BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of Dallas School District 2	))))	FINDINGS OF FACT, CONCLUSIONS, AND FINAL ORDER Case No. 26-054-061

I. BACKGROUND

On May 8, 2026, the Oregon Department of Education (the Department) received a written request for a special education complaint investigation from the parents (Parents) of a student (Student) residing in the Dallas School District 2 (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 Parents and the District agree to the extension in order to engage in mediation or local resolution or for exceptional circumstances related to the complaint.[2]

On May 15, 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 29, 2026.

The District submitted a *Response* on May 29, 2026, denying the allegations, providing an explanation, and submitting documents in support of the District's position. The District submitted the following relevant items:

1. District's Written *Response* to Complaint, 5/29/26
2. Table of Contents, 5/29/26
3. Prior Notice About Evaluation/Consent for Evaluation, 1/15/26
4. File Review of Existing Information/Student Referral, 1/15/26
5. Notice of Team Meeting on 1/15/26, 1/9/26
6. District Meeting Notes, 1/15/26
7. Prior Notice About Evaluation/Consent for Evaluation, 3/19/26
8. District Meeting Agenda, 4/21/26
9. Statement of Eligibility (SLI), 4/21/26
10. Statement of Eligibility (OHI), 4/21/26

[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. Occupational Therapy Evaluation Report, 4/17/26
12. Psychoeducational Evaluation Report, 4/2/26
13. Communication Assessment Report, 2/3/26
14. Autism Spectrum Disorder Evaluation Report, 3/9/26
15. Medical Statement or Health Assessment, 4/17/26
16. Notice of Team Meeting on 4/21/26, 4/17/26
17. Prior Written Notice (PWN), 4/21/26
18. Amended Psychoeducational Evaluation Report, 5/4/26
19. Statement of Eligibility (EBD), 5/6/26
20. Statement of Eligibility (ASD), 5/6/26
21. Statement of Eligibility (DD), 5/6/26
22. PWN, 5/11/26
23. Notice of Team Meeting on 5/6/26, 4/29/26
24. Draft Individualized Education Program (IEP), 5/6/26
25. Amended Communication Assessment Report, 4/23/26
26. District Meeting Notes, 2/4/26
27. District Meeting Notes, 4/21/26
28. District Meeting Notes, 5/6/26
29. Amended Meeting Notes, 5/14/26
30. Parent Square Messages Between Parents and District, 3/5/25 - 2/12/26
31. Email exchanges amongst District Staff and with Parents, 10/23/25 – 5/6/25
32. Crisis Cycle, 1/20/26
33. Updated Crisis Cycle, 2/4/26
34. Updated Behavior Intervention Plan, 2/4/26
35. PWN, 2/9/26
36. PWN, 2/10/26
37. PWN, 2/26/26
38. Student Accident Report, 1/21/26
39. PWN, 1/26/26
40. Staff Notes, 12/10/25
41. Request for State Complaint Investigation, 2/9/26
42. Tier 3 Behavior Intervention Plan, 1/9/26
43. Updated Crisis Cycle, 2/4/26
44. Notice of Team Meeting on 2/4/26, 1/26/26
45. Tier III FBA, 1/9/26
46. Behavior Data Sheets, 1/16/26 - 2/25/26
47. Letter from Superintendent to Parent, 3/2/26
48. Student Accident Report, 3/3/26
49. Letter of Representation, 3/6/26
50. PWN, 3/13/26
51. Bus Incident Report, 3/2/26
52. Bus Incident Report, 2/19/26
53. Bus Incident Report, 2/11/26
54. Prior Notice About Evaluation/Consent for Evaluation, 3/19/26
55. GFTA-3 Record Form, 2/3/26

56. CASL-2 Record Form, undated
57. PWN, 4/24/26

On June 18, 2026, the District submitted the following:

58. Student Attendance Records, 2025-26 School Year

The Parents submitted a *Reply* on June 4, 2026, providing an explanation and rebuttal. The Parents submitted the following relevant items:

1. Parents' Written *Reply*, 6/4/26
2. Email exchanges amongst District Staff and with Parents, 1/4/26 –5/14/26
3. Meeting Notes, 5/6/26

The Complaint Investigator interviewed the Parents on June 15, 2026. On June 10 and 17, 2026, the Complaint Investigator interviewed District personnel. Virtual interviews were conducted instead of on-site interviews. 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[3]

The Department has jurisdiction to resolve this Complaint under 34 CFR §§ 300.151-153 and OAR 581-015-2030. The Complainant'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 May 9, 2025, to the filing of this Complaint on May 8, 2026.

Allegations	Conclusions
General Evaluation and Reevaluation Procedures The Complaint alleges that the District violated the IDEA when it failed to timely determine eligibility of the Student following the Parents' written consent for the District to evaluate the Student for special education services.	**Not Substantiated** On April 21, 2026, the team met to review evaluations and completed written eligibility statements in two of the five disability categories under consideration. The Student was found eligible for special education under the disability category of OHI.

[3] This Final Order does not address any allegations that were already addressed by the Department in a previous complaint filed by the Parents (Case #26-054-021)

(OAR 581-015-2110; 34 CFR §300.301)	Although the team did not complete the remaining eligibility determinations until May 6, 2026, the Student's eligibility for special education services was established on April 21, 2026, within the 60-school day evaluation timeline.
Determination of Eligibility The Complaint alleged that the District violated the IDEA when it failed to identify the Student as a student with a disability who needs special education and related services under the eligibility category of Autism Spectrum Disorder (ASD). (OAR 581-015-2120; 34 CFR §300.306)	**Not Substantiated** The team, including the Parents, complied with the requirements to complete evaluation reports and written statements of eligibility for all suspected disability categories. Based on relevant information from a variety of sources, the team determined the Student was not eligible for special education services under the disability category of ASD. The District noted that the Parent disagreed with the decision and provided prior written notice (PWN). The District complied with IDEA requirements and appropriately made the Student's eligibility determination.
Parent Participation The Complaint alleges that the District violated the IDEA by interfering with the Parents' ability to participate in decisions with respect to the identification, evaluation, IEP and educational placement of the Student, and the provision of a free appropriate public education to the Student. (OAR 581-015-2190; 34 CFR §300.501)	**Not Substantiated** The District responded to the Parent's concerns, scheduled meetings when requested, considered the Parents' input, implemented many of the requests made by the Parents. Although the Parents disagreed with some decisions made by the District, the Parents were provided the opportunity to meaningfully participate.

