaint Investigator, the Principal explained "students who are on an admin[istrative] transfer sign an agreement … that it will be regularly reviewed and could be revoked at any time if the student is showing that they're not benefiting from the transfer as evidenced by behavior, attendance, and grades." They stated they check on all students with administrative transfers quarterly.

32. The Principal shared they were told "coming to [the School] would be a supportive environment for [the Student] because [they] would be with [their] familiar peers" and therefore the Student "would be more successful[.]" They reported they "were not seeing that success." The Principal stated they maintained communication with the Parent about the Student's behavior throughout the first semester of the 2025-26 school year and worked with the Student to improve their behavior as well.

33. The Principal confirmed they met with the Parent on December 20, 2025 to discuss the Student's behavior. They stated they consulted the IEP team as well around that time, however those were "informal conversations." They indicated they communicated with the team through email.

34. The Principal described a "carry card" system as a "tier one intervention" used for the Student. They indicated the School had "fallen out of practice" with it, and the Principal reinstated the system after they met with the Parent about implementing interventions. Regarding behavior, the Principal shared "a lot of the things that we saw had to do with following adult directions, like following a direction without argument, following a direction without being disruptive and sharing how [the Student] didn't want to do that." The Principal expressed they did not see improvement in the Student's behavior between the December 20, 2025 meeting with the Parent and the end of the first semester of the 2025-26 school year.

35. The Principal stated grades were not a factor in the decision to revoke the transfer. They reported the Student's attendance was below the administrative transfer threshold of 92%, sitting at 89%. The Principal asserted the Student had received "12 or 13" referrals, known at the School as "communicators", in the first semester of the 2025-26 school year. They reported a pattern of escalating behaviors surrounding the Student's afternoon snack. The Principal explained the Student "would be having negative interactions with students and adults who passed [the Student] in that environment. And so it was kind of looking at that list of referrals and kind of our increasingly strong response to them."

36. Regarding PWN, the Principal shared "It's my understanding that the admin[istrative] transfer process is not connected to special education processes, and it's also not a disciplinary process. So I am not aware of an [Standard Operating Procedure] SOP where a prior written notice would be issued for that."

Student Manager Interview

37. In an interview with the Complaint Investigator, the Student Manager explained they "work closely with our principal and assistant principal on handling tier one and tier two behavior supports." They described the "communicator" system for discipline referrals as a form that is filled out by staff "if they have any concerns regarding anything related to a possible violation of the student code of conduct." Subsequently, the Student Manager would "triage it to determine if it is something that I would handle as a level one or two, or if I would pass it off to our assistant principal if it was a level three violation or above that."

38. Regarding the Student's behaviors, the Student Manager reported "more often than not, they were level one and two, meaning classroom disruptions, behaviors, outbursts, leaving classroom unannounced, those types of things." They shared the Student's behavior "often resulted in a verbal back and forth to which the teacher at that point would either cease the

conversation with the Student or call the office for support to remove the Student from class."

39. The Student Manager did not recall the Student receiving either an in-school or out-of-school suspension.

40. The Student Manager shared, based on the data from the "communicators", they "discussed developing a behavioral support plan" with the school counselors and administrators. They shared they do not write behavior plans as part of their role. However, they explained "When it comes to a behavior support plan at my level, it is tier one interventions" and indicated they worked with staff to provide those interventions. The Student Manager described strategies they shared with staff working with the Student, including giving the Student space, letting the Student go for a five-minute walk, and asking the Student to perform class duties.

41. Regarding the administrative transfer, the Student Manager shared "[T]eachers were aware that [the Student] was on an admin[istrative] transfer and in their communications with me, … they have said that they would like for me … or … an administrator … to remind [the Student] that [they're] an administrative transfer which could be revoked. To my knowledge, I never referred or spoke to [the Student] about [their] administrative transfer. That's not my role."

Learning Specialist Interview

42. In an interview with the Complaint Investigator, the Learning Specialist shared that the Student's accommodations included access to alternate locations for assignments and breaks, and a snack schedule. They indicated home-school communication, access to teacher-written notes for assignments, headphones, reduced assignments, "digital resources," visual supports, and writing tools such as speech-to-text and graphic organizers were added at the December 11, 2025 IEP team meeting. The Learning Specialist described strategies they used with the Student as "... more informal talking, more in the moment when issues arose, … about other classes. So, we talk about strategies instead of going right to defiance, like what could we do instead, take a break, take some deep breaths, do a different activity for a few minutes, come back, ask some clarifying questions to your teacher, that kind of thing."

