BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of Springfield School District 19	))))	FINDINGS OF FACT, CONCLUSIONS, AND FINAL ORDER Case No. 26-054-056

I. BACKGROUND

On May 1, 2026, the Oregon Department of Education received a written request for a special education complaint investigation from the parent (Parent) of a Student (Student) residing in the Springfield School District (District). The Parent requested the Department conduct a special education investigation under OAR 581-015-2030. The Department confirmed receipt of this Complaint and forwarded the request to the District.

Under state and federal law, the Department must investigate written complaints that allege violations of the Individuals with Disabilities Education Act (IDEA) and issue an order within sixty days of receipt of the complaint.[1] This timeline may be extended if the Parent and the District agree to the extension in order to engage in mediation or local resolution, or for exceptional circumstances related to the complaint.[2]

On May 13, 2026, the Department's Complaint Investigator sent a *Request for Response (RFR)* to the District identifying the specific allegations in the Complaint to be investigated and establishing a *Response* due date of May 27, 2026.

The District submitted a *Response* on May 28, 2026, partially substantiating and/or denying the allegations, providing an explanation, and submitting documents supporting the District's position. The District submitted the following relevant items:

1. District's Written *Response* to Complaint, 5/28/2026
2. Occupational Therapy (OT) Evaluation, 3/13/2025
3. Individualized Education Program (IEP) Amendment, 2/10/2025, (District has it documented as a date of 4/25/2025)
4. IEP, 12/10/2025
5. Notice of Team Meetings, 10/14/2025, 11/13/2025, 12/1/2025, 1/15/2026, 2/24/2026, 4/30/2026
6. IEP Meeting Request, 8/26/2026
7. Special Education Placement Determination, 8/25/2025, 12/10/2025
8. IEP Progress Report – Annual Goals, 6/9/2025, 3/13/2026
9. OT Treatment Plan, 12/10/2025
10. Manifestation Determination Review (MDR), 8/10/2025, 12/10/2025, 3/2/2026

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

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

11. IEP Meeting Notes, 5/30/2025
12. MDR Meeting Notes, 3/2/2026
13. Prior Written Notice (PWN), 1/15/2026, 2/12/2026, 10/1/2025, 11/13/2025, 3/2/2026, 4/24/2025, 5/6/2026, 6/30/2025, 6/4/2025, 6/3/2025, 8/29/2025, 9/26/2025, 12/10/2025, 10/14/2025
14. District Online Enrollment, 25-26 School Year (SY)
15. Learning Solutions Email, 3/3/2026, 3/4/2026, 4/9/2026, 5/21/2026
16. Learning Solutions Account Access Record, 25-26 SY
17. Emails, 5/19/2025, 5/25/2025, 6/2/2025, 3/3/2026, 3/4/2026, 4/9/2026
18. Student Consultation Notes, 1/6/2026-5/6/2026
19. Daily Attendance, 10/13/2025-6/11/2026
20. Emails, 3/3/2026, 04/09/2026, 2/25/2026, 6/26/2025
21. Online Attendance Report, 25-26 SY
22. Neighborhood School Trial Plan, 8/9/2025, 8/29/2025
23. Abbreviated School Day Meeting Notes/Consents, 9/22/2025, 5/6/2026, 9/22/2025, 1/15/2026,
24. Incident Form, 5/28/2025
25. Outside Provider Psychotherapy Reports, 7/1/2025, 8/27/2025
26. Parent Consent for Release of Information, 11/30/2023
27. Medical Information, 12/13/2023
28. Private Provider Letter of Concern, 9/19/2025
29. Outside Behavior Support Provider Positive Behavior Support Plan, 5/13/2023, 7/15/2025
30. Outside Speech Language Pathologist (SLP) IEP Planning and Recommendations for 25-26 School Year, 8/28/2025
31. District Behavior Support Plan, 10/10/2023, 1/13/2026
32. Psychiatric Evaluation, 8/25/25
33. Step-Up Plan, 1/15/2025, 2/12/2025, 10/14/2025, 11/13/2025
34. Crisis Incident Procedure, 1/12/2026
35. Informed Written Consent for Abbreviated School Day, 9/22/2025, 1/15/2026
36. District Safety Support Plan, 2/25/2026
37. MDR Data Collection, 23-24 SY, 24-25 SY, 25-26 SY
38. MDR Agenda, Undated
39. MDR File Review, Undated
40. Psychoeducational Assessment, 2/26/2024
41. Functional Communication Assessment, 2/26/2024
42. Behavior Crisis Incident Debrief, 1/12/2026
43. Behavior Incident Report, 5/1/2025, 5/5/2025, 5/11/2025, 5/28/2025
44. Student Referral Documentation, 2/25/2026, 4/15/2026
45. Crisis Incident Interviews Summary, Undated
46. Physical Restraint Debriefing Report, 3/2/2026
47. Neighborhood School Transition Plan, 5/6/2026
48. Office of Training, Investigations, and Safety (OTIS) Report, 5/21/2026
49. Team Meeting Notes, 5/28/2025
50. Day Treatment Denial, 12/16/2024
51. Abuse Investigation Report, 3/6/2026

52. Student Safety and Support Plan updated 2/25/2026
53. Student Daily Tracker Template, Undated
54. Student Behavior Data, Undated
55. Student Online Schedule, Undated

The Parent submitted a *Reply* on June 5, 2026, providing an explanation and rebuttal and documents in support of the Parent's position, as well as additional documents submitted on May 10, 2026. The Parent submitted the following relevant items:

1. Parent's *Reply* to the District's *Response* to *RFR*, 6/5/2026
2. Student's Online Schedule, Undated
3. Student Report Card, 5/31/2026
4. Step Up Plan, 2/12/2025, 11/13/2025
5. Student Daily Progress Notes, 1/6/2026, 1/7/2026, 1/8/2026, 1/9/2026, 1/12/2026, 1/14/2026, 1/16/2026, 1/20/2026, 1/21/2026, 1/22/2026, 1/23/2026, 1/26/2026, 1/27/2026, 1/28/2026, 1/29/2026, 2/2/2026, 2/3/2026, 2/4/2026, 2/5/2026, 2/9/2026, 2/10/2026, 2/11/2026, 2/12/2026, 2/13/2026, 2/19/2026, 2/20/2026, 2/23/2026
6. Email, 5/13/2026, 5/14/2026, 5/20/2026, 5/28/2026, 5/7/2026, 5/8/2026, 4/24/2025, 4/25/2025, 04/29/2025
7. Occupational Therapy (OT) Evaluation Report, 3/13/2025
8. Outside SLP Letter of Concern, 9/19/2025
9. Outside Augmentative and Alternative Communication (AAC) Evaluation Report, 7/22/2025
10. Saint Rita Psychiatry Medical Information, 7/1/2025
11. Manifestation Data Collection, Undated
12. Outside SLP Speech Evaluation, 10/31/2024
13. Physical Restraint Debriefing Report, 3/2/2026,
14. Office of Training, Investigations, and Safety (OTIS) Report, 5/21/2026
15. Staff Summary Interviews, date, Undated
16. Student File Review, Following 2/24/2026
17. Department of Human Services (DHS) Eligibility Determination, 5/13/2026
18. Individualized Education Program (IEP) Amendment, 12/10/2025
19. Prior Written Notice (PWN), 5/6/2026
20. Placement Determination, 5/6/2026
21. Notice of Team Meeting, 4/30/2026
22. Neighborhood School Transition Plan, 5/6/2026
23. ITP Primary Support Goal Documentation, Undated
24. District Behavior Support Plan, 1/13/2026
25. Private Positive Behavior Support Plan, 3/9/2026
26. Request for Return to School, 5/20/2026, 5/19/2026
27. Response to Prior Written Notice, 5/6/2026, 5/14/2026, 5/20/2026
28. Formal Discrimination Complaint, 5/20/2026
29. IEP Meeting Documented Disagreement, 5/20/2026
30. Formal Request for Additional Supports, 5/19/2026
31. Revocation for Consent of Abbreviated School Day, 5/14/2026

32. ODE Investigation, 3/3/2025

The Complaint Investigator interviewed the Parent on June 15, 2026. On June 11-12, 2026, the Complaint Investigator interviewed District personnel. The Complaint Investigator reviewed and considered all of these documents, interviews, and exhibits in reaching the findings of fact and conclusions of law contained in this order. This order is timely.

