BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of Portland School District 1J	))))	FINDINGS OF FACT, CONCLUSIONS, AND FINAL ORDER Case No. 26-054-046

I. BACKGROUND

On April 7, 2026, the Oregon Department of Education (the Department) received a written complaint (Complaint) from the parents (Parents) of a student (Student) serviced by Portland Public Schools (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 April 16, 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 April 30, 2026. On April 28, 2026, the District requested an extension for submission of the District's *Response* to May 5, 2026. The extension was approved and the District submitted its *Response* on May 5, 2026, disputing the allegations described in the Complaint. The District submitted the following relevant items:

1. District Response, 5/5/26
2. Copies of IEPs in effect for the Student between April 8, 2025, through April 7, 2026, and all associated documents including meeting notices, Prior Written Notice (PWN), and meeting minutes for IEP meetings during that period
    a. IEP dated June 9, 2025, with PWN dated June 9, 2025; Behavior Support Plan; Procedural Safeguards provided to the Parent
    b. Notice of Team Meeting dated September 19, 2025
    c. Meeting Notes dated September 23, 2025
    d. Notice of Team Meeting dated November 13, 2025
    e. IEP Amendment, with Behavior Support Plan, dated November 21, 2025; PWN dated November 21, 2025

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

f. IEP dated January 15, 2026, with Special Education Placement Determination and PWN dated January 15, 2026
g. Notice of Meeting dated March 9, 2026, with attached proposed IEP Amendment for meeting scheduled for March 19, 2026
h. Meeting Minutes dated March 19, 2026
i. Notice of Meeting dated March 19, 2026, for meeting scheduled for March 30, 2026
j. Written Agreement Between Parent and District dated March 30, 2026
k. Meeting Minutes dated March 30, 2026: PWN dated March 30, 2026; Special Education Placement Determination dated March 30, 2026; Prior Notice of Special Education Action dated March 30, 2026
l. Meeting Minutes dated April 21, 2026

3. Most recent eligibility evaluation, including Functional Behavioral Assessments (FBA)
   a. Notice of Team Meeting dated February 25, 2025
   b. Meeting Minutes dated April 22, 2025
   c. PWN dated April 22, 2025
   d. Meeting Minutes dated April 24, 2025
   e. Notice of Team Meeting dated April 28, 2025
   f. Meeting Minutes dated April 30, 2025
   g. Parent Consent for Evaluation dated April 22, 2025-signed April 30, 2025
   h. Psychoeducation Evaluation dated May 2025
   i. Occupational Therapy Evaluation dated June 3, 2025
   j. Medical Statement signed May 6, 2024
   k. Notice of Team meeting dated May 28, 2025
   l. Notice of Team Meeting dated May 29, 2025
   m. Meeting Minutes dated June 9, 2025
   n. Eligibility Summary Statement dated June 9, 2025
   o. PWN dated June 9, 2025
   p. Prior Notice and Consent for Initial Provision of Special Education Services dated June 9, 2025, and signed June 11, 2025, by the Parent
   q. PWN dated December 4, 2025
   r. Notice of Team Meeting dated December 11, 2025
   s. Parent Consent of Initial Evaluation dated January 6, 2026
   t. PWN dated January 6, 2026
   u. Psychoeducational Assessment Report dated January 7, 2026
   v. Notice of Team Meeting dated January 8, 2026
   w. Eligibility Results and IEP Meeting Agenda dated January 15, 2026
   x. PWN dated January 15, 2026
   y. Disability Statement dated January 15, 2026
   z. Eligibility Summary Statement dated January 15, 2026
   aa. Prior Notice and Consent for Initial Provision of Special Education Services dated January 15, 2026
4. Copies of Progress Reports documenting the Student's progress toward IEP goals between April 8, 2025, through April 7, 2026
   a. IEP Progress Report dated November 7, 2025