43. Regarding the December 11, 2025 IEP team meeting, the Learning Specialist confirmed it included a determination for special education eligibility and there was discussion about removing the Student from their IEP. They indicated the team settled on leaving the IEP in place to provide accommodations for the Student's behavior. The Learning Specialist shared the Student met an academic goal in writing and transitioned from direct SDI to "a consult model" for writing. They described the consult model as pull-out services during the Student's student enrichment class instead of a dedicated SDI class period. They reported they were not able to implement the consult model because the Student's administrative transfer was revoked.

44. The Learning Specialist reported staff had access to the Student's IEP through the School's student information system. They stated a behavior plan from fifth grade was shared with the IEP team, and they were not aware of an updated behavior plan. The Learning Specialist reported the School Psychologist was responsible for behavior plans. They did not recall if a behavior plan was discussed at the December 11, 2025 IEP team meeting, and reported they did not have concerns that the Student needed a behavior plan.

45. The Learning Specialist described the Student had a "carry card" that was filled out by teachers throughout the day. The "carry card" contained two sets of criteria, one set with a 0-2 point scoring scale, and the other with a yes/no scoring system. The Learning Specialist stated they started using the "carry card" with the Student in October 2025 and did not know if it was used prior. They reported the "carry card" was sent home each day, and the Student received incentives from the Parent. The Learning Specialist indicated the School did not have copies of the "carry card" and was unsure if it was filled out daily.

46. Regarding an email from December 10, 2025 requesting teacher feedback for the Student, the Learning Specialist reported the Student struggled with self-regulation, defiance, negative mindset, and the Student "doesn't demonstrate an ability [to] consistently plan or execute on an academic test that [the Student] doesn't find interesting."

47. The Learning Specialist stated they were not involved in the decision to revoke the Student's administrative transfer. They reported it was not a special education process, therefore they did not issue prior written notice.

Health Teacher Interview

48. In an interview with the Complaint Investigator, the Health Teacher shared they taught the Student in PE as well as a student enrichment period. For PE, the Health Teacher described the accommodations available to the Student as alternate assignments, more time on assignments, a snack before class, and "access to go see [the Learning Specialist] whenever [the Student] felt that [they] needed to." They indicated the Student often visited the Learning Specialist during PE.

49. The Health Teacher shared the Student was chronically late to PE. They stated the Student was spending the entire "warm-up" portion of the class outside in the hallway eating afternoon snack. The Health Teacher indicated they had discussed the extended snack time with the Student, and believed they had come to an agreement that gave the Student an extra eight minutes of transition time to eat their snack, amounting to a total of 12 minutes of transition time for the Student between PE and the class before PE. However, according to the Health Teacher, the Student was taking up to 30 minutes to come into PE class.

50. The Health Teacher stated the Student demonstrated work refusal during the student enrichment class. They reported they offered working with the Learning Specialist to the Student during the refusals. The Health Teacher indicated the Student accepted the offer "a couple times[.]"

Language Arts Teacher Interview

51. In an interview with the Complaint Investigator, the Language Arts Teacher reported the accommodations they implemented for the Student as "I gave chunked assignments, shortened assignments, warnings when I was going to start new tasks, sentence frames, individual conversations, preferential seating, a lot of just sort of personal negotiation around what [the Student] might write about. … The list is long." They stated the Student had "multiple ways" of accessing in-class information, including visual aids and written supports. They shared they collaborated with the Student on topics so the Student would complete assignments.

52. According to the Language Arts teacher, the Student tended to resist any situation where they felt a lack of full autonomy, often turning those moments into a power struggle. The Language Arts Teacher stated they used strategies such as "praise, specific validation and high interest topics." They shared they maintained a calm approach and open communication, and indicated proximity to the Student was a supportive measure.

