BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of Dallas School District 2	))))	FINDINGS OF FACT, CONCLUSIONS, AND FINAL ORDER Case No. 26-054-021

I. BACKGROUND

On February 10, 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 Dallas 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 February 18, 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 March 11, 2026. On March 4, 2026, the District submitted a *Response*, disputing the allegations described in the Complaint. On March 6, 2026, the District submitted additional documents responsive to the *Request for Response.* The District submitted the following relevant items:

1. District Response
2. Email: Evaluation question, 11/5/2025
3. Prior Notice about Evaluation/Consent for Evaluation, 2/9/2026
4. Prior Notice about Evaluation/Consent for Evaluation, 1/15/2026
5. Prior Notice for Special Education Action, 1/26/2026
6. Prior Notice of Special Education Action, 2/6/2026
7. Prior Notice of Special Education Action, 2/10/2026
8. Events for [Student], 5/16/2025—2/19/2026
9. School Discipline Form, 11/12/2025
10. School Discipline Form, 02/12/2026
11. School Discipline Form, 02/09/2026

[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. School Discipline Form, 02/04/2026
13. School Discipline Form, 02/02/2026
14. School Discipline Form, 02/02/2026
15. School Discipline Form, 10/21/2025
16. School Discipline Form, 11/18/2025
17. School Discipline Form, 12/17/2025
18. School Discipline Form, 06/21/2025
19. School Discipline Form, 11/05/2025
20. School Discipline Form, 11/07/2025
21. School Discipline Form, 01/07/2026
22. School Discipline Form, 02/10/2026
23. Email: Re: Records Request-2nd attempt, 1/23/26
24. District Policy KL, Public Complaints
25. Concussion Education (brochure)
26. Email: Attendance Note, 3/11/2025
27. Email: Meeting with [Parent], 10/10/2025
28. Email: Evaluation question, 11/5/2025
29. Email: Meeting information, 11/6/2025
30. Special Education Notice of Team Meeting, 11/6/2025
31. Email: Re: Meeting information, 11/10/2025
32. Special Education Notice of Team Meeting, 11/12/2025
33. Prior Notice of Special Education Action, 11/13/2025
34. Email: summary of meeting, 11/24/2025
35. Email: [Family] Consent11-24-25 has been sent out for signature…, 11/25/2026
36. Consent for Assessment and Screening, 11/24/2025
37. Email: FERPA Violation-[Student], 12/1/2025
38. Email: Heads up on today, 12/10/2025
39. Email: Out of the Office Re: FERPA Violation –[Student], 12/10/2025
40. Email: Fwd: FERPA Violation-[Student], 12/10/2025--12/19/2025
41. Email: Re: MANDT conversation, 12/22/2025
42. Email: Complaint Response, 12/23/2025
43. Email: Parent Functional Assessment Interview, 12/29/2025
44. Email: Talk to autism specialist, 12/29/2025
45. Letter: Formal Appeal and Request for Board Review, 12/29/2025
46. Email: Re: Talk to autism specialist, 12/30/2025
47. Email: Re: Parent Functional Assessment Interview, 1/1/2026
48. Email: Request for Investigation Findings, Documentation, and Immediate Safety Planning, 1/4/2026
49. Email: Re: Talk to autism specialist, 1/5/2026
50. Email: 'Public Complaint Policy KL D4.pdf", 1/5/2026
51. Email: Request for Investigation Findings, Documentation, and Immediate Safety Planning, 1/6/2026
52. Email: Meeting request, 1/6/2026
53. Email: Re: Complaint Response, 1/6/2026

54. Special Education Notice of Team Meeting, 1/7/2026
55. Email: “[Student]-notm updated.pdf”, 1/8/2026
56. Special Education Notice of Team Meeting (Updated), 1/9/2026
57. Email: Re: Meeting request, 1/8/2026
58. Email: “[Student]-notm updated.pdf”, 1/8/2026
59. Email: “[Student]-notm updated (2).pdf”, 1/8/2026
60. Special Education Notice of Team Meeting (Updated), 1/9/2026
61. Email: Re: Complaint Response, 1/8/2026
62. Email: Re: Records Request, 1/8/2026
63. Letter from District to Parents, 1/12/2026
64. Email: Re: Complaint Response, 1/12/2026
65. Email: “[Student] at [School] 2026 Pre-Panning_Evaluation Planning.docx.pdf”, 1/13/2026
66. Email: Re: Complaint Response, 1/13/2026
67. Email: Signature needed, 1/15/2026
68. Email: Records Request-2nd attempt, 1/17/2026
69. Email: Delayed Response Time Re: Records Request-2nd attempt, 1/17/2026
70. Prior Notice about Evaluation/Consent for Evaluation, 1/15/2026
71. File Review of Existing Information/Student Referral, 1/15/2026
72. Meeting Notes, 1/15/2026
73. Special Education Notice of Team Meeting (Updated), 1/9/2026
74. Email: Pencil grip intervention trial, 1/20/2026
75. Email: Re: Records Request-2nd attempt, 1/202/206
76. Email: Crisis Cycle for [Student], 1/20/2026
77. Student Accident Report Form, 1/21/2026
78. Email: Fwd: Public Meeting Notice for January 26, 2026, 1/22/2026
79. Email: Re: Crisis Cycle for [Student], 1/23/2026
80. Email: Classroom Events, 1/23/2026
81. Email: Re: Records Request-2nd attempt, 1/23/2026
82. Email: Delayed Response Time Re: Records Request-3rd attempt, 1/23/2026
83. Email: Pre-Plan, 1/26/2026
84. Email: Request-3rd attempt, 1/26/2026
85. Prior Notice of Special Education Action, 1/26/2026
86. Email: Today’s Meeting, 1/26/2026
87. Request for Complaint Investigation, 2/9/2026
88. Prior Notice of Special Education Action, 1/26/2026
89. Email: Meeting information, 1/26/2026
90. Email: Prior Written Notice, 1/26/2026
91. Tier 3 Behavior Intervention Plan, 1/9/2026
92. Tier III FBA, 1/9/2026
93. Email: Re: Meeting information, 1/26/2026
94. Special Education Notice of Team Meeting, 1/26/2026
95. Email: Re: Records Request-3rd attempt, 1/26/2026
96. Email: Re: Prior Written Notice, 1/26/2026