b. IEP Progress Report dated January 23, 2026

5. Documentation of the implementation of the modifications and accommodations delineated in the Student's IEPs
6. Copies of BIPs, Manifestation Determination Reviews (MDR), and behavioral incidents between April 8, 2025, and April 7, 2026
   a. Staff Plan to Support Student Safety dated December 10, 2024, and updated on May 12, 2025, and January 9, 2026
   b. Comprehensive Function Based Behavior Support Plan dated November 20, 2025
   c. Comprehensive Function Based Behavior Support Plan dated January 8, 2026
   d. Incident Report and Suspension Letter dated February 9, 2026
   e. Notice of Team Meeting dated February 10, 2026
   f. Manifestation Determination and Agenda dated February 12, 2026
   g. Incident Report and Suspension Letter dated February 13, 2026
   h. Manifestation Determination Agenda/Review – February 19, 2026
   i. Prior Notice of Special Education Action dated March 6, 2026
   j. Report Detailing Student's Incidents (N=42) from August 1, 2025-April 20, 2026
7. Copies of correspondence between the Parent and the District regarding issues in this Complaint, including concerns related to the implementation of the Student's IEP services and accommodations, the Student's Behavior Intervention Plan (BIP), and placement discussions
8. All written communications between the District and Parent during the Complaint period (April 8, 2025, to April 7, 2026), including correspondence among District staff, and between the Parent and District staff
   a. Email correspondence between the District and Parent from April 2025 to April 2026
   b. Email correspondence between the District and Parent from April 2025 to April 2026
9. Additional relevant documentation
   a. 2025-2026 District Calendar
   b. Incomplete Special Education Evaluation from Student's previous school district dated February and March 2024
   c. Parent Consent for Individual Evaluation dated April 22, 2025
   d. 504 Accommodation Plan dated December 6, 2024
   e. 504 Termination Plan dated June 9, 2025
   f. Student Discipline Profile for 2025-2026 from April 2, 2024, to February 13, 2026
   g. The Student's Intervention History at the previous district and the District
   h. Complaint investigation letter by Senior Director of Schools to the Parent dated February 13, 2026
10. List of staff who are knowledgeable about the circumstances in this Complaint

The Parent submitted the following relevant items:

1. Letter of Complaint dated April 7, 2026
2. Email sent to the Department's Complaint Investigator dated April 16, 2026, following the interview of the Parent on April 13, 2026

On April 13, 2026, the Department's Complaint Investigator interviewed the Parent. On May 18, 2026, the Department's Complaint Investigator interviewed the District's Assistant Director of Special Education and the Principal of the elementary school (ES1) the Student attended twice during the 2025-2026 school year. On May 20, 2026, the Department's Complaint Investigator interviewed the Principal of the school the Student attended from February 2026 to April 2026 (SES2). The Complaint Investigator reviewed and considered all these documents, interviews, and exhibits in reaching the findings of fact and conclusions of law contained in this order. This order is timely.

II. ALLEGATIONS AND CONCLUSIONS

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

Allegations	Conclusions
When Individualized Education Programs (IEPs) Must Be in Effect It is alleged that the District violated the IDEA when it failed to fully implement the Student's IEP, as written, including the Student's behavior intervention plan (BIP), and failed to provide accommodations and modifications as indicated on the Student's IEP. (OAR 581-015-2220; 34 CFR 300.320)	**Not Substantiated** The record supports that the District implemented the Student's IEP, including the BIP and provided the accommodations/modifications as delineated in the Student's IEP.
Requirement for Least Restrictive Environment It is alleged that the District violated the IDEA when it changed the Student's IEP placement from 50% in a self-contained/SES program and 50% in general education, to full-time (100%) in the self-contained/SES program. (OAR 581-015-2240; OAR 581-015-2250)	**Not Substantiated** The records support that the District appropriately changed the Student's placement two times during the 2025-2026 school year, by convening an IEP meeting and determining the least restrictive placement to meet the Student's needs.
Failure to Review and Revise the IEP It is alleged that the District violated the IDEA by failing to review and revise the Student's IEP, as appropriate, to address the Student's increased behavioral episodes and to	**Not substantiated** The records support that the District reviewed and revised the Student's IEP in response

determine whether the Student's IEP should be revised to include additional services or supports. (OAR 581-015-2225; 34 CFR §300.324)	to serious behavioral incidents to include additional services and supports. The Student's placement was also changed to provide the Student embedded social-emotional services in specialized programs.
Free Appropriate Public Education Due to the alleged IDEA violations detailed above, the Complaint alleges that the District failed to provide the Student with a free appropriate public education (FAPE). (OAR 581-015-2040; 34 CFR §300.101)	**Not Substantiated** Based on the determinations of the three previous allegations, and the documents reviewed, the District provided the Student with a FAPE.

REQUESTED CORRECTIVE ACTION
The Parent requests that the District: • Provide occupational therapy 1 time per week • Provide services from Morrison Child and Family Services program 1 time per week • Provide for an evaluation at Oregon Health Sciences University where the Student is on a waiting list • Parent-child advocate • Youth Rights and Justice

III. FINDINGS OF FACT

1. The Student in this matter is seven years old, and a 2nd grade student in the District who was initially enrolled in the District in April 2024, with a Section 504 plan dated December 6, 2024, a partially completed special education evaluation, an individualized schedule, a behavior support plan (BSP) and a safety plan. The Parent revoked consent for the special education evaluation prior to its completion.

2. On February 25, 2025, the Parent was invited to a team meeting scheduled for April 22, 2025, to discuss whether to initiate a special education eligibility evaluation to determine if the Student was eligible for Special Education services due to their Attention Deficit/Hyperactivity Disorder (ADHD). The Student's behaviors negatively impacted the classroom setting due to their unpredictability and aggressiveness (e.g., throwing objects, hitting and kicking peers, unplugging computers).