53. The Language Arts Teacher expressed the Student could be difficult, especially when the Student was not taking their medication. They stated the Student "doesn't mind saying mean things to you or other people." The Language Arts Teacher indicated they were aware of when the Student was not on medication, either through observation or the Parent informing them. They stated during those times, accommodations were "offered with a more intentional degree of focus[.]" The Language Arts Teacher expressed "[the Student's] access to academic content, to academic conversations, to all of those things was deeply, deeply limited by the interpersonal dynamics between teachers and kids."

54. Regarding the Student's behavior, the Language Arts Teacher stated "[The Student] had a very distinctive ability to turn [their] behavior on and off. In my room, [the Student] was a delight." They reported they did not experience the same behaviors as other teachers, observing the Student was "deeply reactive" because they were "sensitiv[e]" and the Student "decided the [conditions at school] were not optimal for [them]. The Language Arts Teacher reiterated they had an overall positive experience with the Student while acknowledging other teachers did not have the same experience. They recognized the Student's ADHD may be a cause of their behavior. The Language Arts Teacher stated they did not observe a difference in the Student's behavior before and after the December 11, 2025 IEP team meeting, and asserted they maintained the same level of accommodations throughout the school year. They expressed the Student was "fantastic and complicated."

Special Education Director Interview

55. In an interview with the Complaint Investigator, the Special Education Director clarified the administrative transfer was "... completely done outside of the special ed process." Additionally, they shared "As long as [a] FAPE can be provided, we consider building location not a placement issue, so we would not complete a prior written notice unless there was

something else that changed in the IEP … . But that part of [a] location change, … it wouldn't trigger a prior written notice." The Special Education Director explained IEPs were implemented "the exact same way" across the District's schools.

School Psychologist Written Response:

56. In their written response, the School Psychologist explained the staff at the School did not "observe" hyperactivity. They indicated they would only complete a Functional Behavior Assessment (FBA) in a situation they were unsure of the root of a behavior problem. This specific situation they stated, "teachers and [the Parent] all indicated that [the Student] would engage in that behavior when staff used an authoritative approach. [The Parent] shared at our meeting that [the Student's] issues with the [Health Teacher] and [Math Teacher] were because they were like [the Student's] [parent]. When [the Student] was motivated like before winter break when [the Student] was earning a bike or something, [the Student] did well across settings."

IV. DISCUSSION

Content of the IEP

The Parents alleged the District failed to develop an IEP that appropriately addressed the Student's disability-related behavioral needs, specifically failing to include necessary positive behavioral interventions and supports despite documented ADHD related behavior concerns.

The IEP must include a statement of measurable annual goals, including academic and functional goals (and, for children with disabilities who take alternate assessments aligned to alternate achievement standards, a description of short-term objectives) designed to meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum and meet each of the child's other educational needs that result from the child's disability.[3]

Additionally, the IEP must include a statement of the specific special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child. Moreover, it must include a statement of the program modifications or supports for school personnel that will be provided for the child in order to advance appropriately toward attaining the annual goals, to be involved and progress in the general education curriculum and to participate in extracurricular and other nonacademic activities, and to be educated and participate with other children with disabilities and children without disabilities.[4]

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

[4] OAR 581-015-2200(1)(d); 34 CFR § 300.320(2)(i)(4)

In developing, reviewing and revising the child's IEP, the IEP team must consider the strengths of the child, concerns of the parents for enhancing the education of their child, the results of the initial or most recent evaluation of the child, and the academic, developmental, and functional needs of the child. In developing, reviewing, and revising the IEP of children described below, the IEP team must consider the following additional special factors: for a child whose behavior impedes the child's learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies to address the behavior. If, in considering these special factors, the IEP team determines that a child needs a particular device or service (including an intervention, accommodation, or other program modification) for the child to receive free appropriate public education, the IEP team must include a statement to that effect in the child's IEP.[5]

The District addressed the Student's disability-related behavioral needs in their May 5, 2025 IEP with a goal and SDI in self-direction that directly addressed the Student's behavior needs as identified in the IEP. In addition, accommodations in the May 5, 2025 IEP that supported the Student's behavior included offering choices for non-preferred activities, home/school communication, access to a break space and offering alternative work when the Student refused to complete class activities. In the December 11, 2025 IEP, the District revised the Student's goals so that there was a separate goal and related SDI specifically in the area of behavior. The IEP team also updated the accommodations in the December 2025 IEP to include expanded "access to writing tools" such as voice typing, keyboarding, and graphic organizers, and the use of headphones to listen to music during independent work time. The team recognized that the Student's behavior was a special factor that impeded learning and documented the use of a "carry card", a strategy put in place for the Student in October 2025, as an intervention used to address the Student's behavior. The evidence shows that the IEPs in effect during the time period of the Complaint appropriately considered and addressed the Student's disability-related behavior needs.