97. Email: Records request compliance, 1/29/2026
98. Email: Meeting information, 1/29/2026
99. Special Education Notice of Team Meeting, 1/9/2025
100. Email: Records request compliance, 2/2/2026
101. Email: Re: Meeting information, 2/2/2026
102. Email: Records request compliance, 2/2/2026
103. Email: Follow-up, 2/4/2026
104. Email: [Student], 2/4/2026
105. Email: Re: Follow-up, 2/4/2026
106. Email: [Student] 2/4/26, 2/5/2206
107. Email: Meeting request, 2/5/2026
108. Email: Formal Complaint Regarding Physical Restrain of [Student]…, 2/5/2026
109. Meeting Notes, 2/4/2026
110. Prior Notice of Special Education Action, 2/26/2026
111. Email: Meeting Notes, Updated form, PWN, 2/6/2026
112. Tier 3 Behavior Intervention Plan, 1/9/2026 (Updated 2/4/2026)
113. Tier III FBA, 1/9/2026
114. Email: Formal Complaint Regarding Physical Restrain of [Student]…, 2/6/2026
115. Email: Re: Formal Complaint Regarding Physical Restrain of [Student]…, 2/6/2026
116. Email: Re: [Student] 2/4/26, 2/6/2026
117. Email: Dallas School District-FERPA Violation, 2/6/2026
118. Email: Re: [Student] 2/4/26, 2/6/2026
119. Email: Re: Formal Complaint Regarding Physical Restrain of [Student]…, 2/6/2026
120. Email: Re: [Student], 2/6/2026
121. Email: Re: Meeting Notes, Updated forms, PWN, 2/7/2026
122. Email: Public Records Request-Administrator Salaries and Contracts, 2/7/2026
123. Prior Notice of Special Education Action, 2/26/2026
124. Email: Re: Meeting Notes, Updated forms, PWN, 2/7/2026
125. Email: Formal Records Correction, Public Record Request, and Demand for Immediate Safety Action, 2/7/2026
126. Email: Formal Ethics Complaint-Conflict of Interest, Bias, and Failure to Recuse, 2/8/2026
127. Email: Formal video footage request, 2/8/2026
128. Email: Re: Meeting information, 2/9/2026
129. Email: Formal Ethics Complaint-Conflict of Interest, Bias, and Failure to Recuse, 2/9/2026
130. Email: zoom link, 2/9/2026
131. Email: Questions regarding [Student's] systems, 2/9/2026
132. IDEA State Complaint
133. Email: Official ODE Complaint, 2/9/2026
134. Email: Re: [Student] 2/4/26, 2/9/2026
135. Email: Re: Question regarding [Student's] systems, 2/10/2026
136. Email: Signature needed, 2/10/2026
137. Email: Re: [Student] 2/4/26, 2/10/2026

138. Email: Forms in backpack, 2/10/2026
139. Email: Meeting request, 2/10/2026
140. Email: Parent Interview/Developmental History, 2/10/2026
141. Email: Re: Parent Interview/Developmental History, 2/10/2026
142. Direct Messages between District and Parents, 4/22/25—2/10/26
143. Email: Re: Evaluation question, 11/5/2026
144. [Student's] Crisis Cycle, 1/20/2026
145. Tier 3 Behavior Intervention Plan, 1/9/2026
146. Consent for Assessment/Screening, 11/24/2025
147. Emails between District and Parent

On March 18, 2026, the Department's Complaint Investigator interviewed the Parents. On April 2, 2026, the Department's Complaint Investigator interviewed the District's Principal, Director of Special Education and Coordinator of Special Education. 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 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 February 9, 2025, through February 10, 2026.

Allegations	Conclusions
Child Find It is alleged that the District violated the IDEA when it did not evaluate the Student for special education, despite the Student displaying behaviors of concern to the Student's teachers, and teachers calling the Parent to remove the Student from the school to address such behaviors. It is alleged that the District observed behaviors from the Student that obstructed their education, that the District received requests from the Parents to evaluate the Student, and received behavior intervention information from the Parents, but did not evaluate the Student for special education. (OAR 581-015-2080; 34 CFR § 300.111, 34 CFR § 303.302 & 34 CFR § 301)	**Substantiated** The District initially declined to evaluate the Student following the Parents' request. The District reported having not suspected a disability until January 2026. The records support that the District suspected a disability in December 2025 but did not then refer the Student for evaluation.

Access to Student Education Records It is alleged that the District violated the IDEA when it did not provide the Parents with requested education records. It is alleged that the District did not provide the Parents access to, or copies of, requested education records relevant to restraint and seclusion, behavior referrals, tracking data relevant to the Student's behaviors, and behavior incidents. (OAR 581-015-2200; 34 CFR § 300.320)	**Not Substantiated** The Parents requested education records and additional records in the possession of the District. The District provided the Parents with the requested education records and processed the remaining documents through its public records request process.
Evaluation and Reevaluation Requirements It is alleged that the District violated the IDEA when, following the Parents' request that the District evaluate the Student for special education, the District did not evaluate the Student. It is also alleged that despite suspecting the Student may need special education services, that the District did not evaluate the Student for special education. (OAR 581-015-2105; 34 CFR § 300.301 & 300.303)	**Substantiated** The Parents requested the District evaluate the Student. Following receipt of the request the District declined to evaluate the Student until it attempted general education interventions. The record supports that after suspecting the Student may need special education services, the District did not timely propose to evaluate the Student.
Prior Written Notice It is alleged that the District violated the IDEA when, it did not provide prior written notice to the Parents of the District's refusal to evaluate the Student for special education. (OAR 581-015-2310; 34 CFR § 300.503)	**Substantiated** On November 13, 2025, the District sent the Parents PWN of its refusal to evaluate the Student. The PWN did not include an adequate description of the data used as a basis for the refusal.
Free Appropriate Public Education (Denial of FAPE) It is alleged that the District violated the IDEA when it did not formulate an IEP with the appropriate services required by the Student; and, that the District did not consider the Parent's concerns for enhancing the Student's education, in developing the IEP. It is alleged that these actions denied the Student a FAPE.	**Not Substantiated** The District has not yet developed an IEP for the Student as the initial evaluation is still in process. There was insufficient evidence provided to establish that the District's

(OAR 581-015-2040; 34 CFR § 300.101)	procedural violations resulted in a loss of educational opportunity to the Student.