3. The evaluation planning team, including the Parent, met on April 22, 2025 and discussed the interventions that had been implemented at the school and the concerns regarding the Student's behaviors. The team determined to "move forward with an IDEA evaluation" and

the Parent was sent a consent form later that same day.

4. On April 23, 2025, the Parent emailed the Special Education Teacher regarding concerns with the hearing screening and communication assessments described on the consent form, and the Parent had additional conversations with the Speech Language Pathologist (SLP) regarding the communication portions of the evaluation, as well.

5. On April 30, 2025, the Special Education and General Education Teachers met with the Parent to review the evaluation process and discuss concerns. Following the meeting, the Parent signed consent for the special education evaluation, though continued to indicate that they did not agree with the communication sections of the evaluation. The Parent also crossed out some of the assessment activities under the "Curriculum-based" portion of the assessment list.

6. The Student's Safety Plan and daily schedule were reviewed and updated on May 12, 2025.

7. On May 13, 2025, and May 19, 2025, the Student was imposed a 3-day and 1-day suspension, respectively, due to inappropriate touching of an adult and peer. In response, the school team developed a safety plan designating a daily schedule of adult support for the Student.

8. On May 28, 2025, the Parent was invited to a meeting to determine the Student's eligibility for special education services. The meeting was ultimately scheduled for June 9, 2025.

9. On June 9, 2025, the Parent and the Evaluation Team met to discuss the results of the Student's evaluation and to determine eligibility. The team reviewed the psychoeducational evaluation and the Occupational Therapy (OT) assessment, and discussed the Student's current safety plan, BSP and data regarding the implementation of the behavioral interventions. The Student was determined to be eligible for special education services under the category of Other Health Impairment (OHI) due to the medical diagnosis of ADHD based on the Student's inability to self-regulate and "be learning ready to access [their] education despite a structured schedule, multiple breaks, bathroom protocol, and counseling groups."

10. At the same meeting, the IEP team, including the Parent, reviewed a proposed, initial Individualized Education Program (IEP) with goals in the areas of social-emotional skills (i.e., problem-solving, self-control of body and voice), classroom/school skills (i.e., attending to and completing tasks), and social skills (i.e., peer interactions). The amount of specially designed instruction proposed to address each goal was shared, along with the continuum of Special Education placements in the District, including Social-Emotional Skills (SES) programs, as the team believed that an SES program would best meet the Student's needs. Specifically, the Student's placement was determined to be in a Social Emotional Skills Focus classroom with 40 to 79% of the Student's day in a general education classroom. The District provided the Parent a Prior Written Notice (PWN) on June 9, 2025. The Parent

indicated disagreement with this proposal and wrote that the "504 plan and bip [*sic*] behavior plan will be just fine."

11. The June 9, 2025, proposed IEP also included a number of accommodations to support the Student: 1) Bathroom protocol throughout the day; 2) Line of sight for transitions, recess, instructional periods, and unstructured activities; 3) Break schedule and access to breaks; 4) Adult assistance during unstructured times, recess, bathroom, lunch and instructional periods; 5) Access to fidgets/self-regulation tools; 6) Access to snacks; 7) Positive BSP; 8) Personal calm-down space; 9) Safety Plan; 10) Transition supports; 11) Preferential seating; 12) Social stories and books; and 13) Adult support for self-regulation.

12. Later that same day, June 9, 2025, the Parent emailed the Special Education teacher that they were revoking consent to the IEP placement as they did not agree with "a different place of learning". After a conversation with the School Counselor, the Parent emailed members of the team that they were going to talk with a "special education advocate and make the final decision."

13. On June 10, 2025, the Parent met with the District's Special Education Family Engagement Specialist and following their conversation, the Parent indicated being "okay with the placement decision and that they "[are] not revoking services." The Specialist shared this information with the school team.

14. On June 11, 2025, the Parent met with the Special Education teacher and a building administrator about the proposed IEP and signed consent for the initial provision of special education services. That same day, the transfer process was initiated for the Student to begin the 2025-2026 school year at an elementary school with the SES program (SES1).

15. The 2025-2026 school year began on August 26, 2025, with the District's Family Engagement Specialist emailing the Special Education teacher at SES1 on August 27, 2025, on the Parent's behalf, regarding the Student's schedule.

16. On August 28, 2025, the Student exhibited concerning sexualized behavior "in front of a paraeducator" in a calm-down room.

17. On September 2, 2025, the Parent and the SES1 school team met to discuss the Student's schedule, and increasing time in general education, as well as the behavior incident on August 28, 2025.

18. On September 8, 2025, and September 11, 2025, the Student exhibited unsafe behaviors and was given a 1-day suspension and 1.5-day suspension, respectively. The Student eloped off schools grounds on the 8th, and disrupted the classroom by climbing on a heater and hitting a peer with a blocking pad on the 11th.