II. ALLEGATIONS AND CONCLUSIONS

The Department has jurisdiction to resolve this Complaint under 34 CFR §§ 300.151-153 and OAR 581-015-2030. The Parents' allegations and the Department's conclusions are set out in the chart below. The conclusions are based on the Findings of Fact in Section III and the Discussion in Section IV. This Complaint covers the one-year period from May 2, 2025, to the filing of this Complaint on May 1, 2026.

Allegations	Conclusions
Disciplinary Change of Placement The Complaint alleges that the District implemented an improper change of placement following the Manifestation Determination Review. Specifically, the Student was improperly removed to an Interim Alternative Educational Setting (IAES) for infliction of serious bodily injury when the injury caused did not meet the definition of serious bodily injury. Further, while placed in an IAES, the District failed to provide the Student with educational services that will enable them to continue to participate in the general education curriculum and progress toward meeting their IEP goals. (OAR 581-015-2415 through 581-015-2435; 34 CFR §§300.530–300.536)	**Substantiated** The evidence does not support the District's determination that the Student's conduct resulted in "serious bodily injury" as defined under IDEA and required to justify a 45-school-day Interim Alternative Educational Setting (IAES). The District therefore improperly implemented a disciplinary change of placement under the serious bodily injury exception. The evidence demonstrates that the Student did not consistently receive the specially designed instruction (SDI) and related services required by the Student's IEP during the 45-day IAES or during the period following the Student's return from the IAES.

Implementation of IEP The Complaint alleges that the District failed to implement the Student's IEP as written, including required services, support, and accommodations. Specifically related to the implementation of the Behavior Intervention Plan (BIP or BSP) and related services. (OAR 581-015-2220; 34 CFR §300.323)	**Substantiated** The evidence supports that the District did not implement the Student's BSP as written during the disciplinary incident. Additionally, the District does not contest that direct OT services were not provided to the Student while the Student was in the 45-day IAES.
Parent Participation The Complaint alleges that the District failed to ensure the Parent's meaningful participation in the IEP process and failed to provide appropriate notice of IEP meetings. Specifically related to decisions regarding MDR and placement. (OAR 581-015-2190; 34 CFR §300.501)	**Substantiated** The District provided meeting notices and Prior Written Notice, but the District did not ensure the Parent's meaningful participation in decisions regarding the Student's IEP, MDR, placement, and educational programming. The Parent requested information, data, and clarification necessary to participate in decision-making, but the District did not provide complete or timely responses.
Content of IEP The Complaint alleges that the District failed to include information in the Student's IEP that is necessary to address the Student's unique educational needs. Specifically, the District failed to include adequate speech, occupational therapy, and social skills services or assistive technology supports. Further, the IEP does not accurately reflect the Student's eligibility categories. (OAR 581-015-2055; 581-015-2200; 34 CFR §300.105; 34 CFR §300.320)	**Substantiated** The evidence shows that the District did not fully consider or incorporate necessary information and supports into the Student's IEP, including documented assistive technology needs, medical needs, and behavior-support recommendations provided by the Parent and outside providers.

Independent Educational Evaluation (IEE) The Complaint alleges that the District failed to properly respond to the Parent's request for an Independent Educational Evaluation (IEE) at public expense by either ensuring that an IEE is provided or requesting a due process hearing to how that evaluation is appropriate. (OAR 581-2305; 34 CFR §300.502)	**Not Substantiated** Documentation does not support that the Parent requested an IEE at public expense; rather, the Parent inquired about adding Autism Spectrum Disorder to the evaluation plan and was informed it could be addressed during the next reevaluation cycle. As no IEE request was made, the District was not required to provide an IEE or initiate due process.
Free Appropriate Public Education (FAPE) 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. (OAR 581-015-2040; 34 CFR §300.101)	**Substantiated** The substantiated violations related to IEP implementation, Behavior Support Plan fidelity, disciplinary procedures, and parent participation resulted in the Student not receiving all of the services, supports, and procedural protections required under IDEA. This caused a loss of educational opportunity and a denial of FAPE.

REQUESTED CORRECTIVE ACTION
1. A full independent educational evaluation at the District's expense to ensure all eligibility is formally documented and properly considered. 2. Staff training provided by a behavioral support professional. 3. ABA services provided by outside agency at the expense of the District. 4. Speech services increased to 100 min per week with services provided by a licensed SLP that has experience in working with neurodivergent children, dyslexia, and auditory processing disorders. 5. District-provided SLP coordination with external SLP. 6. Social skills increased to 100 min per week. 7. Occupational therapy increased to 100 min per week provided by qualified personnel. 8. Counseling services provided 2x per week by qualified personnel.

9. Provide a 1:1 qualified, instructional aid full time that will remain with the Student. If the school does not have someone available, the District can contract with an outside agency.
10. Referral to lane school in hopes to have a plan and have a spot for middle school.
11. Provide Extended School Year (ESY) services.
12. Provide all documentation for the District's legal basis for change of placement regarding "serious bodily injury" that has caused the Student to be out of school and secluded from activities and same ages peers for 2.5 months.
13. Provide FM audio device (frequency modulation) as recommended by audiologist.
14. Provide consistent transition planning to middle school.

III. FINDINGS OF FACT

IDEA regulations limit complaint investigations to alleged violations occurring no more than one year before the Department's receipt of the special education complaint. This Complaint Investigation did not consider any IDEA violations alleged to have occurred before May 2, 2025. Any facts listed below relating to circumstances or incidents earlier than that date are included solely to provide the context necessary to understand the Student's disability and special education history.

1. The Student is ten years old and attends 4th grade at a District elementary school.

2. The Student is eligible for special education under the primary disability category of Other Health Impairment and secondary category of Emotional Behavior Disability. The Student's current Individualized Education Plan (IEP) was developed on 12/10/2025 with a three-year reevaluation of eligibility due 2/25/2027.

3. The Student has a medical diagnosis of Mast Cell Activation Syndrome (MCAS), which affects neurological, sensory, communication, and behavioral functioning. The Student may experience substantial difficulty concentrating, organizing thoughts, retrieving information, and keeping pace with verbal instruction. MCAS-related symptoms impact the Student's ability to process verbal information, follow directions, maintain attention, and regulate sensory input.

   MCAS also affects auditory and verbal processing. The Student may struggle to follow multi-step directions, filter out background noise, or remember information that was just presented. The Student may appear delayed in responding, confused by spoken language, or unable to process verbal information efficiently. Sound sensitivity and tinnitus may further limit the Student's ability to participate in busy or noisy classroom environments. These processing difficulties directly impact the Student's ability to understand lessons, participate in discussions, and complete assignments without additional supports.

Emotional and behavioral regulation may also be impacted. When cognitive and sensory processing become overloaded, the Student may withdraw, shut down, or appear overwhelmed by demands that would otherwise be manageable.

The Student's disability impacts learning by limiting the Student's ability to process information efficiently, maintain attention, regulate sensory input, and respond consistently to classroom expectations. The Student requires individualized supports, accommodations, and structured instruction to access the general education curriculum and make progress toward IEP goals.

4. A private SLP conducted a speech and language evaluation on 10/31/2024 recommending direct speech habilitation services 2 times per week for 6 months to develop oral motor and basic language skills for requesting, protesting, sharing, and seeking information, and socializing across home, school, and community environments.