Access to Student Education Records The Complaint alleged that the District violated the IDEA by failing to comply with the safeguards required for education records of children with disabilities, and by failing to comply with the Parents' request to inspect and review records without unnecessary delay and provide copies of these records to the Parents within the required timeline. (OAR 581-015-2300; 34 CFR §300.501)	**Not Substantiated** The District appropriately responded to the Parents' requests to provide access to and amend education records. In the instances that the District denied the Parents' request to amend the Student's education records, the District provided the reason for the denial and informed the Parents of the right to request a hearing to challenge the District's decision.
Free Appropriate Public Education (FAPE) The Complaint alleged that that the District failed to provide the Student with a free appropriate public education. (OAR 581-015-2040; 34 CFR §300.101)	**Not Substantiated** There is no evidence that the District interfered with the Parents' ability to participate in decisions or that the Student suffered any loss of educational opportunity or benefit.

REQUESTED CORRECTIVE ACTION
• Find District out of compliance. • Require immediate completion of eligibility and IEP. • Require advance provision of records. • Require removal/correction of inaccurate records. • Require staff training. • Require compliance monitoring. • Neutral facilitated IEP meeting. • Removal of District Special Education Director from decision making. • Assignment of a new District representative; Special Education Teacher as case lead. • Limit District authority in meetings. • Ensure full participation and discussion. • Compensatory education services. • Correct parent/guardian identification.

III. FINDINGS OF FACT

IDEA regulations limit complaint investigation 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 9, 2025. Any facts listed below relating to circumstances or incidents earlier than that date are included solely to provide context necessary to understand the Student's disability and special education history.

1. The Student is seven years old and recently completed the first grade.

2. The Student is currently eligible for special education services under the disability categories of Emotional Behavior Disability (EBD) and Other Health Impairment (OHI).

3. The Student started attending a District elementary school (the School) in November 2024.

4. On September 2, 2025, the Student started the 2025-26 school year as a first grader.

5. The District provided copies of hundreds of pages of emails between the Parents and District staff during the 2025-26 school year. In addition, the District provided copies of over 65 pages of ParentSquare messages between the Parents and District staff members, from April 22, 2025 to February 12, 2026.

6. On December 10, 2025, the Student was involved in a behavior incident at the School. The District reported that it has video footage of the incident, which it considers to be an education record because it was related to an alleged restraint. The Parents requested to view the video footage, and the District granted the request.

7. On January 15, 2026, the District convened an evaluation planning meeting and the Parents provided written consent for the District to evaluate the Student.

8. The January 15, 2026 Prior Notice About Evaluation/Consent for Evaluation included the following information, among other things:

    a. "Parent request suspected disability in the areas of emotional behavior disability, other health impairment, and possibly Autism Spectrum Disorder."

    b. The team considered evaluating for EBD but decided against it because "the team was presented with a newly developed behavior support plan and known data of sensory and health concerns supported the decisions to assess for Other Health Impairment, Autism Spectrum Disorder and Developmental Delay. The team discussed that through intervention some behaviors improved, while the structure of the behavior support plan (presented 1/15/26) did not have data to support the need to assess for EBD. While the behaviors discussed are evident, the causation of the behaviors and data supported the other categories for assessment."

9. The District provided a copy of a "File Review of Existing Information/Student Referral" related to the January 15, 2026 evaluation request, which included the following information, in part:

    a. Areas of Concern: Communication (functional communication, language, articulation), Behavior (attention, self-help, social skills), and Motor Skills (fine, sensory).

    b. Suspected Disabilities: Communication Disorder – Speech Language Impairment (SLI), Other Health Impairment (OHI), Autism Spectrum Disorder (ASD), and Developmental Delay (DD).

    c. "60-Day Timeline Due Date: (according to school calendar) 4/29/26."

10. The District's January 15, 2026 Meeting Notes included the following, in relevant part:

    a. The team reviewed the Student's Functional Behavior Assessment (FBA) and Behavior Intervention Plan (BIP). The Parents had questions about the number of behavioral incidents documented. The Principal indicated they would provide the Parents with copies of those incidents at a meeting scheduled for the next day.

    b. The District agreed to create a "Crisis Plan Response," at the Parents' request.

    c. The team discussed the Student's suspected disability categories. The team agreed to SLI, ASD, DD, and OHI, but not EBD. The School Psychologist stated that "with a new FBA, we would need to take data on that before we suspect EBD" and "explain[ed] how Behavior can be factored into Developmental Delay." "Team agreed to no on Emotional Disturbance at this tiem [*sic*]."

    d. "Parent notes that they are pursuing anxiety and perhaps ADHD with DR."

11. The District provided copies of a "Tier III FBA" and "Tier 3 Behavior Intervention Plan," both dated January 9, 2026.

12. The District issued PWN dated January 26, 2026, which stated the team met on January 15, 2026 to review the FBA and BIP and an "additional Crisis Cycle was requested at that meeting." A parent meeting was held on January 26, 2026 with the Parents, the District Special Education Director (the Director), and the School Principal (the Principal), "at parent request." "A draft Crisis Cycle was reviewed today for questions. Parents provided some input." "The team will meet again to address parent input and ensure that all Team members have input into the Crisis Cycle before it is finalized and added to the BIP."

13. The District provided a Communication Assessment Report completed by a District Speech Language Pathologist (SLP), with the date of evaluation listed as February 3, 2026. Among other things, the Report stated, "[The Student] was just slightly below average in both expressive vocabulary and pragmatic language… Longer or multi-step/directional tasks may

need to be broken down into smaller chunks to allow for better understanding. [The Student's] speech is readily intelligible. [The Student] did present with some minor errors[.]"

14. On February 4, 2026, the District convened a meeting to review the Student's "Crisis Cycle" plan as a team. The District's Meeting Notes reflected a team agreement that "[t]he FBA/BIP will be updated to clarify the term 'physical aggression': for physical interaction. When escalated, hitting and kicking objects is observed. [The Student] often has physical contact with peers… will be updated and sent to parents by next week."

15. The District provided copies of an updated Crisis Cycle and updated BIP, both dated February 4, 2026.

16. The District issued PWN dated February 9, 2026, stating occupational therapy (OT) assessments were added to the Student's evaluation.

17. On February 5 and 6, 2026, the Parents emailed the District and requested that a specific staff member be prohibited from having contact with the Student and asked that the Student's BIP be amended to include this.

    The Principal responded on February 6, 2026, stating, "This is not a request we can honor. All of our staff need to have the ability to work with all of our students."

    The Director replied on February 11, 2026, and "attached the prior written notice denying your request to include staffing in the BIP."