REQUESTED CORRECTIVE ACTION

The Parents request that the District:

- Enact safety measures for the Student;
- Limit specific staff access to the Student;
- Ensure that all behavior interventions utilized with the Student are appropriately approved;
- Provide the Parents with all requested documents, incident reports, injury reports, emails, photographs, and staff notes, investigation records (including methodology), and documents responsive to the Parent's public records request;
- Verify staff training and qualification to any staff implementing behavioral interventions;
- Provide compensatory education to address lost education time;
- Reevaluate the Student's FBA/IEP support to ensure positive behavioral interventions;
- Implement a plan for monitoring future behavior incidents, documenting interventions; and,
- Provide training to staff on behavioral interventions, documentation, and reporting to parents.

III. FINDINGS OF FACT

1. The Student in this matter is 7 years of age and attends the first grade in a District elementary school. The District is currently evaluating the Student for special education eligibility in the categories of Emotional Behavior Disorder (EBD), Other Health Impairment (OHI), Autism Spectrum Disorder (ASD), and Developmental Delay (DD).

2. On May 16, 2025, the District documented that the Student hit a classmate because that classmate would not stop following the Student.

3. On June 21, 2025, the District documented a behavior referral for the Student. The behavior referral noted that the Student was fighting in line. The District categorized this as a "Major Problem Behavior".

4. On October 10, 2025, the Parents met with one of the District's Behavior Teachers regarding the Student.

5. On October 21, 2025, the District documented a behavior referral for the Student. The behavior referral noted that the Student displayed behavior that was disruptive disrespectful, used inappropriate language, and misused property. The District

categorized this as a “Minor Problem Behavior”.

6. On October 31, 2025, the Parents met with the Principal and other staff. The Parents later reported that during this meeting they requested that the District evaluate the Student for special education eligibility.

7. On November 5, 2025, the District documented that the Student became dysregulated running around the building and not responding to adult requests to cease the behavior. The District postulated that the Student sought adult attention.

8. On November 5, 2025, the Parents sent an email to the District recounting the Parents’ October 31, 2025, behavior meeting “regarding some behaviors our [child] has been exhibiting frequently at school.” The Parents reported that during this meeting they requested “a full evaluation be done.” The Parents reported that the District had not yet contacted them to schedule a planning meeting. The Parents further reported that they were “getting almost daily phone calls home due to [the Student’s] negative behaviors and [their] behaviors [were] consistently interfering with [the Student’s] education and the learning of others…” The Parents also wrote that they sought the District’s assistance with some questions and the process.

9. On November 5, 2025, the District, responding to the Parents’ email of the same day, explained that the District would respond to the request within 10 days to schedule a meeting to review all information and determine next steps. The District noted that since the request was behavior related, they had questions about what interventions had been attempted to date.

10. On November 6, 2025, the District sent the Parents a notice for a meeting scheduled for November 13, 2025, to discuss the Parents’ November 5, 2025, request that the Student be evaluated for special education. With the email the District included links to the Procedural Safeguards and a form titled “Parents Pins (Preferences, Interests, Needs, Strengths).” The Meeting Notice indicated that the meeting was to review existing information about the Student and determine whether additional testing is needed.

11. On November 7, 2025, the District documented that the Student slapped a classmate.

12. On November 12, 2025, the District documented a behavior referral for the Student. The behavior referral noted that the Student displayed behavior that included defiance, disruption, disrespect, and property damage. The Student also exhibited potentially self-injurious behavior on this date. The District categorized this as a “Major Problem Behavior”.

13. On November 12, 2025, the District sent the Parents an updated notice of a meeting scheduled for November 13, 2025, adding attendees, and indicating that the discussion would include whether additional testing was needed to address concerns related to the

Student's educational needs.

14. On November 13, 2025, the District sent the Parents Prior Written Notice (PWN) of the District's refusal "to immediately initiate" the Parents' request for the District to evaluate the Student for special education "without first completing [the District's] required review process through the Student Intervention Team (SIT) to determine if an evaluation is appropriate." The PWN included a description of the SIT team, its function, and its members. The PWN noted that the District would "complete [the] district-required review process through the Student Intervention Team (SIT) to determine if an evaluation is appropriate." Additionally, the PWN indicated that on November 13, 2025, the "SIT/Pre-planning team has recommended that a Functional Behavior Assessment and Behavior Support Plan be completed and implemented for at least 6 weeks." The PWN further indicated that the SIT team would determine if it were appropriate for the District to move forward with a referral for an IDEA evaluation. The PWN further indicated that the District considered not completing the "district-required review Student Intervention Team process." The PWN went on to state that this option was rejected because the District "will complete our district-required review process through the Student Intervention Team (SIT) to determine if an evaluation is appropriate."

15. On November 18, 2026, the District documented the Student leaving class, becoming dysregulated, and throwing items in the behavior classroom. District staff redirected the Student who later reported their dissatisfaction with their teacher and peers.

16. On November 19, 2025, the Parents, through the District's parent portal, asked whether the District had begun collecting data about the Student yet. The District responded that the process had not yet begun, and that the District had 45 days within which to complete the data gathering.

17. On November 20, 2025, the Parent, communicating with the District through the District's parent portal, observed that the Student was "struggling quite a bit" that morning and that the Parents were getting frustrated. The Parent expressed the hope that data was "being taken every day on all of this so [the Student] can get the support [they need]." The Parent went on to write that, "Having [one of the Parents] come in as a support is NOT sustainable and not a realistic tool in my opinion. But we are so tired of nothing changing. After all of these meetings and things just seem to be getting worse, it's not okay. [THE STUDENT] NEEDS HELP. I know that you are a big advocate for [them] and have a whole classroom of kids to deal with, but we all know [the Student] needs help sooner than later."