5. The Student's behavior support plan dated 1/13/2025 outlines the Student's academic and social strengths, defines their unsafe behaviors when dysregulated, identifies triggers such as transitions and unexpected events, and establishes that their behavior functions to avoid non-preferred tasks or transitions. The plan includes a competing behavior pathway, replacement behaviors, and detailed intervention strategies across setting event supports, antecedent modifications, explicit teaching of coping and communication skills, and consequence procedures, along with identified skill deficits in language, cognitive flexibility, social skills, and emotional regulation.

6. District documentation reflects that an occupational therapy (OT) evaluation was conducted on 3/13/2025, and, based on consultation with staff and a standardized battery of assessments, the District determined the Student qualified for school-based OT services. The evaluation indicated that OT services would focus on: (a) providing tools and options to address the Student's sensory regulation needs, including those related to eating; (b) assessing and supporting the Student's handwriting legibility and fine motor skill development; and (c) identifying strategies to improve the Student's ability to participate in classroom routines and activities that require sustained motor control and sensory processing.

7. District documentation reflects an IEP amendment dated 2/10/2025 adding OT services, with summary notes indicating that OT services would begin in April; however, the District's internal documentation records this amendment as dated 4/25/2025. The IEP in effect at that time included direct speech-language services at 150 minutes per week, OT services were recommended at 180 minutes per year.

8. The District provided an online instructional schedule that (a) outlined the following sequence of activities: 11:00–11:10 check-in; 11:10–11:25 science journal writing; 11:20–11:25 transition to a preferred adult; 11:30–11:40 instructional activity; 11:45–12:00 math; 12:00–12:15 social skills; and 12:15 logoff; (b) stated that staff would log off if the Student was 10 minutes late; and (c) specified that if the Student stopped engaging, staff would

provide a reminder after 5 minutes and, if the Student did not re-engage within 10 minutes, staff would log off, discontinue academic activities, and offer a choice activity.

9. A private behavior consultant developed a behavioral support plan for the Student on 7/15/2025 which was provided to the Parent and the District.

10. A private SLP conducted an Augmentative Communication Evaluation, completed on 7/22/2025, which recommended that the Student receive clinical speech therapy for habilitation with use of the QuickTalker Freestyle device.

11. The private SLP provided the Parent and the District a report for educational planning for the Student on 8/25/2025.

12. An outside Psychiatry provider for the Student provided treatment plans to the Parent and District on 6/30/2025, 7/3/2025, and 8/26/2025.

13. In a letter addressed to the District 9/19/2025, the Student's outside SLP reported (a) participating in at least four team meetings with extended medical providers where concerns were expressed that the Student has remained in an off-campus Intensive Tutoring Program providing no more than 1-hour of teacher instruction per day; (b) the review of educational and medical records and District's eligibility determinations, specifically finding Autism Spectrum Disorder as Not Met did not align with medical diagnoses or school-based data, and that the Student was removed from the neighborhood school without a Manifestation Determination Review (MDR); (c) the Student has not received required related services, including speech and OT, and the family has transported the Student to the off-campus placement for two years without reimbursement; and (d) Prior Written Notices (PWN) fail to acknowledge all aspects of the meeting, do not document the medical team's recommendations or the District's refusals. The SLP recommends immediate review of the Student's IEP, related services, transportation, and reintegration into the neighborhood school with appropriate supports.

14. A Step-up Plan dated 10/14/2025 reported the Student's level of performance as dysregulated behaviors resulting in unsafe behaviors: hitting, spitting, dangerous use of classroom materials (throwing chair at person, throwing a chair), running off campus (unsupervised), kicking intentionally, punching, breaking window, stabbing with pencil, throwing objects at person, throwing/spraying chemicals such as hand sanitizer, cleaning liquid, flipping table, shoving table at person with intent, inappropriate language, disrespectful towards staff, throwing classroom objects, throwing food and liquid, threats of violence, posturing, kicking and flailing while upset, damaging classroom objects, and pounding on table.

15. The Student's annual IEP dated 12/10/2025 reflects that the Student was attending school on a reduced schedule from approximately 11:00 a.m. to 2:00 p.m., and the IEP team documented that the Student was able to engage in one-to-one instruction for both preferred and non-preferred tasks. The IEP notes that the Student demonstrated strengths

in basic addition and subtraction and in decoding single-syllable words and, since transitioning back to the campus, the Student had gradually increased both the length of the school day and stamina for academic tasks. Documentation within the IEP further reflects that, for the 2025 Communication section, the Student began transitioning back to the neighborhood campus at the beginning of the school year and increased the school day from one hour to three hours, with approximately 45 minutes of expected on-task behavior. Speech and language goals and services were added toward the end of the prior school year (April 2025) while the Student was receiving academic instruction and special education services through the Intensive Tutoring Program (ITP). The IEP notes that the team should discuss how best to provide the listed speech-language services, including options such as individual instruction with the SLP, small-group instruction with the SLP, or small-group instruction with the special education teacher with SLP consultation. The IEP identifies speech-language services addressing emotions and word-finding, with present levels indicating that the Student could identify basic emotions in pictures with 90% accuracy and describe personal emotional experiences but had difficulty using regulation strategies when upset. The IEP also documents that the Student repeated words when searching for specific vocabulary during conversations, which could lead to frustration and increased susceptibility to dysregulation. The IEP includes 30 minutes per week of SLP consultation with the special education team.

16. The Student's accommodations in the 12/10/2025 IEP were preferred adult, quiet testing, frequent breaks, immediate access to adults, breaks from non-preferred activities, option to use preferred writing utensil- crayon, pen, pencil, marker, small group or individual academic instruction, break area to calm down with sensory tools and coloring supplies, adult support during transitions, incentives, step-up plan, and behavior support plan.

17. The Student's annual IEP 12/10/2025 services were Specially Designed Instruction (SDI) in social skills 75 minutes per week, direct OT services 180 minutes per year, and SLP consult with the special education team 30 minutes per month.

18. The 12/10/2025 IEP reflects that the Student was participating in a step-up plan that increased the length of the school day based on safe behavior and on-task minutes. At the time of the IEP, the Student had increased time on campus from one hour to approximately three hours, with an expectation of 45 minutes of on-task behavior.

19. The 12/10/2025 IEP documents that the Student received one-to-one adult support throughout the school day for academic, behavioral, and regulatory tasks.

20. The 12/10/2025 IEP notes that, since transitioning to the elementary school, the Student had two days in which aggressive behavior toward adults was documented.

21. The 12/10/2025 IEP reflects that the Student exhibited whining, work refusal, and dysregulation when academic demands increased, including refusal, dropping to the floor, tipping tables, and pushing chairs during attempted assessments.

22. The 12/10/2025 IEP documents that staff responded to dysregulation by providing space, reducing verbal commands, offering choices, breaking tasks into smaller segments, and providing breaks between tasks.

23. The 12/10/2025 IEP includes behavioral data from October through early December 2025 showing that the Student generally met behavior targets during shorter instructional days, with isolated days of lower performance. Following the increase to a three-hour day with 45 minutes of expected academic engagement, data reflected increased off-task behavior, aggression, and work refusal.

24. The 12/10/2025 IEP notes that the Student was willing to participate in activities related to interoception and sensory/self-regulation when supported by an adult.

25. The 12/10/2025 Special Education Placement Determination proposed to consider a less restrictive placement option of abbreviated school day. This option was rejected due to insufficient behavioral and instructional supports to meet the Student's current needs. (D 57).

26. The District provided behavior incident documentation indicating that on 1/12/2026, the Student threw tables and chairs and threw items at staff, and that on 12/11/2025, the Student pushed a desk into the teacher and overturned the desk, causing it to strike the teacher.

27. The abbreviated school day meeting notes dated 1/15/2026 indicate that the Student's request to increase the school day to 11:00 a.m.–2:00 p.m. on campus was accepted.

28. An incident occurred in the classroom on 2/24/26, after which the District conducted an MDR meeting on 3/02/26. The MDR team determined that the conduct was a manifestation of the Student's disability.