18. The February 11, 2026 PWN stated the District denied the Parents' request "to change the Behavior Intervention Plan (BIP) to include specific staffing information… The Team met on 1/15/26 and 2/4/26 to provide meaningful participation to the development of FBA/BIP/Crisis Cycle."

19. The Parents and the District were involved in a Department Complaint investigation, Case No. 26-054-021, filed on February 10, 2026. The Department issued an Order on April 10, 2026, which determined, in relevant part:

    a. The District failed to timely initiate a special education evaluation of the Student.

    b. The Parents requested education records and additional records in the possession of the District, including video recordings, staff narratives, internal communication, behavior logs, crisis response documents, nurse logs or medical follow-up records, and training records for staff. The District provided the Parents with the requested education records and processed the remaining under public records request. The additional records sought by the Parents did not meet the definition of education records.

c. The District has not yet developed an IEP for the Student as the initial evaluation was still in process. There was insufficient evidence to establish a loss of educational opportunity to the Student.

20. In a February 19, 2026 email to the Director regarding the Parents' concerns about the School's implementation of the Student's BIP, the Parents stated, "We weren't concerned about the communication. We are being communicated with. We're just saying that within the communication, there are some issues we are seeing and inconsistencies per what we thought the plan was based on what was presented to us… based on communication with teacher/behavior people, the positive reinforcement is not being consistently used to shape the skills we are trying to develop. This explains the request for some training so it is being implemented consistently[.]"

    The Director responded on February 19, 2026, stating, 'Without the details about your concern of when and who is not following and in what ways…we are doing a general reset and clarification of the plan."

    On February 21, 2026, the Director shared that staff retraining took place and wrote, "I've informed you that your concern has been heard and that we are addressing it… We've also talked with you about implementation and that daily implementation is an obligation of the district. Daily communication about implementation is not sustainable… I believe that we need to work on our communication plan… I would like to work towards a consistent way to communication so that it is clearer. That way we can all see the rate of improvement on the same set of information."

    The Parents responded on February 23, 2026, stating, "The staff is the one who's giving us daily information and not implementing the interventions given and then stating how [the Student's] behavior isn't getting better. Well, duh."

    The Director replied, "I hear your frustration; however, I find your comments abusive in nature (i.e., 'Well, duh.')… Again, I'm seeing that this communication strategy of daily anecdotal notes may not be working, as you often have many questions for staff. What I'm trying to do is create a consistent communication method so that we can consistently report what is happening."

21. In a February 23, 2026 email response to the Director, the Parents requested to "see the data that has been collected thus far." "We are consistently receiving direct communication about [the Student's] behavior, yet behavior reports sometimes reflect descriptions that differ from what is shared in ParentSquare."

22. The District issued PWN dated February 26, 2026, which stated the District agreed to the Parents' request for a full team discussion regarding needed changes and the Student's FBA and BIP were updated on February 4, 2026, with the Crisis Cycle added to the BIP.

23. On February 27, 2026, (12:00 pm) the Director emailed the Parents copies of "data trackers… based on the implementation of the Student's behavior intervention plan."

    The District provided "Frequency Behavior Data" forms from January 16 to February 25, 2026 (22 days total). The form tracked identified behaviors (threats of self-harm, leaving designated area, physical aggression, and crying) and where they occurred, recorded in 15 minute increments.

24. The Parents sent multiple emails on February 27, 2026, expressing concern about "the behavioral data collection" and requested: "Complete, unredacted behavioral data since 11/25/25"; "Documentation of intervention implementation"; "Fidelity monitoring records"; "Written explanation of data collection methodology"; and "Clarification regarding omitted safety events."

25. On March 2, 2026, the Superintendent emailed the Parents a "formal Communication Plan letter" and stated, "The intent of this plan is to ensure that communication remains clear, efficient, and focused on supporting your child's education needs, while also allowing our staff to maintain their responsibilities to all students."

    The letter stated, "[E]ffective immediately, you are being provided with a Communication Plan… because of the volume and tone of email communications and ParentSquare messages over the course of the 2025-26 school year. This includes sending multiple messages to multiple District staff members on a daily basis. Messaging multiple staff members with the same or similar questions has created confusion and inefficient allocation of District time and resources. The tone and language choice of your messages have also caused staff to feel intimidated and threatened. Your conduct has disrupted the normal education function of the District due to the excessive time it takes for the District to review and respond to your communications… concerns, questions, or requests… regarding any school curriculum, classrooms, administration, or processes" should be directed to the Principal. "No other staff member will respond to your email communications or phone calls." Any emails sent to other staff members "will be forwarded to [the Principal] for response." "Due to the volume and complexity of email communications, [the Principal] will respond to one email per week… The District and [the Principal] will not respond to questions that have already been addressed… The District will continue to notify you of any significant behavioral or disciplinary incidents" and "meet with you regarding special education."

26. A March 2, 2026 email from the Parents to the Superintendent and the Principal stated, among other things, "limiting communication to a single email response per week during an active special education evaluation is not reasonable and interferes with meaningful parent participation[.]"

27. On March 3, 2026, the Superintendent emailed the Parents an amended letter, correcting the error which stated the Principal would "respond **to** one email per week" and changing it to "[the Principal] will respond **with** one email per week."

28. The District provided copies of emails sent by District staff to the Parents, indicating the District continued to notify the Parents of significant incidents, including the following:

    a. March 3, 2026 email from the School's Nursing Staff to report that they were "called to check on [the Student] due to reports of [them] repeatedly hitting [their] head," with an explanation of what occurred and the results of an examination of the Student.

    b. March 3, 2026 email from the Principal to report the same event, with an incident report attached.

    c. March 4, 2026 email from the Nursing Staff, notifying the Parents of another incident involving the Student hitting their head against a wall, along with additional details.

    d. March 10, 2026 email from the Principal, notifying the Parents of threatening language used by the Student.

    e. March 30, 2026 email exchange with the District's Special Education Coordinator (the Coordinator) about rating scales for the Parents to complete for the Student's evaluation.

29. Based on attendance records provided by the District, the Student's school attendance started decreasing in March 2026. In March, the Student attended seven full school days and two partial days and was absent five days (there were eight days when schools were closed). In April, they did not attend any full school days but attended three partial days. In May, the Student attended four full days and one partial day. In June, the Student attended one day (last day of school was June 8, 2026).

30. The Parents reported that the Student attended school the minimum amount necessary to prevent the Student from being unenrolled.