19. A team meeting with the Parent and SES1 school staff occurred on September 23, 2025, in

response to the Parent's questions regarding the Student's IEP and schedule in general education. Prior to the meeting, the school Assistant Principal sent the Parent incident reports regarding the Student's behavior. Meeting notes reflect that it was decided to revise the Student's daily schedule.

20. On October 7, 2025, the Parent requested an IEP meeting to discuss the Student's progress and school schedule. The District requested the assistance of an Oregon Department of Education (ODE) facilitator to join the next IEP meeting.

21. Ongoing communication during October 2025, from the Parent to District staff included wanting "the IEP revoked" and requesting to initiate a functional behavioral assessment (FBA) for the Student. The Assistant Director of Special Education asked the Family Engagement Specialist to contact the Parent about their requests to revoke the IEP. The Parent indicated they would not email anymore and would go to the District's central office to revoke consent for Special Education services.

22. The District reported the Student's progress on their IEPs goals for 1st quarter on November 7, 2025. The report indicated the Student was making progress on some of the goals, specifically "uses safe language and behaviors 57.3% of the time", and "completes tasks or carries-out agreements 63.5% of the time." During structured social skills groups, the data showed the Student was participating and showing respect to peers about 56% of the time and was following directions about 58% of the time.

23. On November 12, 2025, the school imposed a 2-day suspension due to significant behavioral incidents/dysregulation including eloping from campus; hitting, kicking and using a racial slur; and exhibiting sexualized behaviors in front of multiple staff. The Assistant Director of Special Education emailed the Parent regarding the behaviors and requested to be able to share the information with the Student's medical provider**.**

24. On November 20, 2025, the Student's Comprehensive Function Based Behavior Support Plan was updated to better support the Student's behavior.

25. On November 21, 2025, the Parent and IEP team met with an ODE facilitator to discuss the Parent's concerns regarding the Student's access to general education. Other topics discussed were the ongoing elopement from campus and the Student's invasion of peer and adult personal space. It was shared that the Student "was able to engage in learning consistently with other students during math lessons, but not at other times." The group discussed evaluation for possible additional eligibility categories (i.e., Autism Spectrum Disorder (ASD), Emotional Behavioral Disability (EBD), and Specific Learning Disability (SLD)). The team determined to amend the Student's IEP to add services from a qualified mental health professional (QMHP) for 90 minutes per month. Home-school communication was added as an accommodation for the Student, as well as movement breaks, and the use of a weighted vest sent from home. The Parent requested a 1:1 assistant be assigned to the Student, though the District declined the request because adult support was already being

provided in the general education and SES environments.

26. The District provided the Parent with PWN after the facilitated IEP meeting on November 21, 2025.

27. On December 1, 2025, the School Psychologist at SES1 emailed the Parent to schedule the evaluation planning meeting for the Student, as discussed in the facilitated IEP meeting of November 21, 2025. The School Psychologist offered December 17, 2025, as a meeting date, and the Parent agreed.

28. On December 3, 2025, the Parent emailed the Family Engagement Specialist and another District staff member that "I want to revoke the IEP. And then change schools." The Parent reiterated this decision, so the Assistant Director of Special Education notified relevant staff at SES1 and ES1 that the Student would be returning to ES1, the neighborhood school. The Parent later clarified that the Student wanted to stay at SES1, so the Parent did not want to change schools, just to stop IEP services. It was explained to the Parent that the placement at SES1 was for special education services and, when the Parent revoked consent for those services, the Student needed to return to ES1.

29. On December 4, 2025, following multiple email exchanges between the Assistant Director of Special Education and the Parent, the District accepted the Parent's decision to revoke "Special Education identification for [Student]". The District included a PWN noting the District's acceptance of the revocation. In addition, Procedural Safeguards were also included as an email attachment. The Assistant Director stated that the Student's last day at SES1 would be that afternoon, the Student would be un-enrolled at SES1 and be enrolled at their neighborhood school, ES1, and all scheduled meetings with SES1 staff would be cancelled. The Parent emailed another District staff stating that they thought the Student would be able to stay at SES1 even though special education services were revoked.

30. The Student returned to ES1 on December 5, 2025, and later that morning the Parent requested that the Student stay at SES1. The Assistant Director of Special Education responded that the team at ES1 would need to re-initiate the process for special education eligibility. The Family Engagement Specialist also responded to the Parent that they and the District had explained many times what revoking services means and that it was "suggested many times not to revoke services and explained the reasons." The Specialist also reiterated that "after so many times you as a parent asked to revoke services, the District must legally accept the revocation and then follow the process."

31. On December 8, 2025, the Parent emailed the District's enrollment/transfer department requesting the Student "be back at SES1". The District responded about the transfer, informing the Parent that it starts with talking to the school counselor or administrator about the concerns you have with your child attending the school and ways to improve the situation.