29. Documentation reflects that on 2/24/26 the Student escalated during classroom activities, engaging in unsafe behaviors including throwing objects, breaking the classroom door glass with a chair, and striking staff with both a piece of broken wood and their hands, resulting in a school lockdown and police notification.

30. Staff interview summaries dated 2/24/2026 and 2/25/2026 indicate the Student was initially engaged in play with a peer, was redirected toward academic work, and became increasingly dysregulated following task demands, transitions, or perceived loss of autonomy, leading to property destruction and aggression toward staff.

31. Documented staff interviews from 2/24/2026 and 2/25/2026 describe the Student tipping furniture, throwing objects, breaking the door, and physically striking the principal. Staff evacuated nearby students and called for administrative and police support as the situation escalated.

32. District documentation states that the Parent reports being informed that the Student became upset when asked to transition back to work before their break timer ended and they

reacted due to frustration and unfamiliarity with the new principal. The Parent's account was that the Student was calm upon the Parent's arrival (2/24/2026) (2/25/2026).

33. District documentation indicates: (a) prior to the escalation, the Student was in class with two peers during a break period while preferred staff were unavailable; (b) early signs of dysregulation emerged when task expectations were introduced, with staff reporting that the Student became verbally resistant, threw materials, and tipped furniture; (c) the situation progressed to unsafe behaviors, including the Student throwing a chair that struck an Educational Assistant; and (d) staff evacuated students and exited the room, attempting to contain the situation from outside the classroom door as the Student escalated and struck and splintered the door with a chair.

34. District documentation indicates: (a) witnesses observed the Student striking the classroom door and glass with a chair until it broke and removing molding from the door frame; (b) administrators responded to radio calls for immediate support, contacted the Parent and the Student Resource Officer (SRO), and moved toward the classroom as the situation escalated; (c) staff reported that the Student exited the classroom holding the broken door molding, prompting the principal to direct staff to close doors and evacuate the pod while the assistant principal secured nearby areas; (d) witness statements describe the Student striking the principal several times in the back, neck, and face, with the principal positioned defensively at the doorway without restraining the Student; (e) the Student disengaged from staff, ran to an area of the classroom, and engaged in self-injurious behavior by banging into a file cabinet as staff maintained visual monitoring; and (f) staff accounts reflect that classrooms were evacuated, visual oversight was maintained from adjacent rooms, and a brief quiet period occurred during which the Student remained in the classroom.

35. District documentation indicates: (a) the SRO arrived, was escorted to the classroom, and located the Student sitting inside as the Parent arrived; and (b) the principal sustained injuries requiring medical evaluation and, as of February 25, 2026, had not received clearance to return to work.

36. A Student file review, completed following the 2/24/2026 incident and prior to the 3/2/2026 MDR, reflects the District's determination that the incident likely constituted serious bodily injury, that returning the Student to the current placement would likely result in injury to the Student or others, and includes summaries indicating the conduct escalated from verbal resistance to significant property destruction and physical aggression toward staff, including breaking the classroom door and striking the principal.

37. District documentation reflects that the Student Safety and Support Plan was updated on 2/25/2026 following the 2/24/2026 incident; however, the documents provided do not include a prior written notice or meeting documentation associated with this revision.

38. The District's referral report dated 2/25/ 2026 reflects a decline in special education referrals over three school years, decreasing from 16 referrals in 2022–2023 to 9 referrals in 2023–2024, and to 3 referrals in 2025–2026.

39. The Parent's documented response dated 6/5/2026 stated inconsistencies in staff accounts and witness availability during the alleged restraint, and unequal consideration of the Student's and staff's statements.

40. The Student's daily point card dated from 1/16/2025-2/23/2026 averaged 5's on a 1–5-point scale indicating successful days in safety, cooperation, social skills, and emotional regulation.

41. The Incident Restraint/Seclusion Debriefing Report dated 3/2/2026 reflects that (a) staff reported holding the classroom door closed with their feet to keep the Student inside during escalation, and the team discussed questions regarding 1:1 support, with staff clarifying that the Student did not have a 1:1 and that staff were rotating to build relationships, while the Parent stated the Student struggles when certain staff are absent and that information the Student shared, such as a timer still running and the Principal put hands on the Student, was not reflected in the debrief notes; (b) staff described the events leading up to the escalation, noting the Student may have overheard adult conversation, that the escalation occurred quickly, and that there were no eyewitness accounts confirming restraint, and further reported that one employee had not returned to work to provide a statement, adding that Mandt training emphasizes maintaining hands-off positioning and that physical proximity during escalation could have contributed to the Student feeling threatened; and (c) when the Parent asked why adults moved away from the door, staff explained that the door began to splinter after being struck with a chair, prompting staff to step back, and the Parent expressed that the Student needs a familiar adult during escalations before the team transitioned to the MDR discussion.

42. An undated agenda prepared for the 3/2/2026 MDR reflects the District's determination that the 2/24/2026 incident constituted serious bodily injury and identified a 45-school-day interim alternative educational setting (IAES); the MDR documentation dated 3/2/2026 outlines the sequence of events, staff accounts, and parent report related to the incident, describing the Student's behavioral history and prior placements as contextual information considered by the team to determine whether the conduct was related to the Student's disability or a District failure to implement the IEP.

43. The Parent attended the 3/2/2026 MDR.

44. The Student's outside therapists attending the MDR on 3/2/2026 reported that an MCAS flare up was likely.

45. The Parent reported during the 3/2/2026 MDR that the Student had signs of cough and indigestion.

46. Outside therapists attending the 3/2/2026 MDR provided the team with strategies for addressing the Student's behavior reported in the IEP, BPS, and safety plan.

47. The Parent shared concern during the 3/2/2026 MDR with the IAES placement and the Student's decreasing progress.

48. The Student's outside therapist reported during the 3/2/2026 MDR that the home-based behavior support plan is being updated to include pathological demand avoidance strategies and increased strategies to address Autism Spectrum Disorder (ASD).

49. During the 3/2/206 MDR, the Parent discussed the Student's re-evaluation and whether ASD could be explored as an eligibility category.

50. Meeting notes from the 3/2/2026 MDR document that the District responded that the Student's re-evaluation was due in February 2027 and ASD could be explored at that time.

51. The 3/2/2026 MDR determined the Student would continue education in a 45-school-day IAES due to conduct that resulted in serious bodily injury.

52. Meeting notes from the 3/2/2026 MDR indicate: (a) the team reviewed contextual information including that the Student previously had a positive relationship with a former principal and identified the current principal as a familiar adult, that outside providers reported the Student's BSP, IEP, and safety plan include comprehensive supports, and that MCAS flare symptoms may not be identifiable until after an escalation; (b) outside providers further reported that the Student may have misinterpreted interactions or information prior to the escalation due to processing difficulties, and described the Student's delayed processing related to ASD along with recent significant stressors including the departure of a Direct Support Professional (DSP) and preparation for legal proceedings; (c) the Parent reported no observable MCAS symptoms on the morning of the incident, noted signs of cough and indigestion, expressed concern that the proposed IAES constituted punishment related to the Student's disability, and raised questions about whether ASD eligibility could be explored, to which the District responded that the Student's re-evaluation was due in February 2027; and (d) the MDR team determined that the Student would continue in a 45-school-day IAES for causing serious bodily.

53. MDR meeting notes from 3/2/2026 indicate: (a) the Parent expressed concern about potential regression resulting from removal from the current educational setting, citing previous unsuccessful experiences with online learning and opposing virtual instruction; (b) the Parent questioned the rationale for employee leave following the injury sustained during the incident; (c) an outside provider inquired about future meetings prior to the conclusion of the 45-day IAES; (d) the teacher reported an increase in escalations and task avoidance beginning prior to winter break and continuing over the preceding two months; (e) an outside provider inquired about appeal procedures related to the placement decision; and (f) the Parent sought clarification regarding district personnel involved in the decision-making process.