31. The Director reported that once the Student stopped attending school regularly, the District stopped using the daily behavior data trackers. Instead, behavior information was provided as summary in the Principal's weekly email to the Parents. The District stated it does not have any remaining behavior data that was not provided to the Parents.

32. On March 5, 2026, the Parents sent two emails to the District. In the first, they requested that language in evaluation planning documents regarding the December 10, 2025 incident be changed to specific language written by the Parents.

    In the second email, they requested that a statement from the same document be removed, and they asked for "an updated copy of all forms as well to review so we can go through and make sure they're accurate[.]"

33. In the Principal's first weekly email to the Parents, dated March 6, 2026, they identified and responded to list of specific questions from the Parents and provided a summary of how the Student did during the past week. Among other things, the Principal stated that the District

believed it had provided the records requested and asked the Parents to identify any documents that were missing. The Principal also offered to set up time for the Parents to view video footage from an incident on February 20, 2026.

34. In a March 9, 2026 email to the Principal, the Parents expressed concern that the communication plan was interfering with their right to meaningfully participate in their child's education. The stated behavior information was only provided as a summary at the end of each week and addressing behavior a week later was not effective or appropriate. The Parents requested specific incident documentation for behaviors "referenced in recent communication," including the location and context of incidents, interventions used by staff, behavioral data collected, and any reports related to events.

35. The District provided a copy of a March 9, 2026 ASD Evaluation Report, which included the following, in relevant part:

    a. Parent Interview: "[The Parent] describes [the Student] as a 'social butterfly' who likes school and has a lot of friends… [The Student] does have a history of and continues to show occasional challenges with participating in groups with same-aged peers… reported some differences in [their] play at an early age, with some lining up of cards…fidgeting with fingers… difficulty 'shutting off [their] brain'… experiences distress with unexpected changes… easily distracted and interrupts or acts without thinking often… is a 'sensory seeker' and seeks out visuals… and proprioceptive input… expressed their concern that [the Student's] access to [the behavior room] was rewarding to [the Student] and adverse behaviors were being reinforced."

    b. Social Responsiveness: Two teachers rated the Student within normal limits. The Parents rated the Student in the severe range.

       "[The Student's] total scores suggest [they are] experiencing deficiencies in reciprocal social behavior that are clinically significant and lead to severe interference with everyday social interactions in the home environment but not in the school environment. It is important to note that ADHD and anxiety disorders may slightly elevate scores. Discrepancies between parent and teacher rating scales can be attributed to environmental difference.. and rater dynamics[.]"

    c. Childhood Autism Rating Scale: The total score "falls into the category of 'minimal-to-no symptoms of Autism Spectrum Disorder.'"

    d. Observations: The ASD Specialist performed three observations, on different dates and in multiple locations.

    e. Student Interview: "[The Student] demonstrated social reciprocity, joint attention, and apparent interest in communicating with me. No restricted interests were noted. [They] responded well to the structured approach of the interview[.]"

f. Teacher Interview: "[The Student is] very social and has a group of friends who [the Student] plays with at recess… seeks out and has connected with a particular teacher, however [the Student] does not engage with other adults when this teacher is unavailable… engages in conversations about a variety of topics readily with preferred people." "[The Student] has yelled at or used physical aggression with peers… struggles with changes in [their] routine or unmet expectations… is very physical… can get upset when peers break the rules, but will get mad if you call attention to rule-breaking behavior by [the Student]… frequently moving and touching other people or their belongings… struggles more in bigger, undefined spaces at school… has a hard time 'winding down.'"

g. Social Communication and Social Interaction (*must have deficits in all three areas, and have an educational impact*): The Student had strengths in all three areas (social-emotional reciprocity; non-verbal communicative behaviors used for social interaction; and developing, maintaining, and understanding relationships), with deficits noted in one area.

h. Restricted, repetitive patterns of behavior, interests or activities (*must meet two of the four, and have an educational impact*): Three of these were observed in the school setting.

   i. Stereotyped or repetitive motor movements, use of objects or speech: Behaviors noted by the Parents were not seen at school. At school, the Student has hit their head against surfaces when upset or when deescalating.

   ii. Insistence on sameness, inflexible adherence to routines, or ritualized patterns of verbal or nonverbal behaviors: Some behavior tendencies were reported by the Parents and seen at school (becoming upset when peers break rules, difficulty with change in routine, and difficulty letting things go).

   iii. Highly restricted, fixated interests that are abnormal in intensity or focus: No evidence at home or school.

   iv. Hyper or Hypo-reactivity to sensory input or unusual interest in sensory aspects of the environment: The Parents reported a history of sensory seeking behavior. At school, the Student seeks out large and intense movement activities throughout the day.

i. Summary and Statement of Impact: "[E]valuation data shows limited evidence of deficits in social emotional reciprocity, nonverbal communicative behaviors used for social interactions, and highly restricted/fixated interests. Although [the Student] does have an impact in [their] ability to make and maintain friendships at school, [the Student] does demonstrate an ability to make and maintain some friendships and build relationships with some adults. [The Student] also shows an impact in [their] ability to 'think flexibly' and adapt to changes in [their] expectations[.]"

36. On March 13, 2026, the Director provided the Parents with PWN, which included the following:

a. The District denied the Parents' "request to amend the educational record to remove and/or change aspects of the Evaluation Planning Document dated 1/15/26 as requested via email dated 3/5/26" because "[t]he educational record is not inaccurate" and "reflect[s] what was discussed during the meeting." "Educational records are subject to amendment when inaccurate, misleading, or in violation of the student's rights… The parents' statements are documented here and a copy of the email will be added to education records to document your exception and request. If this correction is unsatisfactory, you may request a hearing with the district to appeal this decision under Board Policies[.]"

b. "[The District] will change the location of the statement: 'last year had anger later in the school year' from the Parent input section of the document to the Behavioral Evidence section for clarity."

37. In the March 13, 2026 weekly email to the Parents, the Principal responded to questions, including:

a. In response to the request to review video footage (12/10/25, 2/11/26, and 2/20/26), the Principal stated the District was not the custodian for the first video, the second video had already been shown to the Parents, and the third video was being processed through the Parents' public records request.

b. In response to the Parents' concern that they could not meaningfully participate if they did not receive behavior information on the same day, the Principal stated, "If an incident occurs that requires administrative involvement or immediate safety intervention, we will notify you when it occurs. For other situations, updates will continue through the established communication plan."

c. Requests to amend education records have been referred to the Director, who will issue PWN.

d. The Principal attached copies of bus referrals requested, dated February 11, February 19, and March 2, 2026.