32. On December 9, 2025, the ES1 imposed a 1-day suspension on the Student due to kicking other students in the classroom and grabbing a teacher's breast.

33. On December 11, 2025, ES1 imposed a 2-day suspension on the Student due to behavioral incidents, including hitting a teacher. On the same day, the school sent the Parent a meeting invitation for January 6, 2026, to discuss the initiation of a new special education evaluation. The Parent responded that they wanted to postpone the meeting until they learned more about their request to transfer the Student back to SES1.

34. On December 16, 2025, the Student was suspended for an additional 1.5 days due to the Student touching staff bodies (i.e., private parts) and kicking another student. The Parent responded the same day that they were no longer interested in an IEP for the Student, and that they wanted to pursue a Section 504 plan, with an FBA and behavior plan. They also stated they wanted to keep the evaluation planning meeting scheduled for January 6, 2026.

35. On January 6, 2026, the Parent and evaluation planning team met to discuss the initiation of a new special education evaluation, and the Parent shared their concern regarding the EBD disability category. The Parent provided consent for the evaluation the same day. During the meeting, the team updated the Student's BSP and safety plan, including the use of visuals of school rules, and additional positive reward systems.

36. The Student was suspended for 2 days on January 6, 2026, due to kicking another student in the face and chest, hitting an adult and grabbing at their breast, and disrobing.

37. On January 8, 2026, the Student was suspended for ½ day, due to dysregulation that required a clearing of the 2nd grade classroom, kicking an adult and grabbing their breast. On the same day (January 8, 2026), the team updated the Student's Comprehensive Function Based BSP and sent the Parent a Notice of Team meeting scheduled for January 15, 2026.

38. Another 1-day suspension occurred on January 9, 2026, requiring a room clear of the general education classroom.

39. On January 12, 2026, the District imposed a 4-day suspension on the Student due to aggressive behaviors towards staff (i.e., kicking, slapping) and removing their pants and underwear and trying to rub [their] private parts on staff."

40. The Parent was sent an invitation on January 13, 2026, for a meeting to discuss the Student's special education eligibility, with the District sending an agenda and draft IEP on January 14, 2026.

41. The IEP team including the Parent met on January 15, 2026, and upon reviewing the initial evaluation completed in 2025, along with recent data/information from the Student's previous school, the IEP found the Student eligible for special education services under the

category of OHI. The team reviewed the proposed IEP and recommended that the Student receive SES services to meet their behavioral and social-emotional needs, with 50% of instruction happening in the general education setting. The Parent signed consent for services, and the Student was assigned to the SES program at a different District school (SES2).

42. The District sent the Parent copies of the evaluation, IEP, and Placement Determination form, as well as PWN on January 21, 2026. The IEP included goals in the areas of 1) Social-Emotional Skills, 2) Classroom/School Skills, and 3) Social Skills. Related Services included transportation, OT and Family Training/Counseling. Accommodations for the Student included on the IEP were: preferential seating; home/school communication; line of sight support for transitions, recess, instructional periods and unstructured activities; safety plan throughout the day; breaks schedule and access to breaks; bathroom protocol; social stories; transition supports; visuals/visual schedule; access to snacks; adult assistance during unstructured times; access to fidgets/self-regulation tools; personal calm-down space; and adult support for self-regulation.

43. Second quarter progress reporting occurred on January 23, 2026, and the Parent was provided an IEP Progress Report associated with the goals from the January 15, 2026 IEP. The Student's skill levels were described regarding success in general education, behavior concerns, social-emotional skills, and occupational therapy.

44. A planning meeting with the new school, SES2, and the Parent occurred on February 3, 2026, with the Principal confirming the discussion in an email to the Parent following the meeting.

45. The Student started at SES2 on February 4, 2026, and exhibited concerning behaviors the first day. The Student poured milk on a peer, grabbed a staff member's breasts and private area, and disrobed several times.

46. On February 9, 2026, the school suspended the Student for 1.5 days due to grabbing a staff member's private area, and penetrating a staff member's private area through clothing. A Manifestation Determination Review (MDR) meeting was scheduled for February 12, 2026, with the meeting invitation sent to the Parent on February 10, 2026.

47. The Parent and team met on February 12, 2026, to determine if the Student's behaviors were a manifestation of the Student's disability, and the group agreed that they were. The Parent shared that they were considering having the Student attend a private, separate school, if [the Student] "doesn't improve in a month." The Parent also stated that the Student did not exhibit these behaviors when at ES1. The group discussed conducting additional evaluations of the Student to determine eligibility under the categories of EBD and/or ASD. The Parent indicated that they did not want the SLP involved, nor a hearing screening conducted, though the team shared those evaluation components are necessary, and the Parent finally indicated they wanted to sign the paperwork.

48. The school imposed a 2-day suspension on the Student on February 13, 2026, due to highly sexualized behavior towards a staff member and disrobing, and an MDR was scheduled for March 3, 2026.