The Department does not substantiate this allegation.

Review and Revision of IEP

The Parents alleged the District failed to properly review and revise the Student's IEP to address the Student's lack of progress in meeting behavior expectations. Despite documented behavioral concerns related to the Student's disability, the IEP team reportedly discussed removing the IEP or decreasing instruction time during the December 11, 2025 meeting rather than implementing new interventions to support the Student's needs.

Each school district must ensure that the IEP team reviews the child's IEP periodically, but at least once every 365 days to determine whether the annual goals for the child are being achieved. The district shall revise the IEP, as appropriate, to address any lack of expected progress toward the annual goals and in the general education curriculum, if appropriate. The IEP team will use the results of any reevaluation conducted and information about the child

[5] OAR 581-015-2205 (1)(3)(a)(4); 34 CFR § 300.324(a)(1)(2)(i)

provided to, or by, the parents. The team will review the child's anticipated needs or other matters. In making changes to a child's IEP between annual IEP team meetings, the parent of a child with a disability and the school district may agree not to hold an IEP team meeting to make these changes, and instead may develop a written document to amend or modify the child's current IEP. If changes are made to the child's IEP, the district must ensure that the child's IEP team is informed of these changes. A school district must ensure amendments to the IEP may be made either by the entire IEP team at an IEP team meeting, by amending the IEP rather than by redrafting the entire IEP. Upon request, the parent must be provided with a revised copy of the IEP with the amendments incorporated.[6]

During the December 11, 2025 meeting, the team discussed the possibility of removing the IEP or transitioning the Student to a 504 plan, noting that the Student's academic performance in subjects such as math and writing was within the average range, but ultimately decided to maintain an IEP. As discussed above, the IEP team revised the Student's goals so that there was a separate goal and related SDI specifically in the area of behavior and added accommodations to address the Student's challenge with becoming "dysregulated when asked to complete written assignments." The evidence in this case demonstrates that, during the December 11, 2025 IEP meeting, the District incorporated the Parent's feedback and the Student's needs into the review and revision of the Student's IEP.

The Department does not substantiate this allegation.

Disciplinary Removals and Manifestation Determination Review

The Parents alleged the District failed to conduct a MDR meeting within 10 school days of deciding to revoke the Student's AT which constituted a disciplinary change of placement. The Principal's decision to revoke the transfer was explicitly based on the Student's "behavior" and "accountability," yet no meeting was held to determine if the conduct was a manifestation of the Student's disability.

School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement is appropriate for a child with a disability who violates a code of conduct. A disciplinary removal is considered a change in educational placement and the school district must follow special education due process procedures if the removal will be for more than 10 consecutive school days (e.g. expulsion) or the child will be removed for more than 10 cumulative school days from their current educational placement in a school year, and those removals constitute a pattern. School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a disciplinary removal for a child with a disability who violates a code of conduct. Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the school district must determine whether the child's behavior is a manifestation of the student's disability.[7]

[6] OAR 581-015-2225; 34 CFR § 300.324(b)

[7] OAR 581-015-2415(1-3); 34 CFR § 300.530(a-d)

In determining whether the child's behavior is a manifestation of the child's disability, the school district, the parent, and relevant members of the IEP team must review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine if the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability, or if the conduct in question was the direct result of the school district's failure to implement the IEP. If the school district, the parent, and relevant members of the IEP team determine it is applicable for the child, the conduct must be determined to be a manifestation of the child's disability. If the basis for the team's determination is that the school district did not implement the child's IEP, the school district must take immediate steps to remedy those deficiencies.[8]