38. In a March 13, 2026 email to Parents' Legal Counsel, the District's Legal Counsel wrote, "I'm reaching out to offer potential dates for the eligibility meeting… Currently [the District] has the following dates and times available for the meeting: April 17 from 9:00-12:00… April 21 from 8:00-3:00… April 24 from 8:00-12:00… Would you let me know if any of those timeframes work for you and your clients so we can get the meeting on the calendar?"

Parents' Counsel responded on March 17, 2026, stating, "Would the district please reserve 4/21 at 8:30 AM for [the Student's] Eligibility meeting."

District Counsel replied, "Yes, April 21 at 8:30 is available. [The Director] will send out a meeting notice."

39. The Parents reported, "[The District] provided Parents with three scheduling options for the eligibility meeting. Parents selected the option that provided the greatest amount of time for discussion: April 21, 2026, from approximately 8:00 a.m. to 3:00 p.m.… Parents intentionally selected the longest available option because the District was attempting to review and discuss multiple evaluations, multiple suspected disability categories, extensive behavioral history, outside provider information, compensatory education, eligibility determinations, and IEP-related concerns… The District knew or should have known that the volume of information to be reviewed would likely exceed the allotted time… The District controlled the scheduling options, meeting structure, staffing agenda, and decision to end the meeting before the available time expired."

40. The District reported that it offered the Parents three blocks of time that District staff were available for an eligibility meeting and never stated that the meeting would be scheduled for the entire time. The response from the Parents' Legal Counsel only requested a start time of 8:30 a.m.

41. The District issued a March 19, 2026 Prior Notice about Evaluation/Consent for Evaluation, which stated the School Psychologist spoke with the Parents and decided to add EBD as a suspected eligibility category. "It is in [the Student's] best interest to conduct a complete evaluation including additional assessments to look at Emotional Behavior Disability along with the previously agreed upon suspected disabilities[.]"

    The Parents signed the consent form on March 26, 2026.

42. In the March 20, 2026 weekly email to the Parents, the Principal stated the District received the request to update the second Parent's "status to 'Has Custody.'… [The District is] able to make that update once we have received and reviewed official legal documentation confirming custody."

    When asked, the District reported it never received legal documentation from the Parents.

43. The District provided a copy of a Psychoeducational Evaluation Report dated April 2, 2026, which included the following information, in part:

    a. "[The Student] has received nine discipline referrals this school year." The date and description of each was included (10/21/25; 11/7/25; 11/12/25; 2/10/26; 2/11/26; 2/19/26; 3/2/26; 3/3/26; and 3/10/26). Three of the nine incidents occurred on the bus.

    b. Between February 2, 2026, and February 19, 2026, data was collected on [the Student's] location and behavior throughout the school day… showed [they] spent the majority of [their] time in the [behavior] room (64%), with less time in the general education classroom (19%) and the remaining time in other school environments…"

c. Ratings scales and input was provided by the Parents, the Student's general education teacher, and the behavior room teacher.

d. "[N]otable concerns in [the Student's] executive functioning across home and school setting…. Behavior regulation skills were consistently rated as clinically elevated by all raters, reflecting difficulties with impulse control and self-monitoring. Emotional regulation was also rated in the clinically elevated range across all… highlighting struggles with flexibility, transitions, and managing emotional responses, often resulting in rigidity and loss of control when routines are disrupted."

e. "Despite… cognitive and academic strengths, [the Student] exhibits notable emotional and behavioral challenges that impact [their] ability to function effectively across settings… difficulties with emotional regulation, behavioral regulation, externalizing problems, and adaptive skills. Areas of concern include mood regulation, peer relationships, aggression, hyperactivity, conduct problems, and emotional control."

44. The District sent the Parents a Notice of Team Meeting dated April 9, 2026, for a meeting scheduled for April 21, 2026. The purpose of the meeting was to review existing information, decide whether the Student was eligible for special education, decide whether additional testing was needed, and develop an IEP and placement. The Notice included a meeting start time of 8:30 a.m. but did not include an end time or indicate how long the meeting was scheduled to last.

    The District sent the Parents an updated Meeting Notice on April 17, 2026, as additional participants were invited to the meeting.

45. The District provided copies of Google email invitations for the April 21, 2026 meeting, which stated the meeting was scheduled for 8:30 a.m. to 12:00 p.m.

    These invitations were emailed to District staff members but not sent to the Parents.

46. The Student's OT evaluation did not occur until Friday, April 17, 2026. Because the Student was not attending school often and they did not know when the Student would be available, District staff reported they had to reach out to schedule a time for the Parents to bring the Student in to be evaluated.

47. On April 17, 2026, the Coordinator emailed the Parents a copy of the District's "Agenda (Initial Eligibility)" for April 21, 2026, which included "Introductions," "Offer Procedural Safeguards Notice (Parent Rights), Assessments/Reports Shared," "Eligibility Determination" (OHI, DD, ASD, SLI, and EBD), and "Next Steps."

    In response, the Parents requested "a copy of all evaluations atleast [*sic*] 24 hours before the meeting on the 21st."

48. In the Principal's April 17, 2026 weekly email to the Parents, responding to the Parents' request about documentation or information about the Student's "time at school," the Principal noted, "[the Student] has attended two of 11 school days so far this month, so we've had limited opportunities to work with [them] recently. Could you provide a bit more detail about what you're asking so I can best support you?" In addition, the Principal stated, "we have [the Student's] eligibility meeting next week" and asked if the Parents had a medical statement for the Student.

49. On April 20, 2026, a "Medical Statement or Health Assessment" for the Student was faxed to the School. It was signed by a county psychiatric mental health nurse practitioner (PMHNP) on April 17, 2026. The Statement noted a diagnosis of "ADHD, Combined type." No other diagnoses or impairments were indicated.

50. On April 20, 2026, the Coordinator sent the Parents copies of the Communication Assessment Report and the Psychoeducational Evaluation Report. "Here are the reports that I have. As other reports come in I will send them to you."

    The Coordinator sent another email later in the day with the ASD Evaluation Report, stating "the occupational therapist is still working on [their] report so you will get that in the morning."

51. On April 21, 2026, the District convened a meeting to review evaluations and consider eligibility for the Student.

52. According to the District, the meeting "lasted for three hours and 40 minutes… The IEP team determined whether the Student was eligible for Other Health Impairment and Speech Language Impairment. However, the IEP team was unable to finish the discussion on Autism Spectrum Disorder and begin the discussions on the Emotional Behavioral Disorder and Developmental Delay eligibility considerations… due to time restrictions. The meeting was set for four hours, and the team could not continue past 12:30 p.m. based on other obligations of participating staff members. The District stopped the meeting before 12:30 p.m. only because it was no longer productive to continue the meeting, as the IEP team could not make meaningful progress on the next evaluation in the remaining 15 minutes.