54. Prior Written Notice (PWN) dated 3/2/2026 reflects that the Student had reached six days of out-of-school suspension since the time of the incident, which resulted in serious bodily injury to a staff member. The District convened a manifestation determination review, reviewed the Student's IEP, behavior support plan, safety plan, and information from

outside providers regarding the impact of MCAS on emotional regulation, and determined that the conduct was not the result of a failure to implement the IEP but had a direct and substantial relationship to the Student's disability-related needs. Due to the severity of the incident and the resulting injury, the District determined the Student would receive services in an IAES for up to 45 school days. The District considered returning the Student to the prior placement but rejected that option based on the history of unsafe physical aggression and the serious bodily injury sustained. The Parent expressed concern regarding the IAES and the potential impact on the Student's progress.

55. Email correspondence reflects that on 3/4/2026 the District provided directions to initiate the IAES, noting that the placement consisted of an online curriculum with campus staff responsible for providing specially designed instruction (SDI) and case management, and the District indicated the Student could begin classes on 3/5/2026. An email exchange on 4/9/2026 reflects a District inquiry regarding who was assisting the Student, as the Student had not logged into classes. As of 5/21/2026, email documentation indicates that the designated learning coach (Parent) had not logged in and the Student had not accessed the online coursework.

56. The Parent reported a wrongful restraint complaint on 3/6/2026 through the Office of Training, Investigations, and Safety (OTIS), which was assigned to an investigator on 3/11/2026.

57. The OTIS investigation concluded the report stating wrongful restraint was unfounded and the complaint was closed on 5/21/2026.

58. On 5/6/2026, the District convened a special education placement determination meeting at the conclusion of the Student's 45-day IAES. The school-based team determined that the Student requires individualized instruction to meet IEP goals and reported concerns regarding behavior escalations that have caused safety risks and injuries to staff when the Student is presented with increasing time and demands in the school environment. The team developed a plan of intensive instruction intended to support a gradual and safe re-entry to in-person learning at the Student's neighborhood school, with the remainder of the abbreviated school day to continue online. During an interview on 6/16/2026, the Parent stated that the Student's 1:1 instruction occurred in an office near the principal for one hour per day with no access to peers.

59. A Neighborhood Transition Plan dated 5/6/2026 focused on safety transition planning following the 45-day IAES with shared concerns of previous incidents resulting in staff injuries and disruption to the learning environment and the Student's need for continued development of emotional regulation, coping, and behavioral response skills.

60. The Parent provided the District with written disagreement with the PWN dated 5/6/2026 regarding the proposal to change placement, restrictive placement, IEP implementation at the time of the incident, request for the least restrictive environment (LRE), extended school

year (ESY) eligibility, missing information within the PWN, service delivery, and the abbreviated school day.

61. The Parent filed a formal discrimination complaint on 5/18/2026 reporting concerns that administrative statements, staff reactions, and decision-making following the 2/24/26 incident have resulted in discriminatory treatment and ongoing restrictions to the Student's in-person educational access.

62. The 5/18/2026 Parent complaint asserted placement decisions, reduced instructional time, and continued isolation were influenced by staff discomfort, unresolved questions about the incident, and incomplete documentation rather than individualized educational needs, current data, or IDEA/Section 504 requirements.

63. The Parent requested a formal review of educational restrictions, staff reactions, less restrictive alternatives and required support in accordance with the Student's IEP within the 5/18/2026 complaint.

64. The Parent requested a formal review of participation and documentation requirements along with a written response outlining findings and corrective actions within the 5/18/2026 complaint.

65. On 5/19/2026, the Parent notified the District requesting immediate restoration of the Student's full school day placement, asserting that the current one-hour in-person schedule with online instruction did not provide meaningful access to education or align with IDEA or ORS 343.322 requirements.

66. On 5/19/2026, the Parent expressed concern that the District continued the reduced schedule beyond the end of the 45-day IAES without demonstrating individualized data, attempted supports, or less restrictive alternatives, thus limiting the Student to one hour of in-person instruction.

67. On 5/19/2026, the Parent reported at the conclusion of the 45-day IAES that transition planning and individualized supports were not implemented after the IAES period. In addition, online instruction limits peer access and in-person support, the continued one-hour schedule functions as an abbreviated day, and the Parent requests documentation of attempted supports and data used to determine the restriction.

68. The District reported that the Student was provided SDI and related services through the special education case manager, occupational therapist, and support staff, including a certified tutor and instructional assistants, and stated that although the Student's refusal and absences during the IAES may have resulted in some required minutes not being met, the District was ready to provide the services.

69. The Parent's Reply reported the Student's actual instruction consisted of approximately 75 minutes per day in two brief online and highly isolated sessions, and the concern is not the

existence of services on paper but whether the Student was able to meaningfully access and participate in instruction, make progress toward IEP goals, and receive educational benefit in an appropriately individualized and least restrictive environment.

70. In an email dated 5/20/2026, the Parent stated that (a) the Parent does not believe the District has addressed the specific questions and concerns previously raised in response to the PWN, noting that none of the requested written explanations regarding the basis for the District's decisions, the data relied upon, the supports considered or rejected, or the rationale for the Student's placement and programming have been provided; (b) the Parent is concerned with generalized statements indicating that these matters will be discussed at future meetings, despite ongoing difficulty scheduling a timely meeting; (c) during prior meetings, the Parent reports leaving without receiving direct answers to questions and asserts that decisions were made without the District providing the requested documentation, which is why the Parent is requesting written responses moving forward; and (d) the Parent states that meaningful participation requires receiving written documentation prior to meetings and expresses willingness to continue participating collaboratively in the IEP process.

71. The Parent's Reply states that, during the IAES placement, the District provided online and isolated instruction totaling approximately 75 minutes per day, delivered in two sessions. Parent reports that instruction consisted of videos and whiteboard demonstrations that did not replicate the individualized, interactive SDI described in the IEP.

72. In its Response, the District acknowledges that required service minutes may not have been met during portions of the IAES placement. The District also acknowledges that occupational therapy services were not provided during the IAES and proposes reimbursement for up to three hours of outside OT services.

73. The Parent states the Student experienced barriers to accessing online instruction during the IAES, including laptop battery and connectivity issues, difficulty using the trackpad due to motor and regulation challenges, lack of access to a computer mouse despite Parent request, difficulty positioning work for the camera and understanding visual limitations of virtual instruction.

74. The Parent states that, following the IAES placement, the Student continued to receive primarily isolated and virtual instruction with limited opportunities for interaction, generalization of skills, or participation in the classroom environment.

75. The Parent reported the Student did not consistently receive all IEP services following the IAES, including small-group skill-building instruction, behavior skills instruction, speech-language services, and OT services for several months.

76. The Parent reports the District restricted the Student's in-person instruction to approximately one hour per day in the principal's office, supplemented by online instruction, despite Parent requests for reintegration supports and increased instructional time.

77. Parent reports the District stated that the Student needed to “build the skills to be in a classroom” before reintegration, thus limiting access to the environments necessary to practice those skills.

78. The Parent reports that the current IEP includes SDI in social skills, reading, mathematics, and behavior skills, as well as occupational therapy and "consultation" from a Speech Language Pathologist. The issue is not whether services are listed within the IEP, but determining the type, amount, delivery method, and level of support sufficient to appropriately address the Student’s individualized educational needs and allow them to make meaningful progress.

79. The District did not provide objective behavioral data demonstrating escalating behavior prior to the 2/24/26 incident. Parent reports that daily communication and step-up plan progression reflected improvement up to the date of the incident.

80. The incident occurred shortly after the Student’s arrival at school, and the Student’s preferred staff member was not present in the classroom during the escalation. The Parent reports that this absence was unexpected and unexplained.

81. The District’s documentation regarding the staff injury contains inconsistencies, including differing accounts of the number of strikes, injury locations, and descriptions of the incident.