18. On November 20, 2025, the District responded reporting that it was then collecting data regarding the Student's behaviors in support of creating a behavior support plan, that the District was attempting various interventions, and that when the school called the Parents it was to keep them informed, and not with the expectation that one of the

Parents come to the school to support the Student.

19. On November 24, 2025, the Parents signed a Consent for Assessment and Screening for the District to begin work on a Functional Behavior Assessment (FBA) and Behavior Support Plan (BSP).

20. On December 10, 2025, the District documented a behavior incident for the Student where they became escalated in class. This incident resulted in classmates being removed from the classroom. The District documented that the Student engaged in unsafe behavior, and that up to four staff members responded to address the situation and deescalate the Student.

21. On December 10, 2026, the Parents sent an email to the District, responding to the notice of the Student's behavior that day. The Parents, referencing the Student's behavior incident that day, wrote that the Student, "had an escalation that continued because [they] had a problem that [they] felt was a 'big' one and others didn't agree with that and told [them] to wait. [The Student] was worried that the thing [they] had lost would be taken or thrown away ([they] didn't verbalize that at the time) and went into crisis and destroyed the classroom. By that I mean [the Student] took things off of tables, broke crayons, tipped chairs, ripped paper, and proceeded to self harm by banging [their] head against the wall." The Parents went on to write that, "this is getting escalated just as we had said it would, how his escalations at home have been decreasing, but here increasing."

22. On December 10, 2025, the District sent a message to parents of the Student's class. The message read in part, "While students were at lunch, we had a situation where one student became escalated in the classroom. We worked with that student to get things safely back to baseline. Because of that, students were a little delayed getting back into the room and spent a short time in the kindergarten commons."

23. On December 10, 2025, the Parents sent an email to the District questioning why the District sent a message to parents and staff regarding the Student's behavior incident that day and questioning whether the message was a violation of FERPA, given that classmates were not present for the incident and did not witness the Student's behaviors.

24. On December 10, 2025, the District responded to the Parent's concerns noting that the "message didn't name a student, describe the behavior, mention a disability, or give any information that would identify [the Student], or anyone else. It was simply letting families know why their child came back to class a few minutes later than usual. That's a normal part of school communication." The email went on to explain the District's rationale in sending such a message ahead of questions from parents.

25. On December 17, 2025, the District documented that the Student engaged in self-

injurious behavior after a teacher asked them to follow directions.

26. On December 18, 2025, the Parents sent an email to the District with their concerns about the manner in which the District responded to the Student's behavior on December 10, 2025. The Parents described their concerns with the District's use of a mat to address the Student's behavior and the implications and considerations for this intervention.

27. On December 18, 2025, the Parents sent an email to the District suggesting additional support for the classroom teacher to assist them with the Student while the District was completing the Student's FBA.

28. On December 18, 2025, the Parents had a phone call with the District's Special Education Director. During that call the Parents reported that they suspected that the Student had a disability, specifying, "EBD and possibility ASD or OHI." The Parents further reported that the Student's doctor would not then "diagnose OHI." The Special Education Director documented that they also discussed ASD characteristics with the Parents during that call.

29. On December 23, 2025, the District sent the Parents a letter in response to their complaint regarding a potential FERPA violation by the District. The letter summarized the Student's behavior on December 10, 2025 to include, "Throwing classroom materials across the room, including books, crayons, pencils, and papers; ripping paper and materials from classroom walls, kicking and throwing classroom furniture, including chairs…" and the Student's behavior escalated further to include the Student hitting their "head against hard surfaces, including walls and the window area; striking [their] own head with closed fists." The District recounted the interventions used on this date which included the use of a four-panel mat to "help protect the student's head." The letter further explained that the FBA was "on schedule", with consent provided 11/25/25, and would be completed within 45 school days.

30. On December 29, 2025, the Parents sent an email to the District requesting to speak with the District's autism specialist.

31. On December 29, 2025, the Parents filed an appeal of the District's December 23, 2025, investigation conclusions.

32. On January 4, 2026, the Parents filed a request with the District for clarification regarding their December 23, 2025, investigation findings regarding the Student's December 10, 2025, behavior incident. The Parents also requested additional documentation associated with the District's investigation, such as relevant video footage, investigation documents, "incident reports, behavior reports, nurse or health room documentation, and any internal notes, summaries, or communications created in response to this incident."

33. On January 5, 2026, the District, responding to the Parents' December 29, 2026, request to speak with the District's autism specialist, reported that the autism specialist was not then assigned to work with the Student.

34. On January 5, 2026, the Parents sent an email to the District reiterating their request for records, specifically video recordings from December 10, 2025.

35. On January 5, 2026, the District responded and suggested scheduling a meeting to respond to the Parents' records request and providing links to the Board's policies regarding public records requests.

36. On January 5, 2026, the Parents made a public records request to the District for records, including video recording and surveillance footage for various areas of the Student's school, and "logs, schedules, sign-in/sign-out records, incident timelines, or internal tracking documents that reflect [the Student's] location, movements, or supervision" on December 10, 2025.

37. On January 6, 2026, the District, responding to the Parents' request for records, indicated that it would work with them to process the Parents' public records request.

38. On January 8, 2026, the Parents sent an email to the District asking for an update on the District's progress in responding to their records request.

39. On January 7, 2026, the District documented that the Student engaged in self-injurious behavior.

40. On January 9, 2026, the District completed an FBA for the Student. The FBA indicated that over the course of the year, the Student had seven incidents documented in an eight-week timeframe, involving behavior that ranged from "running around the school hallways to physical aggression and self harm." The FBA noted that the "behavior has increased in intensity as time has progressed." Additionally, the Student "seems to need to be in control of the environment and will use aggression and negative emotional expression to get what [they want]. [The Student] seems to understand that [they] can do what [they want] and go where [they want] with very little staff intervention." The FBA detailed that the Student displayed difficulty tolerating frustration and disappointment; limited emotional regulation skills; difficulty handling losing, fairness, and peer success; poor peer interaction and social problem-solving skills; difficulty accepting limits, corrections, and adult direction; need for control over environment and routines; challenged with impulse control; difficulty seeking helps or expressing needs appropriately; difficulty sustaining attention without seeking attention; and, limited flexibility and transition skills. The FBA concluded that when frustrated, annoyed, or dysregulated, the Student will escalate their behavior to gain control of the environment or situation until their need (based on a self-selected outcome or a fixed mindset) is

met.