53. The District's April 21, 2026 Meeting Notes included the following information, in relevant part:

    a. The team reviewed and discussed all the evaluation reports. The team completed two written statements of eligibility (OHI and SLI) but were unable to complete the remaining eligibility determinations. The team unanimously agreed that the Student met the eligibility criteria for OHI and did not meet the eligibility criteria for SLI.

    b. The Occupational Therapist shared, "across the board at home and in school [the Student] is highly impacted by [their] sensory processing differences."

c. The School Psychologist shared, "Both teachers and parents report high levels of aggression, hyperactivity, conduct (rule following, interpersonal functioning). Anxiety and depression varied more. This could suggest difficulties in everyday functioning across settings."

d. Under Social Responsiveness Scale, "Parent scores in the severe range and both teacher scores were within normal range."

e. There were discussions about the discrepancy between rating scales completed by the Parents and those completed by teachers. The District responded, "Not uncommon – sometimes there are different expectations at home v/ school. This does suggest [the Student] has difficulty in behavior and emotional regulation…. It's common to have differences in adaptive skills at home and school… different scores come from what is being asked of [the Student] at school. We have to consider educational impact."

   The Parents asked about a specific rating scale in which there was a discrepancy between what was reported by two different teachers. The District explained that it was possible that one teacher might be seeing the Student when they are more escalated.

f. The ASD Specialist's interview with the Student indicated they "demonstrated social reciprocity, joint attention, and apparent interest in communication. No hyperfixation noted."

g. For social communication and social interaction deficits, the ASD Specialist shared that the Student showed strengths in social emotional reciprocity, non-verbal communicative behaviors for social interaction, and developing maintaining and understanding relationships. They did not observe "Restricted repetitive patterns of behavior interest or activity," "Stereotype or repetitive motor movement," or "Highly restricted fixated interest that are abnormal" in the school setting. They did see "Insistence on sameness, inflexible adherence to routines" and "Hyper or hypo-reactivity to sensory input," and it was noted that the Student had a history of sensory seeking behaviors and movement, and self-injurious behaviors.

h. The Parents express disagreement with the District's findings in the ASD Report, including their opinion that the Student did have reciprocity difficulties, "hyper focus on things," and highly restrictive fixated interests. The District noted, "[P]arents disagree as they have described today and in past meetings but those things noted by parents were not seen in the school environment."

i. The ASD Specialist, the OT, the General Education Teacher, the ASD Consultant, and the Behavior Support Teacher reported they did not see abnormalities in eye contact. The Parents disagreed with the District's position that the Student did not exhibit defects in eye contact. The District noted, "[The ASD Specialist] says it is more situation and the family disagrees. They feel it occurs when it is not safe."

j. The Director explained that even if the Student did not qualify in an eligibility category, the team would still address all their disability related needs. "When we write the IEP and determine services all the specialists will be present to figure out what the student needs."

k. The Parents brought up student records several times. The Director stated, "you have the right to all records through the record request process," but this is not the purpose of the meeting today.

l. The Parents expressed concern with the amount of time the Student was spending out of the classroom and in the behavior room. The Parents requested "behavior and academic data (including how much time [the Student is] spending in class) – seems like that data is available and asked if that could be shared with the family."

m. The Parents expressed disagreements over the definition of terms used in reports and requested changes. To one such request, the Director stated, "the term physical aggression maintained in [the Student's] academic record will be tabled and the disagreement is noted and we are following the board policy. Disagreement was noted and addressed with the family."

n. The Parents requested additional information about certain evaluations and the District agreed to email the Parents evaluation protocol information, "write an additional summary" of the areas assessed, and issue an amended communication report.

o. The Director shared, "there's a hard stop at 12:30." As the team did not complete eligibility determinations, a continuation meeting needed to be scheduled. "Parents have expressed they have no availability between now and the 29th. This will need to be past the required due date." When asked, "Parents share May 6th as 8:30 as their first availability." "Meeting adjourns at 12:14 p.m."

54. The District completed written statements of eligibility for OHI and SLI on April 21, 2026. The Student was found eligible for special education services under OHI.

55. According to the District, the Parents wanted to discuss the documentation of behavior incidents at the meeting. However, "The purpose of the April 21, 2026 meeting was to review the Student's evaluations and determine eligibility for special education. When reviewing an evaluation report, the Parents brought up issues with the behavior referrals being inaccurate… The District allowed them to explain their concerns and asked if they were comfortable with moving forward with the eligibility meeting calling them incidents rather than referrals… continued to allow the Parents to explain their concerns about the records." The District "kept the IEP team on track by reminding the Parents of the purpose of the meeting to determine eligibility rather than the Behavior Intervention Plan that the Parents brought up… only attempted to limit the discussion in order to keep the meeting on track so they could move forward with determining eligibility," but allowed them to fully express

concerns. The District followed up with Parents after the meeting to discuss requests to revise records.

56. The District issued PWN dated April 21, 2026, which included the following, in part:

    a. "All evaluation reports were reviewed, at parent request, and 2 of the 5 eligibility categories were completed in the 3.5 hour meeting." "There are three uncompleted eligibilities… that the Team was prepared to complete, but ran out of time."

    b. "The District is open and offering time without restriction to reconvene the IEP Team; however, parents only offered May 6th, 2026 as the first and only opportunity to meet. They were fully aware of the due date of the evaluation process of 4/29/26 and understood that it would be beyond the 60 day timeline… There is recognition that we want to meet the legal obligation to complete the evaluation and eligibility process with the 60 day timeline. We are accommodating the schedule of the parents. As offered in the meeting, if there is a change in availability, the District is interested in expediting the process to complete it as soon as possible[.]"

    c. "The District is also requesting any input, concerns of the parent, and/or specific goal/skills for draft development to help provide meaningful participation and increase the likelihood that the IEP development can also be completed on May 6th (or your earliest availability)."

57. In an April 21, 2026 email to the Director and the Coordinator, the Parents stated they wanted to document that the delay in completing eligibility was "due to district scheduling and not a lack of parent participation." "We were present and available for the full duration of today's meeting and had cleared our schedule to complete it. The meeting was ended by the district due to scheduling constraints that were not communicated in advance… and we were not informed that the meeting would be cut short. As a result, we were unable to fully participate or complete discussion." "We also would like to know when we will receive the things we requested during today's meeting and confirmation on the removal of the referrals that we mentioned. You can refer back to the recording for specifics."