If the determination is that the child's behavior is a manifestation of the child's disability, the school district must return the child to the placement from which the child was removed, unless the parent and school district agree to a change of placement as part of the modification of the behavioral intervention plan (BIP). The district must either conduct a functional behavioral assessment (FBA), unless the school district conducted an FBA before the behavior occurred that prompted the disciplinary action. The district must implement a BIP, or if the student already has a behavior plan, review the behavioral intervention plan and modify it, as necessary, to address the behavior.[9]

If the determination is that the child's behavior is not a manifestation of the child's disability, the district may proceed with disciplinary action applicable to children without disabilities in the same manner and for the same duration as the procedures would be applied to children without disabilities. If the district takes such action applicable to all children, the district must, on the date on which the decision is made to remove the student, notify the parents of that decision and provide them with notice of procedural safeguards. The district must provide services to the student in an interim alternative educational setting, determined by the IEP team, and provide, as appropriate, an FBA, behavior intervention services, and modifications that are designed to address the behavior violation so that it does not recur.[10]

The Student's enrollment at the School was governed by the AT contract, completed and signed by one of the Parents, which explicitly stated that the transfer could be revoked "at any time" for reasons including poor attendance or behavioral issues. The District Principal invoked this clause on January 23, 2026, citing the Student's behavior and a pattern of attendance concerns as the basis for immediate revocation. This decision meant the Student would return to their resident neighborhood school. This decision resulted in a change in school location rather than a change in the Student's special education placement. Additionally, the administrative transfer process is a function of the general education program and not a decision made by an IEP team.

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[8] OAR 581-15-2420; 34 CFR §300.530(e)

[9] OAR 581-015-2415(4); 34 CFR § 300.530(f)

[10] OAR 581-015-2415(5); 34 CFR § 300.530(h)

The Ninth Circuit case *R.M. by S.M. and M.M. v. Gilbert Unified Sch. Dist.*, established the legal principle under the IDEA that changing a student's physical school location is not considered a "change in placement" as long as the core special education program and services remain substantially the same.[11] Consequently, the District was not required to conduct a MDR when revoking the Student's Administrative Transfer, as it was a change in location, not in educational placement.

The Department does not substantiate this allegation.

Prior Written Notice (PWN)

The Parents alleged the District failed to provide PWN before changing the Student's educational setting. The revocation of the AT was effective "immediately" via email, depriving the Parents of the opportunity to participate in the decision-making process regarding the change in the Student's educational placement.

A school district must provide PWN to a parent or adult student within a reasonable period before proposing or refusing to initiate or change a child's identification, evaluation, educational placement, or the provision of FAPE. This notice must clearly describe the specific action and the reasons behind it, detailing the evaluations, assessments, or records used as the basis for the decision. Additionally, it must describe any other options the IEP team considered and why those were rejected, along with any other factors relevant to the district's proposal or refusal.

The PWN must include a statement regarding procedural safeguards, instructions on how to obtain a copy, and contact sources for assistance in understanding these rights. Finally, the notice must be written in language understandable to the general public and provided in the parent's native language or preferred mode of communication, unless doing so is clearly not feasible.[12]

When the District revoked the Student's AT, it did not issue PWN because the transfer revocation resulted in a location change rather than a change in "educational placement." As the aforementioned discussion noted, a change in school location is not a change in special education placement. As such, the District was not required to provide the Parents with PWN regarding the revocation of the Student's school transfer.

The Department does not substantiate this allegation.

V. CORRECTIVE ACTION[13]

[11] 119 LRP 16384, R.M. by S.M. and M.M. v. Gilbert Unified Sch. Dist., 04/24/19

[12] OAR 581-015-2310(2-4); 34 CFR § 300.503(a-b)(c)(1)

[13] The Department's order shall include any necessary corrective action as well as documentation to ensure that the corrective action has been completed (OAR 581-015-2030(13)). The Department expects and requires the timely completion of corrective action and will verify that the corrective action has been completed as specified in any final order (OAR 581-015-2030(15)). The Department may initiate remedies against a party who refuses to voluntarily comply with a plan of correction (OAR 581-015-2030(17) & (18)).

Based on the facts provided, no corrective action is ordered:

Dated: this 27 Day of March 2026



_____

Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing Date: March 27, 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).)