41. On January 9, 2025, the District created a Tier 3 Behavior Intervention Plan (BIP) for the Student. The plan observed that the Student, "[w]hen frustrated, annoyed, or dysregulated…will escalate [their] behavior to gain control of the environment or situation until [their] needs [are] met using one of the following behaviors: Become aggressive…Ignore or refuse to comply to directions or demands…" The BIP included strategies for staff to address the Student's behavior, specific goals for reducing the behaviors observed, and skills for the Student to learn.

42. On January 12, 2026, the District sent a letter to the Parents in response to their "concerns related to the December 10, 2025 incident" involving the Student. The letter included the District's Superintendent's review of prior investigations, upheld previous investigation findings and informed the Parents of their appeal rights.

43. On January 12, 2026, the Parents sent an email to the District appealing the District's investigation findings.

44. On January 15, 2026, the District produced a File Review of Existing Information/Student Referral, for the Student. The document indicated that the Student was previously provided with access to scheduled breaks, calming corner, a slam ball, tent, that the team has offered food or whatever the Student asks for, and used humor to deescalate the Student. The District documented having tried various tiered interventions with the Student. The Student's Classroom Teacher observed that the Student struggled with confidence despite performing academically similarly with peers. The Classroom Teacher observed that the Student has a calming corner, tends to run and that staff have a hard time getting the Student to stop. During such running episodes the Student will run the opposite way from staff, run around the school, and knock over chairs. The Student will then revert to baseline. The Classroom Teacher reported that over the last few days, the Student ran out of the alarm door and kept setting the alarm off. They noted that the Student will look around to see if people are watching, suggesting the Student wants people to see what they are doing, inviting an audience. After the Student becomes escalated, it takes a while to get back to baseline. The Classroom Teacher reviewed the interventions in the classroom including the use of a picture schedule, scheduled breaks-heavy work, balls, and trampoline. The Classroom Teacher also reported that during the previous year, the Student integrated very well and was on the same trajectory as the other students. During that time if the teacher could see the Student escalate, they would try to diffuse the situation to avoid the escalation. The Classroom Teacher noted that the Student's behavior had led to having several meetings, reporting that loud sounds can make the Student mad, and even small events like a broken crayon can trigger them.

45. On January 15, 2026, the District convened a preplanning meeting to consider referring the Student for special education. During the meeting the Parents expressed that the

interventions attempted by the District were unsuccessful. The team discussed interventions currently in place, and additional interventions that could be added. During the meeting the Parents voiced concern that the Student may be on the autism spectrum. The team agreed that the suspected disabilities for the Student included Communication, Autism Spectrum Disorder, Developmental Delay, and Other Health Impairment.

46. On January 15, 2026, the District sent the Parents PWN of its intent to evaluate the Student based on the Parents suspecting a disability. The PWN noted the District would evaluate the Student in three areas: Developmental Delay, Other Health Impairment, and Autism Spectrum Disorder. The PWN indicated that the "team was presented with a newly developed behavior support plan and known data of sensory and health concerns supported the decisions to assess for Other Health Impairment, Autism Spectrum Disorder and Developmental Delay. The team discussed that through interventions some behaviors improved, while the structure of the behavior support plan (presented 1/15/26) did not have data to support the need to assess for EBD. While the behaviors discussed are evident, the causation of the behaviors and data supported the other categories for assessment."

47. On January 17, 2026, the Parents sent an email to the District reiterating a request for records related to the Student's December 10, 2025, behavior incident. The Parents questioned whether the District had fully complied with earlier records requests. The Parents' request stated:

    a. "Please provide all records that would reasonably establish whether a physical intervention occurred or did not occur on 12/10/25 and any communication in the present that is applicable to the incident/situation/mental health crisis/escalation, including but not limited to staff narratives, draft reports, internal emails (from [Staff Person] to any staff that was involved or to the Assistant Superintendent) any teacher communication device that any of the involved staff/principal/assistant superintendent use to communicate internally (ex. Teams, google chat, BandApp, etc), crisis logs, nurse logs, and training records of staff present."

48. The Parents' email also alleged that the Principal had described the Student's behavior on December 10, 2025, as a "mental health crisis." As part of the email, the Parents described the sort of documents that they sought.

49. On January 20, 2026, the District acknowledged the Parents' January 17, 2026, request for records. The District indicated that it would continue to search for responsive records and provide them if found.

50. On January 20, 2026, the District sent the Parents a copy of a document developed by the District tracking the Student's crisis cycle.

51. On January 21, 2026, the District sent an email to the Parents documenting a behavior incident where the Student engaged in self-injurious behavior and would not engage verbally with staff. The Student later followed directions and was seen by the school nurse after having hit their head on the wall.

52. On January 23, 2026, the Parents sent an email to the District again requesting records related to the events of December 10, 2025, specifically those "records that would reasonably establish whether a physical intervention occurred or did not occur on 12/10/25 an any communication in the present that is applicable to the incident/situation/mental health crisis/escalation, including but not limited to staff narrative, draft reports, internal emails….any teacher communication device that any of the involved staff…use to communicate internally…crisis logs…nurse logs, and training records of staff present." The email included additional details regarding the records sought, and the Parents' rationale for requesting such documentation.

53. On January 23, 2026, the District sent an email to the Parents in response to the Parents' records request and provided the requested records.

54. On January 23, 2026, the District sent an email to the Parents providing a timeline of the December 10, 2025, events involving the Student.

55. On January 26, 2026, the District and the Parents met to discuss the Parents' concerns with the District's implementation of the Crisis Cycle and the Student's FBA. The District documented that the Parents have a right to participate in the development of a student's FBA, but that the District reserves the right to determine format, methodology, and implementation.