58. In response to the Parents' request "to look more closely at the testing that was done," the District sent the Parents "the physical testing protocol for [the Student]."

59. The District issued an Amended Communication Assessment Report dated April 23, 2026, which stated, "Original report has been amended… per parent request for more information regarding what [the Student] was tested on at an IEP meeting dated 4/21/26. A file review including the physical test protocols was completed on 4/22/26 and the report was appropriately amended 4/23/26."

60. In an April 24, 2026 email to the Parent, the District provided copies of documents from the meeting, including the agenda, meeting notes, eligibility statements, and evaluation reports. The email also stated, "Your request to remove referrals/behavioral incidents dated: 11/7/25,

11/12/25, 2/10/26, 3/2/26, and 3/10/26 from the educational record is under review… [Board Policy] allows for educational records to be amended when inaccurate, misleading, or in violation of the student's rights of privacy or other rights." The Parents' arguments for the removal of the incidents from the Student's educational record were listed as "referral information was not sent home at the time of the incident nor mentioned in a parent square message or behavior log" and "Parents believe this event 'never happened'"; "information in parent square does not confirm this referral/incident report"; "the report makes it sound intentional and it was reported to be more of an accident"; and "referral was reported to parent as an incident rather than a referral… doesn't feel that it is reflective of [the Student's] behavior." For the remaining request, the District stated they were unsure of the reason but noted that the Parents requested the incident be removed.

61. In an April 29, 2026 email to the Parents, the District sent a Notice of Team Meeting for a meeting on May 6, 2026, with the corrected start time of 8:30 a.m. The District additionally shared, "The schedule for the day is is [*sic*] 8:30am-11:30am, with a lunch break from 11:30am-12:00pm. The meeting will reconvene from 12:00pm-2:00pm."

62. The Principal sent the Parents a letter dated April 30, 2026 letter, which outlined the Parents' "request to amend [the Student's] Educational record" by removing five behavior incidents. The letter indicated that the District approved the removal of the first and second incidents, as well as the amendment of the description of the third incident. The "request for amendment/removal" of the March 2 and March 10, 2026 incidents was denied, because the record regarding these incidents was "not inaccurate, misleading or otherwise in violation of the student's privacy or other rights." The letter stated, "Your statements are documented here and a copy of this letter will be added to the education record to document your exception and request. If this correction is unsatisfactory, you may request a hearing with the district to appeal this decision under Board Policies[.]"

63. The District issued a May 4, 2026 Amended Psychoeducational Evaluation Report, which removed the behavior incidents dated November 7 and 12, 2025, and amended the description of the February 10, 2026 incident.

64. On May 5, 2026, the Parents requested that the District provide them with a copy of a draft IEP in advance of the May 6, 2026 meeting.

    The Coordinator emailed the Parents a copy of the District's Agenda for the May 6, 2026 meeting but was unable to send a draft IEP until the morning of the meeting.

65. On May 6, 2026, the District convened a meeting to continue eligibility determination and develop an IEP and placement for the Student.

66. The District's May 6, 2026 Meeting Notes were 19 pages long and included the following information, in part:

a. The Parents invited the Student's Behavior Skills Trainer (the Trainer), who provided input during the discussion of the eligibility determinations for EBD and ASD. The Principal asked the Trainer to describe their interactions with the Student. The Parents asked the Trainer questions and the Trainer shared information with the team.

b. During the EBD discussion, the Trainer shared, among other things, "[The Student] doesn't usually make eye contact with me… when [the Student] is uncomfortable [the Student] doesn't make eye contact and mostly communicates with [the Parents]… behaviors are very repetitive, whispering to the caregiver in [their] ear what [the Student] wants to say first, choosing a safe person to go to first.. I do think [the Student] is masking… feels a lot more comfortable talking to people [they] can trust."

   The Trainer "shared they have a dx of adjustment disorder with mixed disturbance of emotions and conduct… [The Student] is diagnosed with that from the therapist. [Their] mood doesn't follow other kids [their] age. We notice a lower mood." The Director responded, "Thank you for sharing that. Knowing that Oregon doesn't accept diagnosis from therapists. This wasn't on the medical statement. This is info that we will use and is helpful but won't be part of elig. Component."

   The team unanimously agreed that the Student met the eligibility criteria for EBD.

c. During the ASD discussion, the Parents and the District team members disagreed on "nonverbal communicative behaviors used for social interactions" because the Parents "feel that [the Student] doesn't give eye contact." The Autism Specialist stated, "it isn't a deficit because [the Student] does show it sometimes and not others." The District stated that at baseline the Student was similar to other kids; when dysregulated eye contact went down "but at the same rate as other kids who are dysregulated." The Parents argued "at baseline [the Student] is more able to mask and do the social things" and because the Student was not able to use eye contact at times "that does show a deficit."

   The Director stated, "Agree we can't get to a full agreement with this question, that will be the role of the DR for this purpose so I am marking no."

d. The Director explained that even with marking no, "if [the Student] is needing help for non-verbal communication then [they] will still get the help [they need] in that area." "[O]nce [the Student] is determined eligible we meet the whole child… if we get new information then we meet and look at the new information and have a new meeting… it is important to note that if we mark no doesn't mean [the Student] won't receive services in [their] behavioral needs. [The Student] has been eligible for other services… the district is going to note your disagreement and that we are marking a no in this area."

   When the Parent asked, "even though [the Student] doesn't qualify we still recognize [they need] support and we can discuss at the IEP portion of the meeting," the District confirmed this was accurate.

e. The Director stated, "There is an agreement that EBD is the primary so we must mark no." The Parents responded, "[I]t doesn't matter, but we want noted that we disagree and that the people making those decisions are people who don't know [the Student]… want on record that we don't agree."

f. The Parents stated, "We are part of the team and we are feeling like we are not being included in the team decision… we are actively participating and you are saying 'we hear you but we're not going to do anything'… this feels predetermined."

The Director responded, "We've included your input and have changed our minds on many things based on what you've said." "I understand we have disagreement with the eligibility criteria for ASD… moving forward to the development IEP phase we will be considering OHI and EBD and that EBD will be primary."

67. The May 6, 2026 Statement of Eligibility for EBD indicated that the team agreed that the Student met the eligibility criteria.

68. The May 6, 2026 Statement of Eligibility for DD indicated that the team agreed that the Student did not meet the eligibility criteria.