49. The Parent, the Student's IEP team and an ODE facilitator met on March 3, 2026, for an MDR. The Parent indicated that the Student had met with a community play therapist, though the Parent declined to sign a release of information between the professional and the District. The Parent also shared that the Student was "on a wait list" to be evaluated at OHSU. The group discussed the Student's schedule and how the dysregulation and behavioral difficulties were impacting the transition to the new program at SES2, and impacting time in the general education setting. The Parent then explained "she no longer wanted the school to be completing additional evaluations of the Student and that she did not agree that [Student] had a disability." The team determined, at that time, that the behavior in question (February 13, 2026) was "neither a manifestation of [Student's] disability nor the result of a failure to implement the IEP." The Parent emailed later that she would like to appeal the MDR decision.

50. The District issued a PWN on March 6, 2026, explaining that the outcome of the MDR meeting was reviewed again and it was determined that the Student's behavior was, in fact, a manifestation of their disability. The Parent emailed the District later that day requesting a transfer to another school with an SES classroom.

51. On March 19, 2026, the Parent, IEP team and ODE facilitator met to review the Student's IEP. Discussion included the Parent's concerns regarding the Student's time in general education, as well as the Student's ability to receive OT services.

52. On March 30, 2026, the IEP team, including the Parent and an ODE facilitator, reconvened to review additional goals proposed for the Student as well as additional accommodations. The District's continuum of placement options was also discussed, including the District's separate school. The school staff shared their recommendation that the separate school, with its specialized programming for students' social-emotional needs, would greatly benefit the Student, along with a lower adult-student ratio, small class size and line-of-sight supervision throughout the day. Qualified mental health professional (QMHP) services are embedded in the daily programming, as well. With this placement, the Student would be removed from general education for 100% of the school day. The Parent shared their disagreement with the placement discussion.

53. On April 1, 2026, the District sent the Parent the documents from the two IEP meetings (March 3, 2026, and March 19, 2026) with the ODE facilitator, including an IEP amendment, a Placement Decision, PWNs and procedural safeguards. The Director of Academic Programs wrote that the documents were being provided to ensure the Parent had all the documentation from the discussions. The Director also noted that it was understood that the Parent did not agree regarding the placement decision. In addition, it was stated that

the information would be passed on to the principal of the District's specialized separate school.

54. This Complaint was filed on April 7, 2026.

IV. DISCUSSION

When Individualized Education Programs (IEPs) Must Be in Effect

It was alleged that the District violated the IDEA when it failed to fully implement the Student's IEP, as written, including the Student's behavior intervention plan, and failed to provide accommodations and modifications as indicated on the Student's IEP.

Districts must ensure that at the beginning of each school year, each student with a disability has an effective IEP, and the district must provide special education and related services in accordance with the IEP.[3]

The Parent alleged that the District did not implement the Student's IEP(s) throughout the 2025-2026 school year, including the behavior support plan.

During the Complaint period, the Student had an operative IEP dated June 9, 2025, which was the Student's initial placement in Special Education under the disability category of OHI. The Parent provided consent for placement, and the IEP was developed with a BSP and safety plan, as well as with accommodations for the Student.

The Student's Behavior Support Plan was updated on November 20, 2025, and on November 21, 2025, an IEP meeting was held with the Parent, and that was facilitated by an ODE facilitator. The team determined to amend the Student's IEP to add services from a QMHP for 90 minutes per month. Home-school communication was added as an accommodation for the Student, as well as movement breaks, and the use of a weighted vest sent from home.

On December 4, 2025, the Parent revoked consent for Special Education services and the Student returned to ES1 as a general education student. On January 6, 2026, the Parent and the ES1 school team met to discuss the initiation of a new special education evaluation and subsequent eligibility for special education services.

The ES1 IEP team and the Parent met on January 15, 2026, and upon reviewing the initial evaluation completed in 2025, along with recent data/information from the Student's previous school, the team found the Student eligible for special education services under the category of OHI. The team proposed a new IEP and recommended the Student receive SES services to meet behavioral and social-emotional needs, with 50% of instruction happening in the general

[3] OAR 581-015-2220; 34 CFR 300.320

education setting. The Parent signed consent for services, and the Student was assigned to SES2.

The IEP, dated January 15, 2026, included goals in the areas of 1) Social-Emotional Skills, 2) Classroom/School Skills, and 3) Social Skills. Related Services included transportation, OT and Family Training/Counseling. Accommodations for the Student included on the IEP were: preferential seating; home/school communication; line of sight support for transitions, recess, instructional periods and unstructured activities; safety plan throughout the day; breaks schedule and access to breaks; bathroom protocol; social stories; transition supports; visuals/visual schedule; access to snacks; adult assistance during unstructured times; access to fidgets/self-regulation tools; personal calm-down space; and adult support for self-regulation.