56. On January 26, 2026, the District sent the Parents PWN of the team's January 15, 2026, meeting and review of the Student's FBA and BIP. "During the review of the functional behavior plan updates were made in the area of family information" to indicate that the Student's siblings were enrolled in different schools, and that the "phrase 7 major referrals was changed to 7 incidents documented." The PWN included that "the documents from previous meeting for FBA/BIP reviewed on 1/15/26 will be implemented as written. The Crisis Cycle is not yet complete with full Team input, so that remains in draft form. There are interventions that may be implemented as part of normal behavioral supports that may be on the draft Crisis Cycle; however, the Crisis Cycle has not yet been added to the FBA/BIP plan. The Team will meet again to address parent input and ensure that all Team members have input into the Crisis Cycle before it is finalized and added to the BIP. Parents requested that the meeting be scheduled for the first week of February…" due to availability.

57. On February 2, 2026, the District documented an incident of the Student leaving class without permission and becoming dysregulated in the bathroom. The District

documented that the Student's possible motivation for the behavior was adult attention and obtaining a preferred item or classroom.

58. On February 2, 2026, the District sent an email to the Parents reporting that all documents responsive to the Parents' records requests were provided.

59. On February 2, 2026, the Parents, responding to the District's email of the same date, contended that many of the records sought were not yet provided. The Parents alleged that this included, incident reports for the December 10, 2025, incident, staff narratives and internal communication, behavior logs for December 10, 2025, crisis response documentations, nurse logs or medical follow-up records, and training records for staff present for the December 10, 2025, incident.

60. On February 4, 2026, the District documented contact with the Parents to report that the Student was hitting their head on a wall and bathroom stall. During this episode the Student attempted self-injurious behavior. The District reported that thereafter the Student was dysregulated and unable to speak with the school nurse. The school nurse did an assessment of the Student following this incident. Later that day the District documented that the Student was playing with peers and reported that they were fine.

61. On February 4, 2026, the District held a meeting with the Parents to review the Crisis Cycle document and obtain the Parents' input.

62. On February 6, 2026, the District sent the Parents PWN of the provision of FAPE to the Student, including the team's 2/4/2026 meeting and discussion of the Crisis Cycle document which would "be used by staff to better implement the BIP." The PWN documented the inclusion of the Crisis Cycle into the Student's BIP.

63. On February 9, 2026, the District documented that the Student became dysregulated, left the lunchroom, verbalized frustrations, and refused to join their class. The Student later rejoined their class. The District documented that the Student potentially sought adult attention or a preferred item/activity as the motivation for the behavior.

64. On February 9, 2026, the District sent the Parents PWN of the District's proposal to evaluate the Student. The District proposed to review the Student's file, previous testing, behavior incidents, interventions, and input from teachers, the Parents and the Student. The PWN indicated that the team was presented with new information during an evaluation planning meeting about sensory concerns which supported the decision to assess for lagging skills in sensory areas.

65. On February 10, 2026, the District sent the Parents PWN in response to the Parents' February 9, 2026, email requesting specific changes to the Student's BIP to address implementation of the BIP and events in the school with the Student.

66. On February 10, 2026, the Parents filed this Complaint.

67. On March 18, 2026, the Department's Complaint Investigator interviewed the Parents regarding their concerns in this matter. The Parents reported having raised concerns about the Student as early as September 17, 2025. The Parents reported that on October 6, 2025, they requested a meeting to discuss the Student's behavior, and that the Parents met with the District on October 10, 2025, to discuss behavior interventions. The Parents reported that, following the October 21, 2025, behavior referral, they requested the District create a BIP for the Student. The Parents reported having requested that the District evaluate the Student for special education on October 31, 2025, and reiterated the request by email on November 5, 2025.

68. The Parents reported that the District declined to evaluate the Student following their October 31, and November 5, 2025, requests. The Parents raised concerns about whether the District was collecting behavioral data on the Student thereafter. The Parents discussed their concern that the positive behavior supports they suggested were not implemented by the District. The Parents voiced concern about the frequency of the District calling the Parents to the school to address the Student's behavior. The Parents questioned that if the District was conducting an FBA, and seeing an increase in behaviors from the Student, why the District did not then suspect a disability.

69. The Parents reported concerns about the amount of time the Student spent in the classroom of the school's behavior teacher to address their behaviors. The Parents questioned why the Student's self-harm was not separately assessed or considered serious enough to warrant moving to a special education evaluation. The Parents reported that the District began implementing general education interventions for the Student following their October 10, 2025, meeting with District staff. These included the use of a visual schedule and sensory breaks.

70. The Parents reported understanding that the District's Special Education Director referred the Student for evaluation following their conversation on December 18, 2025. During that conversation the Parent reported they discussed possible eligibility categories with the Special Education Director.

71. The Parents reported that the Student suffered the loss of a close family member in the spring of 2024 and had shown some grief related behaviors. The Parents reported the belief that the Student's behaviors in the fall of 2025, were too far out from that event for it to be the cause of the behaviors exhibited. The Parents indicated that the school counselor saw the Student weekly because of the 2024 death in the family. The Parents noted that throughout the 2024-25 school year the Student did not exhibit the behavior seen in the 2025-26 school year. Given this background, the Parents questioned why the December 10, 2025, behavior incident was not a trigger for the District to evaluate the Student.

72. On April 2, 2026, the Department's Complaint Investigator interviewed the District's Director of Special Education, Coordinator of Special Education, and Building Principal regarding these matters.

73. The Director of Special Education reported their understanding that the Student's behaviors were likely impacted by grief following the loss of a family member. The understood that District staff's working hypothesis early on was that grief was the motivation for the Student's behaviors. This changed following their conversation with the Parents later in the school year. The Director of Special Education reported that this conversation took place in January 2026, when the Parents reported concerns around specific disability categories. Having named specific possible eligibility categories, the Director of Special Education shifted the District's perspective from general education interventions to considering special education. Prior to this call they understood the school's SIT team was proceeding under the theory that grief was a motivation for the Student's behaviors. The SIT team met regularly throughout the fall of 2025 to discuss the Student's needs. Following the Student's December 10, 2025, behavior incident, the District considered the creation of an FBA to address the Student's needs. The Director of Special Education noted that the building-level SIT team would have been responsible for the November 13, 2025, PWN declining to evaluate the Student for special education and instead working through the general education interventions.