82. Records indicate that the principal was on administrative leave related to an OTIS investigation initiated by the parent on 3/6/2026, raising questions about whether inability to return to work was due to injury or administrative status (D1062).

83. Parent reports that the District did not provide all records related to the incident despite repeated requests, including police reports, photographs, and witness statements that were shared with OTIS.

84. District reported that a function-based behavior support plan was in place and that consultation with the Autism & Behavior Specialist in January and February 2026 resulted in refinements to the plan, and that the manifestation determination review concluded the conduct in question was not the result of a failure to implement the IEP.

85. The Parent response states that portions of the Student’s behavior support planning and IEP supports may not have been fully individualized, consistently implemented, or adequately evaluated prior to the February 24, 2026, incident, stating concerns related to regulation, transitions, staffing, sensory and communication needs, proactive de-escalation strategies, and access to designated staff supports. The Parent stated that the Autism & Behavior Specialist had not directly worked with or formally met the Student prior to these events, raising concerns about whether supports had been sufficiently individualized before more restrictive placement decisions were made.

86. The Parent states that prior to and following the manifestation determination review, additional supports, staffing accommodations, reintegration planning, and less restrictive

alternatives were requested, and that these requests were often denied, not documented in Prior Written Notice, or met with statements that staff did not feel safe or able to support the Student in less restrictive environments. The Parent further states that repeated requests that individualized supports, including consistent 1:1 support, be attempted before the use of prolonged isolation and online instruction.

87. Parent reports that staff statements indicate the principal instructed a staff member to leave the room immediately prior to the alleged restraint raising concerns about the completeness of witness information.

88. On May 1, 2026, the Parents filed this Complaint.

89. The Parent's Reply dated 6/5/2026 stated inconsistencies in staff accounts and witness availability during the alleged restraint, and unequal consideration of the Student's and staff's statements.

90. Interviews conducted with District staff on June 11 and June 12, 2026, regarding the incident and the implementation of the Student's IEP indicated that special education staff reported providing SDI through online services, the occupational therapist reported providing activities to the teacher, and the teacher reported that no occupational therapy activities had been provided.

91. Interview information obtained from the District on 6/12/2026 indicates the principal sustained a nose contusion, scratches, and red marks during the incident and was released to return to work the following day; however, due to other circumstances impacting the individual, the principal elected to take leave and utilize workers' compensation, and further evidence reflects the principal accessed counseling services and was subsequently diagnosed with adjustment disorder with depression and anxious features, with interview information indicating that emotional and psychological impacts associated with the incident affected the principal's ability to return to work, resulting in the principal later returning to employment within the District but not to the campus where the incident occurred. The evidence also reflects that criminal charges were filed against the Student.

92. Interviews with District staff on 6/12/20206 provided information that the incident findings were shared with District legal counsel, and they believed conditions were met to determine serious bodily injury.

93. During an interview on 6/17/2026, the Parent reported the Student stated being allowed to engage in a preferred art activity with a timer. The Student was in the room with the EA and another student. The EA was working 1:1 with the Student when the teacher entered the room. The teacher asked why students were not on task. The teacher told the Student to start an academic task; the Student stated the timer was not done and was told it was time for academics.

94. During the Parent interview on June 17, 2026, the Parent reported that (a) the Student stated they punched the Principal because they were hurt by the Principal, and the Parent

reported filing a wrongful restraint report with OTIS based on the Student's report of being restrained; (b) the Student's teacher reported having a conversation with an educational assistant in front of students that should not have occurred, and also reported missing early escalation warning signs; and (c) the Parent requested an IEP meeting in April 2026 with the Director of Special Education Programs and was informed no availability existed until May, and during the May meeting the Parent requested the Student's return to school and documentation supporting the District's LRE decision, but was told the 45-day IAES period was firm and that documentation would not be provided.

IV. DISCUSSION

Disciplinary Change of Placement

The Complaint alleges that the District implemented an improper change of placement following the Manifestation Determination Review. Specifically, the Student was improperly removed to an Interim Alternative Educational Setting (IAES) for infliction of serious bodily injury when the injury caused did not meet the definition of serious bodily injury.

Under the IDEA, a school district may remove a student to an Interim Alternative Educational Setting (IAES) for up to 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability when the student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function.[3]

The IDEA adopts the federal definition of "serious bodily injury" contained in 18 U.S.C. § 1365(h)(3). Oregon's special education regulations similarly incorporate this definition.[4] Under these authorities, "serious bodily injury" means bodily injury that involves:

- A substantial risk of death;
- Extreme physical pain;
- Protracted and obvious disfigurement; or
- Protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

The definition establishes a high legal threshold and applies only in limited circumstances. The term is narrower than bodily injury and narrower than conduct that may be criminal, assaultive, or otherwise serious in nature. The focus is not solely on the behavior that occurred, but on the nature, and severity of the resulting injury. Consequently, evidence that an individual was struck, sustained bruising or contusions, required medical attention, utilized leave, sought counseling, experienced emotional distress, or filed charges does not, by itself, establish serious bodily injury under the IDEA. Rather, the evidence must demonstrate that the resulting injury satisfied at least one of the specific statutory criteria.

[3] 34 CFR § 300.530(g)(3)
[4] OAR 581-015-2415

The evidence establishes that the Student engaged in significant aggressive behavior while in an escalated state. Information obtained through interviews indicates that the principal intervened in an effort to clear the hallway and maintain the safety of students and staff, including the Student. During the incident, the principal sustained injuries described during interviews as a nose contusion, red marks, and scratches. Accounts differed regarding whether the injuries resulted from being struck by molding, a stick, or both, and witness descriptions varied regarding the nature and sequence of events.

Further evidence indicates that the principal utilized workers' compensation leave, participated in counseling services, and was subsequently diagnosed with adjustment disorder with depression and anxious features. Interview information indicated that emotional and psychological impacts associated with the incident affected the principal's ability to return to work. The principal subsequently returned to employment within the District but not to the campus where the incident took place. The evidence also indicates that criminal charges were filed against the Student.

Although the principal experienced physical and emotional impacts, IDEA's definition of serious bodily injury is narrow and does not include psychological injury, workers' compensation leave, or emotional distress, unless it involves protracted loss or impairment of a mental faculty. The evidence reviewed did not demonstrate extreme physical pain, protracted impairment, or disfigurement as required under 18 U.S.C. § 1365(h)(3).

There is no dispute that the incident was serious and had a significant impact on the principal. The evidence supports that the principal experienced both physical injuries and emotional consequences following the incident. However, the issue under the IDEA is whether the evidence was sufficient to establish that the injuries met one or more of the specific elements required by the statutory definition of serious bodily injury.

The evidence was not sufficient to establish that the injuries involved a substantial risk of death. No witness statements or other documentation reviewed identified injuries that were life-threatening or created a substantial risk of death.

The evidence was not sufficient to establish extreme physical pain. Although the principal sustained injuries and sought medical attention, the documentation reviewed did not include medical findings or other evidence demonstrating pain of the severity contemplated by the statute.

The evidence was not sufficient to establish protracted and obvious disfigurement. Information obtained through interviews described a nose contusion, red marks, and scratches; however, the evidence reviewed did not demonstrate permanent or prolonged visible disfigurement. The evidence was not sufficient to establish a protracted loss or impairment of the function of a bodily member, organ, or mental faculty. While interview information indicated that the principal experienced ongoing emotional and psychological effects and received counseling services following the incident, medical documentation establishing a protracted impairment of

a mental faculty was not provided. Similarly, no evidence demonstrated a prolonged loss or impairment of physical functioning.

Documentation reviewed from the MDR referenced the incident and the principal's inability to return to work. However, the documentation reviewed did not contain sufficient evidence to establish what information was presented to support application of the serious bodily injury exception. As a result, the evidence was not sufficient to substantiate that the statutory threshold for serious bodily injury had been met at the time the District implemented the 45-school-day IAES.