In March 2026, with support from an ODE facilitator, the SES2 IEP team and the Parent met twice (March 3, 2026, and March 19, 2026) to discuss the Student's needs given the behavioral challenges over the 2025-2026 school year. The January 15, 2026, IEP was amended and the Student's placement was changed to the District's specialized separate school.

In conclusion, the District, through two Progress Reports during the 2025-2026, and two IEPs with amendments during the same time frame, as well as a Special Education evaluation in January 2026, reported the implementation of the Student's IEP goals, as well as implementation of the accommodations included in the IEP to support the Student's educational program.

The Department does not substantiate this allegation.

Requirement for Least Restrictive Environment

It was alleged that the District violated the IDEA when it changed the Student's IEP placement from 50% in a self-contained/SES program and 50% in general education, to full-time (100%) in the self-contained/SES program.

Children with disabilities must be educated with children who do not have a disability, to the maximum extent appropriate, and placement in special classes or separate schools only occurs if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be appropriately achieved. Placements are to be determined by a group, including the parents, who are knowledgeable about the student placement options, and that the decision is made in conformity with the Least Restrictive Environment provisions.[4]

The Parent alleged that the District inappropriately changed the Student's placement from a combined placement (50% in self-contained SES program/50% in general education) to a fully self-contained SES program.

[4] OAR 581-015-2240; OAR 581-015-2250

The Student's initial placement in Special Education, as delineated on the agreed upon IEP date June 9, 2025, was "40 to 79% of day – Regular Class with placement in a SES Focus Classroom." The placement was determined by the IEP and Parent as "the best placement to meet the Student's needs at this time. The Parent consented to the initial placement in Special Education, and the Student began the 2025-2026 school year at SES1.

On December 3, 2025, the Parent revoked consent for Special Education services and the Student returned to ES1 as a general education student. The Student had several serious behavior incidents upon returning to ES1 that the IEP team initiated a new special education evaluation. The team reconvened on January 15, 2026, to discuss eligibility and a new IEP was developed. The Parent signed consent for the initial provision of services, with the placement determined to be "40 to 79% of day-Regular Class and access to intensive behavioral and mental health supports, as "the placement best meets the Student's needs at this time. The Student was assigned to SES2 and began attending the program on February 4, 2026.

On March 30, 2026, the IEP team met and determined that, the SES2 setting did not have sufficient supports to meet the Student's behavioral or social-emotional needs. Accordingly, the Student's placement was changed to a public separate school that had a lower adult-student ratio, small class size, line-of-sight supervision, reduced transitions, and QMHP services throughout the day. Given the Student's continued challenges in the SES2 setting, despite the implementation of behavioral supports, the District demonstrated that the Student requires the more restrictive placement of a public separate school to make progress on their IEP goals and access the curriculum.

The Department does not substantiate this allegation.

Failure to Review and Revise the IEP

It was alleged that the District violated the IDEA by failing to review and revise the Student's IEP, as appropriate, to address the Student's increased behavioral episodes and to determine whether the Student's IEP should be revised to include additional services or supports.

Districts must ensure that the IEP Team reviews the child's IEP periodically, but at least once every year to review progress and to revise the IEP if there is a lack of expected progress towards the annual goals. Changes to an IEP, can occur by amending the IEP rather than by redrafting the entire IEP, and with parents provided a copy of the revised IEP with the amendments incorporated.[5]

The Parent alleges the District failed to revise the IEP given the serious behavior incidents that occurred at ES1, SES1, and SES2.

[5] OAR 581-015-2225; 34 CFR §300.324

During the Complaint period, the Student had an operative IEP dated June 9, 2025, which was the Student's initial placement in Special Education under the disability category of OHI. The Parent provided consent for placement, and the IEP was developed with a BSP and safety plan, as well as with accommodations for the Student. The Student's placement was determined to be a social-emotional skills focused program, and the Student was transferred to SES1 for the 2025-2026 school year. The IEP documents state that the serious behavioral needs of the Student were discussed as well as the support needed to address self-regulation and peer interactions. The Behavior Support Plan was updated by the school team on November 20, 2025, in response to several sexualized behavior incidents exhibited by the Student.

On November 21, 2025, an IEP meeting was held with the Parent and was facilitated by an ODE facilitator. The team determined to amend the Student's IEP to add services from a qualified mental health professional (QMHP) for 90 minutes per month. Home-school communication was added as an accommodation for the Student, as well as movement breaks, and the use of a weighted vest sent from home. The group discussed evaluation for possible additional eligibility categories (i.e., Autism Spectrum Disorder (ASD), Emotional Behavior Disability (EBD), Specific Learning Disability (SLD), though the Parent eventually revoked consent for special education services and the Student returned to ES1 as a general education student. The District documents related to this IEP meeting show that the Student's behavioral needs were discussed, and additional services were added to the IEP (mental health), and the team recommended additional evaluations to assist the team in addressing the Student's needs. The Parent was initially supportive of the additional assessments, but soon after (December 4, 2025) revoked consent for special education services.