74. The Principal reported they did not recall the Parent requesting that the District evaluate the Student at the October 31, 2025, meeting. The Principal provided additional information relevant to the Student's December 10, 2025, behavior incident. The Principal reported that while no other students were present in the classroom, students were lining up to enter the class and observed or heard some of the Student's behaviors. This prompted them to send the email to families providing some explanation for the events of the day. The Principal also provided an overview of the records that the Parents sought, what was provided by the District, and the various processes the District used to respond to the Parents' records requests. The Principal noted that, prior to the December 10, 2025, behavior incident, the Student's behavior was not significant enough to come to their attention. The Principal reported that the Student had engaged in hitting their head. Generally, such behaviors would include a follow-up with the school nurse. In this case the Parent came to the school to deescalate the Student, later returning them to class. Given the Parent's engagement with the Student following the behavior, the school nurse had not seen the Student that day. The Principal confirmed the Parent's January 17, 2026, email quoting them as saying the December 10, 2025, incident was a "mental health crisis" for the Student. The Principal further clarified that the Student was in crisis on that date, such that the behavior would not be addressed from a disciplinary perspective. Following that incident, they understood that the Student was referred to the FBA process which appeared appropriate to them.

75. The Special Education Coordinator reported that near the conclusion of the November

13, 2025, SIT team meeting, they were called to begin an FBA for the Student. At that point the SIT team had already decided not to evaluate the Student, a decision the Special Education Coordinator was not part of. The Special Education Coordinator was told the Parents had asked about an IEP, and the SIT team asked them to discuss the FBA and BIP process to support the Student. The Special Education Coordinator reported that the Parents signed consent for the FBA evaluation on November 24, 2025. They began work to conduct the file review, behavior profile, input from relevant staff, Parents, the Student's file, and other sources of data for the Student. The Special Education Coordinator confirmed that the information consulted included behavior referrals and classroom observations. They further reported that they have 45 days to complete the FBA process, with data collection beginning in December 2025. They went on to complete the FBA and the Crisis Cycle document for the Student, which was presented to the Parents at the January 15, 2026, team meeting. The Tier III FBA created for the Student was described by the Special Education Coordinator as a more in-depth document, as compared to those completed in a by the school's behavior specialist.

IV. DISCUSSION

Child Find

It is alleged that the District violated the IDEA when it did not evaluate the Student for special education eligibility, despite the Student displaying behaviors of concern to the Student's teachers, and the teachers calling the Parents to remove the Student from the school to address such behaviors. It is alleged that the District observed behaviors from the Student that obstructed their education, received requests from the Parents to evaluate the Student, and received behavior intervention information from the Parents, but did not evaluate the Student for special education.

The requirements of Child Find apply to all children unless they are no longer entitled to a FAPE. School districts must identify, locate, and evaluate all children with disabilities for whom they are responsible, regardless of the severity of the disability, who are in need of early intervention, early childhood special education, or special education services, including children who are suspected of having a disability even though they are advancing from grade to grade.[3]

The Parents alleged that throughout the 2025-26 school year the Student exhibited behaviors suggesting that the Student may be eligible for special education. On November 5, 2025, the Parents requested that the District evaluate the Student for special education. The Parent's November 5, 2025, email asserted that a similar request was made on October 31, 2025, during a meeting at the school. The District declined to evaluate the Student in PWN on November 13, 2025. District staff reported having understood that the Student's behaviors stemmed from grief over the loss of a family member. The District's Director of Special

[3] OAR 581-015-2080(1)—(2)

Education reported that they did not suspect a disability until a phone call with the Parents where the Parents named specific potential special education eligibility categories and that the Student's physician was considering a related diagnosis. The Director of Special Education recalled during interviews with the Department that this call occurred in January. The record in this matter includes notes from the Director of Special Education that this call, which led to them suspecting the Student had a disability, occurred December 18, 2025. The Student was not referred for a special education evaluation until January 15, 2026.

The Department substantiates this allegation.

Access to Student Education Records

It was alleged that the District violated the IDEA when it did not provide the Parents with requested education records. It is alleged that the District did not provide the Parent's access to, or copies of, requested education records relevant to restraint and seclusion, behavior referrals, tracking data relevant to the Student's behaviors, and behavior incidents.

To ensure the safeguards required for education records of children with disabilities, including early intervention and early childhood special education records, the Department adopts the provisions of FERPA (Family Educational Rights and Privacy Act) and the IDEA. These provisions govern all education records with respect to the identification, evaluation, and educational placement of the child and the provision of a FAPE to the child. The program, district, agency, or contractor must comply with a parent's request to inspect and review records without unnecessary delay and before any meeting regarding an IEP, or any due process hearing, or resolution session related to a due process hearing, and in no case more than 45 days after the request has been made.[4] OAR 581-015-2205 adopts the provisions of FERPA, "education records" are defined as those records that are (1) directly related to a student; and (2) maintained by an educational agency. This does not include records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.[5] The term "maintain" is interpreted as covering records that are "kept in a filing cabinet in a records room at the school or on a permanent secure database."[6]

The Parents requested copies of the Student's education records and additional records related to the Student's December 10, 2025, behavior incident. Among the records sought were such things as incident reports, investigation narratives, video recordings, and staff training records. On January 23, 2026, the District sent an email to the Parents with the education records requested. The Parents sent several communications to the District requesting additional records. On February 2, 2026, the Parents sent an email to the District alleging that the District had yet to provide records, such as incident reports for December 10, 2025, staff narratives and

[4] OAR 581-015-2300
[5] OAR 581-015-2300(1); 34 CFR § 99.3
[6] *Owasso Indep. Sch. Dist. No. 1-011 v. Falvo*, 536 U.S. 426 (2002)

internal communication, behavior logs for the same date, crisis response documents, nurse logs or medical follow-up records, and training records for staff. The additional records sought by the Parents do not meet the definition of education records. The District had previously communicated with the Parents of its intent to process some of the requested records as a public records request.