The evidence supports that the Student engaged in significant aggression and that the incident resulted in physical injury and substantial emotional impact to the principal. However, IDEA and Oregon special education regulations require evidence demonstrating that the injury involved a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or a protracted loss or impairment of a bodily function or mental faculty. The evidence reviewed was not sufficient to establish any of these elements. Accordingly, the evidence was not sufficient to support application of the serious bodily injury exception under 34 CFR § 300.530(g)(3) and OAR 581-015-2415.

The Department substantiates this allegation.

Implementation of IEP

The Complaint alleges that the District failed to implement the Student's IEP as written, including required services, support, and accommodations. Specifically related to the implementation of the Behavior Intervention Plan (BIP or BSP) and related services.

Under the IDEA, a district must implement a student's IEP as written and ensure that all services, accommodations, and supports are provided in accordance with the IEP and any associated behavior plans.[5] Oregon implements this requirement through OAR 581-015-2220, which requires districts to provide all special education and related services in conformity with the student's IEP.

The evidence supports the allegation that the District failed to fully implement the Student's IEP and Behavior Support Plan (BSP) as written. The Student's BSP requires staff to implement specific preventative and de-escalation strategies, including maintaining access to preferred adults, minimizing environmental triggers, reducing verbal demands, avoiding reactive or corrective language during escalation, providing physical space, and following established safety procedures. Specifically, the Student's BSP requires staff to:

- maintain the presence of preferred adults;
- minimize noise and environmental changes;
- use minimal language;
- avoid additional demands;
- avoid reactive or corrective statements;

[5] 34 CFR §300.323

- provide physical space;
- reinforce safety using the required script; and
- follow the safety plan during escalating behavior.

Incident reports, staff interviews, MDR records, and Parent-provided documentation show that required interventions were not consistently used before the February 24, 2026, incident. The evidence indicates that the Student's preferred staff member was not present during the escalation and that demands were introduced while the Student was becoming increasingly dysregulated.

Interviews conducted during the investigation indicated that once administrative support arrived, the classroom teacher removed themselves from the immediate situation and responsibility for responding to the Student's escalating behavior shifted to the administrator. While staff were attempting to respond to a rapidly escalating situation, the evidence demonstrates that critical components of the BSP, including the use of identified preventative supports, early-stage regulation strategies, and de-escalation procedures were not implemented with sufficient fidelity during the incident, contributing to the escalation and the need for administrative intervention.

The evidence demonstrates that required BSP components, including maintaining access to preferred adults, minimizing verbal demands, and implementing proactive de-escalation strategies, were not implemented prior to or during the escalation. The introduction of task demands during early dysregulation, combined with the absence of the Student's preferred staff member, directly conflicted with the BSP's preventative requirements.

The documented violations demonstrate a pattern of inconsistent implementation of required IDEA procedures, including failures to implement the Student's BSP and incomplete delivery of IEP services. These errors reflect concerns regarding the staff's understanding of IDEA requirements, crisis-response protocols, and the implementation of behavior-support frameworks. Accordingly, targeted staff training is necessary to ensure that District personnel can correctly apply BSP strategies and deliver IEP services as written.

The Student's IEP required the District to provide direct OT services, including 180 minutes per year, to address sensory regulation, fine-motor needs, and participation in classroom routines. The District acknowledges in its Response that OT services were not provided during the 45-day IAES placement and that approximately three hours of required OT instruction were not met. Because the IDEA requires districts to implement all services in the IEP as written, the failure to deliver OT services constitutes a material failure to implement the IEP. The absence of OT support during the IAES is particularly significant given the Student's documented sensory and regulatory needs, which were central to both the IEP and the Student's behavior support plan. Accordingly, the District must review the Student's OT needs, determine the extent of missed services, and ensure that OT is provided in a manner consistent with the IEP and sufficient to remedy the gap in service delivery.

The Department substantiates this allegation.

Parent Participation

The Complaint alleges that the District failed to ensure the Parent's meaningful participation in the IEP process and failed to provide appropriate notice of IEP meetings. Specifically related to decisions regarding MDR and placement.

The IDEA requires school districts to take steps necessary to ensure that parents are afforded an opportunity to participate in meetings regarding identification, evaluation, educational placement, and provision of a free appropriate public education (FAPE) to their child. Meaningful parent participation requires more than attendance at meetings; parents must be provided sufficient information to understand, discuss, and contribute to educational decision-making.[6]

The evidence demonstrates that the District provided notices of meetings, convened IEP and MDR meetings, and included the Parent in those meetings. Documentation reviewed during the investigation reflects that the Parent attended meetings, participated in discussions, and communicated concerns regarding the Student's placement, services, behavior supports, and educational programming. Accordingly, the evidence does not support a finding that the District excluded the Parent from participation or failed to provide notice of meetings.

However, the investigation also found that the Parent repeatedly requested information, clarification, records, and data related to placement decisions, evaluation concerns, behavior supports, and educational programming. The evidence demonstrates that some of these requests were not fully addressed in a timely manner and that information necessary for informed decision-making was not consistently provided.

Documentation further reflects that the Parent raised concerns regarding additional evaluation needs, including consideration of Autism Spectrum Disorder, and sought clarification regarding available evaluation options. Although these concerns were discussed, the record does not demonstrate that the District clearly explained available procedural options or fully responded to the Parent's requests in a manner that supported informed participation in decision-making. The evidence reflects ongoing disagreement regarding placement decisions and the Student's educational program following the February 24, 2026, incident. While disagreement alone does not constitute a denial of parent participation, the record demonstrates that the Parent did not consistently receive the information necessary to meaningfully evaluate and respond to the District's proposals regarding placement, services, and educational programming.

Although the Parent attended meetings, meaningful participation requires access to the information necessary to engage in informed decision-making. The evidence demonstrates a pattern of delayed or incomplete responses to Parent requests for data, documentation, and clarification regarding placement, evaluation, and behavior supports. The District did not consistently provide timely information or procedural safeguards explanations related to

[6] OAR 581-015-2190; 34 CFR §300.501

evaluation options, including consideration of ASD, which impeded the Parent's ability to participate meaningfully in decisions regarding the Student's educational program.

The Department substantiates this allegation.

Content of IEP

The Complaint alleges that the District failed to include information in the Student's IEP that is necessary to address the Student's unique educational needs. Specifically, the District failed to include adequate speech, occupational therapy, and social skills services or assistive technology supports. Further, the IEP does not accurately reflect the Student's eligibility categories.

The IDEA and Oregon regulations require that IEP teams consider all evaluation data including information provided by parents and outside professionals—and develop an IEP that addresses the Student's unique educational needs across all areas of disability-related impact.[7]

The evidence supports the allegation that the Student's IEP did not adequately address all areas of identified need. The Student had a documented medical diagnosis of ASD, and the District had access to multiple sources of information regarding the Student's communication, sensory, behavioral, medical, and assistive technology needs. These included occupational therapy evaluations, speech-language evaluations, psychiatric information, behavioral consultation reports, psychotherapy recommendations, and an Augmentative and Alternative Communication (AAC) evaluation completed by outside providers. These reports identified significant needs related to communication, sensory regulation, behavior, social interaction, and educational access.

The IDEA requires IEP teams to consider outside evaluations and parent-provided information, even though the District is not required to adopt outside recommendations. The IEP team must document its consideration of such information and explain decisions regarding acceptance or rejection of recommended supports.

The record does not demonstrate that the IEP team documented consideration or discussion of the outside providers' recommendations, including recommendations related to speech-language services, augmentative communication supports, the Positive Behavior Support Plan, psychotherapy recommendations, or IEP planning guidance provided by outside therapists and evaluators. The IEP also does not reflect how the IEP team considered the AAC evaluation or determined whether assistive technology supports were necessary.

The evidence further demonstrates that the Student's outside speech-language evaluation recommended direct intervention across educational and functional environments, while the IEP included only monthly consultation between the speech-language pathologist and staff. The documentation reviewed does not show that the IEP team considered the outside recommendations or documented a rationale for determining that consultation alone would meet the Student's communication needs.