The Student was re-enrolled in ES1 as a general education student, and on January 8, 2026, the school team updated the Student's Behavior Support Plan in response to behavioral incidents that occurred in early January 2026.

The ES1 IEP team, including the Parent, met on January 15, 2026, and upon reviewing the initial evaluation completed in 2025, along with recent data/information from the Student's previous school and recent behavioral episodes at ES1, the IEP team found the Student eligible for special education services under the category of OHI. The team proposed a new IEP and recommended the Student receive SES services to meet behavioral and social-emotional needs, with 50% of instruction happening in the general education setting. The Parent signed consent for services, and the Student was assigned to SES2 in the behavior and social skills focused program. The Student transferred to SES2 in early February.

This IEP, dated January 15, 2026, included goals in the areas of 1) Social-Emotional Skills, 2) Classroom/School Skills, and 3) Social Skills. Related Services included transportation, OT and Family Training/Counseling. Accommodations for the Student included on the IEP were: preferential seating; home/school communication; line of sight support for transitions, recess, instructional periods and unstructured activities; safety plan throughout the day; breaks schedule and access to breaks; bathroom protocol; social stories; transition supports;

visuals/visual schedule; access to snacks; adult assistance during unstructured times; access to fidgets/self-regulation tools; personal calm-down space; and adult support for self-regulation.

In March 2026, with support from an ODE facilitator, the SES2 IEP team and the Parent met twice (March 3, 2026, and March 19, 2026) to discuss the Student's needs given the behavioral challenges over the 2025-2026 school year. The January 15, 2026, IEP was amended and the Student's placement was changed to the District's specialized separate school due to the increased sexualized behaviors exhibited at school, disrobing and continued elopements.

During the 2025-2026 school year, the Student's IEP teams at ES1, SES1 and SES2 held IEP meetings with the Parent to discuss the Special Education services the Student was receiving, review concerns and determine appropriate supports and services to meet the Student's social-emotional, behavioral and mental health needs. All the IEPs and amendments included a positive behavior plan and safety plan, as well as accommodations. In November 2025, in an IEP meeting with and ODE facilitator, the Student's IEP was amended to include mental health services, and the additional accommodations of home/school communication and use of a weighted vest. The Student's Behavior Support Plan was also updated at that time. Following the Parent's revocation of special education services, the IEP team at ES1 initiated an evaluation process to determine the Student's eligibility and proposed a new IEP and placement in an SES program. The Parent consented to the IEP and placement, and the Student transferred to SES2 in February 2026. Serious behavioral difficulties continued including elopement, disrobing, and highly sexualized behaviors with staff and peers. Two IEP meetings, with an ODE facilitator determined, due to the Student's behavioral and mental health needs, the District's specialized separate school with a low adult-to-student ratio, embedded mental health services, and small class sizes would best meet the needs emotional and safety needs of the Student.

The Department does not substantiate this allegation.

Free Appropriate Public Education (Denial of FAPE)

It was alleged that the District violated the IDEA, due to the violations detailed above, and so, failed to provide the Student with a free appropriate public education (FAPE).

The Parent alleges that due to the violations of 1) not implementing the Student's IEP; 2) inappropriately changing the Student's placement; and 3) failing to review/revise the Student's IEP that the District failed to provide the Student with a FAPE.

School districts must provide a free appropriate public education to all school-age children with disabilities for whom the district is responsible by complying with the procedural and substantive components of the Student's education.[6]

The record described above supports that the District provided the Student with a FAPE by determining the Student's initial eligibility for special education services and developing an IEP to meet the behavioral and social needs of the Student. The District addressed these needs by determining the placement to best meet the Student's needs was a social-emotional skills focused program. The SES1 program, based on the behaviors exhibited by the Student in the program added mental health services and additional accommodations to the IEP. After the Parent revoked consent for all special education services and returned to ES1, the team worked with the Parent to evaluate the Student again for special education eligibility based on the serious behavioral challenges of the Student. A new IEP was written and placement determined to be an SES program at another elementary school (SES2). The SES2 IEP team, with support from a facilitator, addressed the continued and increased serious behaviors exhibited by the Student and amended the Student's IEP to address the concerns and determined placement would be in the District's specialized separate school with embedded mental health services, small class size and low adult-student ratio for highly individualized services.

The Department does not substantiate this allegation.

Dated: this 5 Day of June 2026



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Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

Appeal Rights: Partied may seek judicial review of this Order. Judicial review may be obtained by filing a petition for review within sixty days from the service of this Order with the Marion County Circuit Court or with the Circuit Court for the County in which the party seeking judicial review resides. Judicial review is pursuant to the provision of ORS § 183.484. (OAR 581-015-2030 (14).)