The Department does not substantiate this allegation.

Evaluation and Reevaluation Requirements

It is alleged that the District violated the IDEA when, following the Parents' request that the District evaluate the Student for special education, the District did not evaluate the Student. It is also alleged that despite suspecting that the Student may need special education services, that the District did not evaluate the Student for special education.

A public agency must conduct an evaluation before determining whether a child has a disability. An initial evaluation must be conducted to determine if a child is eligible for special education services when a public agency suspects or has reason to suspect that the child has a disability that has an adverse impact on the child's educational performance, and the child may need special education services as a result of the disability.[7] A request for initial evaluation may be made by either the parent or the school district.[8] After receiving a request for an initial evaluation, the district must either conduct the evaluation or provide PWN to the parents explaining their decision not to evaluate the child.[9] Districts have an obligation to ensure that evaluations of children suspected of having a disability are not delayed or denied because of implementation of an Response to Intervention (RtI) strategy. The use of RtI strategies cannot be used to delay or deny the provision of a full and individual evaluation.[10]

On November 5, 2025, the Parents sent an email to the District requesting that the District evaluate the Student for special education. In a November 13, 2025, PWN, the District declined to evaluate the Student. The November 13, 2025, PWN indicated that the District refused "to immediately initiate" the Parents' request for the District to evaluate the Student for special education "without first completing [the District's] required review process through the Student Intervention Team (SIT) to determine if an evaluation is appropriate." On December 18, 2025, the Director of Special Education documented their call with the Parents where the Parents expressed specific potential special education eligibility categories. During interviews with the Department's Complaint Investigator, the Director of Special Education reported that it was this call with the Parents that alerted them to the possibility that the Student could be eligible for special education.

[7] OAR 581-015-2105
[8] 34 CFR §300.301(b)
[9] 34 CFR §300.503
[10] *Memo to State Directors of Special Education*, 56 IDELR 50 (OSEP 2011)

The record supports that the Parents requested that the District evaluate the Student out of concern for the Student's escalating behavior at school in November 2025, and perhaps as early as October 2025. The record includes documented behaviors that disrupted the Student's learning, including self-injury, during that time. The District declined to evaluate the Student in November 2025, because it had not yet completed its SIT process. The Parents again expressed concern that the Student may have a suspected disability on December 18, 2025, when they discussed specific special education eligibility categories with the Director of Special Education. Despite these documented concerns, and requests for evaluation, the District did not refer the Student for an initial evaluation until January 15, 2026. Given the amount of evidence available that the Student had a suspected disability, this was an unreasonable delay in initiating the evaluation process.

The Department substantiates this allegation.

Prior Written Notice

It is alleged that the District violated the IDEA when it did not provide prior written notice to the Parents of the District's refusal to evaluate the Student for special education.

A school district must provide PWN to the parent of a child within a reasonable period before a school district proposes, or refuses, to initiate or change the identification, evaluation, or educational placement of the child, or the provision of a FAPE to the child. PWN must include a description of the action proposed or refused by the school district, an explanation of why the district proposes or refuses to take the action, a description of each evaluation procedure, assessment, test, record, or report the school district used as a basis for the proposed or refused action, a statement that the parents of a child with a disability have protection under the procedural safeguards and, if this notice is not an initial referral for evaluation, how a copy of the Notice of Procedural Safeguards may be obtained. PWN must also include sources for parents to contact to obtain assistance in understanding their procedural safeguards, a description of other options that the IEP Team considered, the reasons why those options were rejected, and a description of other factors, such as that evaluation procedure, test, record, or report the District used as a basis of the agency's proposal or refusal.[11]

On November 5, 2025, the Parents sent an email to the District requesting that the District evaluate the Student for special education. In a November 13, 2025, Prior Written Notice (PWN), the District declined to evaluate the Student. The November 13, 2025, PWN was sent to the Parents and stated the reason for the District's decision not to evaluate the Student. The PWN goes on to state that the reason the request was reject was that the District had not yet competed its "district-required review process through the Student Intervention Team…" This is the only factor for the refusal, and the PWN does not cite any evaluation procedure, assessment, test, records, or report for the basis of the refused action.

[11] OAR 581-015-2310(1)—(3)

The Department substantiates this allegation.

Free Appropriate Public Education (Denial of FAPE)

It is alleged that the District violated the IDEA when it did not formulate an IEP with the appropriate services required by the Student, and that the District did not consider the Parent's concerns for enhancing the Student's education, in developing the IEP. It is alleged that these actions denied the Student a FAPE.

School districts must provide a Free Appropriate Public Education (FAPE) to all school-age children with disabilities for whom the district is responsible.[12] 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 regarding the provision of a free appropriate public education to the parents' child, or (III) caused a deprivation of educational benefits."[13] 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.[14]

At the time of the Complaint, the District was in the process of evaluating the Student for special education and a determination regarding their eligibility had not yet been made. Accordingly, no IEP had yet been developed. At the time of this investigation, there was insufficient evidence provided to establish that the District's procedural violations resulted in a loss of educational opportunity to the Student.

The Department does not substantiate this allegation.

VII. CORRECTIVE ACTION

In the Dallas School District
Case No. 26-054-021

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

Action Required	Submissions	Due Date
1. Training for all staff responsible for responding to parent requests for evaluation on the District's child find	Training agenda/materials to ODE for review/approval.	May 15, 2026

[12] OAR 581-015-2040
[13] 20 USD § 1415(f)(3)(E)(ii)
[14] *Endrew F.*, 137 S.Ct. at 999.

responsibilities and the requirement to provide PWN when declining a parent request for evaluation.	Sign-in sheet from training.	October 15, 2026
2. Complete the pending evaluation of the Student and hold a meeting to determine if the Student is eligible for special education. If the Student is found eligible for special education, the District will consider if the Student requires compensatory education because of the District's unreasonable delay in initiating the evaluation process.	Copies of the Student's evaluation, the District's special education eligibility determination and, if the Student is found eligible, evidence that the District discussed compensatory education at a meeting with the Parents.	June 15, 2026

Dated: this 10 Day of April 2026



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Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

Emailed: April 10,2026

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).)