[7] 34 CFR §§300.105, 300.320, 300.324; OAR 581-015-2055; OAR 581-015-2200

Similarly, although the AAC evaluation identified communication access needs and recommended use of an AAC device, the IEP does not document the team's consideration of assistive technology needs or describe how communication supports would be implemented. The evidence also reflects that the Student's medical condition, including the documented ASD diagnosis, significantly impacts communication, sensory processing, behavior regulation, attention, and access to instruction. Although medical information was available to the District, the IEP did not sufficiently document how these needs would be addressed through accommodations, supports, services, or emergency response procedures.

Additionally, MDR documentation and parent communications show that the Parent requested consideration of ASD as part of the Student's disability profile. The District informed the Parent that ASD could be explored during the next reevaluation cycle in February 2027. While the District was not required to immediately change eligibility, the evidence demonstrates that autism-related concerns were known to the District and raised by both the Parent and outside providers. The record does not show that the IEP team considered whether additional evaluation was warranted or whether programming should be adjusted based on the information available.

The Department substantiates this allegation.

Independent Educational Evaluation (IEE)

The Complaint alleges that the District failed to properly respond to the Parent's request for an IEE at public expense by either ensuring that an IEE is provided or requesting a due process hearing to how that evaluation is appropriate.

The IDEA requires a school district to either provide an Independent Educational Evaluation (IEE) at public expense or initiate a due process hearing without unnecessary delay when a parent disagrees with a district evaluation and requests an IEE. The obligation to respond under the IEE provisions is triggered by a parent request for an independent evaluation at public expense.

The evidence reviewed during this investigation demonstrates that the Parent expressed concerns regarding the Student's disability identification, including whether ASD should be considered as part of the Student's educational profile. Documentation from the Manifestation Determination Review reflects that the Parent raised questions regarding autism and revaluation, and the District responded that autism could be explored during the Student's next reevaluation cycle.

Although the Parent raised concerns regarding the accuracy of the Student's eligibility determinations, specifically the exclusion of ASD and other medically-documented needs, the evidence does not show that the Parent made a formal request for an IEE at public expense. Under 34 CFR §300.502(b), a district's obligation to either fund an IEE or initiate due process is triggered only when a parent requests an IEE. In this case, the Parent inquired about adding

ASD to the evaluation plan and sought clarification regarding the District's prior eligibility decisions but did not request an IEE.

While the evidence demonstrates ongoing disagreement regarding the Student's needs, eligibility considerations, and evaluation planning, the investigation did not identify documentation demonstrating that the Parent requested an IEE at public expense or otherwise communicated disagreement with a specific district evaluation in a manner that would trigger the District's obligations under the IEE procedures. The record instead reflects discussions regarding future evaluation needs and consideration of ASD. Because the evidence does not demonstrate that an IEE was requested, the District was not required to either fund an independent evaluation or initiate a due process hearing to defend its evaluation.

The Department does not substantiate this allegation.

Free Appropriate Public Education (FAPE)

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.

Each school district is responsible for providing a free appropriate public education to school age children with disabilities for whom the school district is responsible.[8] In order to determine whether a student has been denied a FAPE, the courts review a district's compliance with 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 IDEA, and whether the school district met the substantive requirement to develop an IEP reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances.[9]

Not every procedural error is sufficient to rise to a denial of FAPE.[10] The procedural test consists of three pivotal questions: (1) whether the student suffers a loss of educational opportunity;[11] (2) whether the parent's right to participate in the IEP process was infringed;[12] or (3) whether the procedural error caused a "deprivation of educational benefit."[13] Procedural errors rise to the level of a denial of FAPE where, absent the errors, there is a "strong likelihood" that alternative educational possibilities for the student "would have been better considered."[14]

The evidence supports the allegation that the District failed to provide the Student with a FAPE. As discussed above, the investigation substantiated that the District failed to fully implement the Student's BSP and failed to provide required occupational therapy services during the Student's IAES placement. The investigation further substantiated that the Student's IEP did not

[8] OAR 581-015-2040(1); 34 CFR §300.101(a).
[9] *Endrew F.*, 137 S.Ct. at 999.
[10] *Amanda J. v. Clark Co. Sch. Dist.*, 267 F.3d 877, 892 (9th Cir. 2001) (citing *Roland M. v. Concord 13684 Sch. Comm.*, 910 F.2d 983, 994 (1st Cir. 1990)).
[11] *Target* Range, 960 F.2d at 1484.
[12] *Id.*
[13] *Amanda J.*, 267 F.3d at 892 (citing *Roland M.,* F.2d at 994).
[14] *M.L. v. Federal Way Sch. Dist*., 394 F.3d 634, 657 (9th Cir. 2005).

adequately address identified needs related to communication, assistive technology, medical considerations, behavioral supports, and disability-related needs despite the availability of evaluation data and information from both the District and outside providers.

The evidence further demonstrates that the Student did not consistently receive all services and supports required by the IEP during the IAES placement and subsequent programming. District documentation and staff interviews acknowledged that required service minutes may not have been fully provided and that OT services were not delivered during portions of the placement. Additionally, the Student's educational program consisted primarily of isolated and virtual instruction with limited opportunities for peer interaction, skill generalization, and participation in the educational environment contemplated by the IEP.

While no single violation identified during this investigation independently establishes a denial of FAPE, the cumulative impact of the District's actions resulted in the Student not receiving an educational program reasonably calculated to enable progress appropriate in light of the Student's circumstances. The District's failure to fully implement the Student's IEP, including required related services, its failure to implement the BSP with fidelity, and its reliance on isolated virtual instruction without opportunities for peer interaction or skill generalization collectively prevented the Student from consistently accessing the special education program and supports necessary to derive educational benefit and make appropriate progress.

The Department substantiates this allegation.

V. CORRECTIVE ACTION[15]

In the Matter of Springfield School District 19
Case No. 26-054-056

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

Action Required	**Submissions**	**As Soon As Possible But No Later Than Due Date**
The District must convene an IEP team meeting to: 1. Review all current evaluation data, including outside speech-language, AAC, behavioral, psychiatric, and	The District shall submit to the ODE the following: A copy of the Notice of Meeting, IEP, and meeting notes	 October 15, 2026

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

medical information provided by the Parent; 2. Consider whether additional evaluation is necessary to address concerns related to Autism Spectrum Disorder and other identified areas of need; 3. Consider the Student's assistive technology needs, including AAC supports and audiological recommendations; 4. Review speech-language, occupational therapy, social-emotional, and behavioral needs; 5. Review placement and supports necessary to ensure access to the least restrictive environment.		
Following the IEP meeting referenced above, the District shall provide the Parent with Prior Written Notice documenting all proposals considered, accepted, or rejected, including the rationale supporting the District's decisions.	A copy of the PWN	October 31, 2026
All staff responsible for developing, implementing, or supervising the Student's educational program shall receive training regarding: 1. IEP implementation; 2. Behavior Support Plan implementation; 3. Parent participation requirements; 4. Manifestation Determination Reviews; 5. Disciplinary removals and IAES placements under IDEA; 6. Documentation and implementation of related services.	Training agenda/materials to ODE for review/approval. Sign-in sheet from training.	October 15, 2026 January 15, 2027
The District will convene a meeting with the Parent to determine appropriate compensatory education services for the loss	A written plan for delivery of compensatory	October 15, 2026

of educational opportunity caused by: • Missed occupational therapy services during the IAES placement; • Failure to implement the BSP; • Inconsistent provision of SDI and related services during the IAES placement. If the parties are unable to reach an agreement on the compensatory education to be offered to the Student, either party can request that the determination be made by the Department.	education developed at a meeting with the Parent. Evidence showing that compensatory services were provided.	January 15, 2027

Dated: this the 30 Day of June 2026



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Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing Date: June, 30 2026

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