69. The May 6, 2026 Statement of Eligibility for ASD:

a. Included the required elements under OAR 581-015-2130 for a comprehensive evaluation, including developmental history; information from parents and other knowledgeable individuals regarding historical and current characteristics associated with ASD; deficits in social communication and social interactions; restrictive, repetitive patterns of behavior, interests, or activities; three observations of the student in multiple environments, on at least two different days; social communication assessment; standardized autism identification tool; and vision and hearing screening.

b. The team determined the Student demonstrated persistent deficits across multiple contexts for one of the three social communication deficits; and presented with three of the four restricted, repetitive patterns of behavior, interests, or activities.

c. The team indicated that the Student did not meet any of the eligibility determinations, including noting that it did not have an adverse impact on the Student's educational performance.

d. The Parents wrote that they did not agree with the eligibility determination, while the rest of the team members signed and noted that they did agree.

70. According to the District, "[T]he evaluation showed that the Student has strengths in nonverbal communication because they use facial expressions appropriately, use eye contact, and incorporate gestures… Although the Parents thought the Student had deficits in making eye contact, the District explained that the evaluation did not agree and the Student's

use of eye contact is appropriate for their age… The District also explained that the Student's communication deficits tend to be situational: when the Student is at baseline they can communicate well, but when the Student is dysregulated, they have deficits in communication… The District acknowledged the deficits the Parents shared in this area but ultimately found that they were not persistent across multiple contexts and more situational."

71. The District issued amended May 6, 2026 Meeting Notes ("Amended for spelling corrections of names on 5/14/26") at the Parents' request.

72. During the May 6, 2026 meeting, an incident occurred at the School in which the Student became dysregulated, and the Superintendent was involved in helping the Student deescalate.

73. In the May 8, 2026 weekly email to the Parents, the Principal provided a summary of the Student's behavior, including the May 6, 2026 incident, and answered questions sent by the Parents. In response to the Parents' questions to view bus footage from March 2, 2026, the Principal stated this needed to be requested through a public records request.

74. In their May 8, 2026 email response to the Principal and the Superintendent, the Parents stated that the District's failure to notify them of the Student's escalation during the meeting impacted their ability to meaningfully participate in supporting their child, which was an IDEA violation. The Parents (1) requested that "real-time parent notification and communication during crisis situations be included in the Student's IEP or BIP, and (2) requested to view the video footage of the May 6, 2026 incident.

75. On May 8, 2026, the Parents filed this Complaint, which included the following claims, in part:

    a. The Parents had "concerns that their input, outside information, and observations were not being meaningfully considered. The District's own meeting notes document repeated parent objections and statements indicating that the process appeared predetermined." The Parents had concerns that "staff were prioritizing completion of eligibility paperwork over meaningful discussion and consideration of evidence." There were "repeated attempts by staff to redirect or curtail discussion when parents attempted to elaborate on concerns related to autism characteristics, masking, sensory needs, social communication deficits, and outside clinical observations."

    b. "The Parents provided extensive outside information, observations, developmental history, therapist information, and examples of autistic characteristics across settings." The District ultimately determined the Student was not eligible under ASD, relying "on limited school-based observations and district-generated evaluations while discounting outside and parent-provided information."

c. "The Parents are concerned that eligibility determinations were finalized despite: unresolved disagreement, incomplete IEP discussion, incomplete placement discussion, and continued dispute regarding consideration of evidence."

76. The District issued PWN dated May 11, 2026, which included the following, among other things:

a. "[The Student] was found eligible under EBD… The team determined EBD was the primary disability with OHI (ADHD-Combined Type) as the secondary disability…. [The Student] did not meet eligibility criteria for ASD, SLI, and DD."

b. "The Team was unable to complete the IEP development process in the 5 hours planned for this meeting. No special education services or placement have been determined at this time. The decisions in the draft IEP for special factors, present levels, goals in Behavior/Social Emotional, and state and district assessments is included. The District acknowledges that we have not discussed the draft recommendations for services, extended school year, or placement. The District intends to honor the parent request for the next meeting be [*sic*] facilitated."

77. The District's May 29, 2026 Response including the following, among other things:

a. "The District did not anticipate needing more than four hours to complete the eligibility meeting but included an 8 day-buffer to meet the deadline in case it needed to meet again." "The first eligibility meeting was nearly four hours and the second one was over five hours."

b. "Prioritizing parental participation by continuing the eligibility meeting past the 60 school-day deadline was more appropriate than holding an eligibility meeting without the Parents to comply with the deadline. Even though the District extended the eligibility deadline from April 29, 2026, to May 6, 2026, the Student was not deprived of any educational benefit."

c. "The District appropriately considered the eligibility criteria of Autism Spectrum Disorder and determine[d] that the Student does not meet the eligibility criteria." "Because the Student is already eligible for special education, not finding the Student eligible for Autism Spectrum Disorder will not impact the services and accommodations available to them when the IEP team develops the IEP."

d. "The Parents have been combative and aggressive towards District staff in email communications and meetings. The District has responded professionally and taken the Parents' concerns into account."

78. The Parents' June 4, 2026 Reply claimed, in relevant part:

a. "Parents repeatedly attempted to discuss concerns regarding inaccurate records, behavioral documentation, evaluation findings, disability-related concerns, and inconsistencies within evaluation data. Rather than meaningfully addressing those concerns during eligibility discussions, District staff frequently redirected conversations, limited discussion, and informed Parents that certain concerns were outside the scope of the meeting… Parents experienced repeated difficulty having concerns fully addressed before the District moved discussions forward."

b. "Parents repeatedly requested educational records, behavioral data, incident documentation, video evidence, staff communications, and other information necessary to understand and participate in decisions affecting their child. Several records were provided only after repeated requests. Parents also experienced significant difficulties obtaining complete information regarding incidents… Most notably, the District's positions regarding video evidence have been inconsistent." The District allowed review of December 10, 2025 and February 2026 video footage, but "now claims footage involving the May 6, 2026 incident is not an educational record and refuses review despite the incident involving disability-related behaviors, removal from the educational environment, implementation of crisis-cycle interventions, and direct Superintendent involvement."

c. The District failed to use all available information when making eligibility determinations. The District failed to genuinely consider parent concerns and outside information. "The cumulative effect of procedural and substantive concerns interfered with the Student's educational rights."

IV. DISCUSSION

General Evaluation and Reevaluation Procedures

The Complaint alleges that the District violated the IDEA when it failed to timely determine eligibility of the Student following the Parents' written consent for the District to evaluate the Student for special education services.

School districts must conduct an evaluation or reevaluation of a student before determining that a student has a disability that meets eligibility requirements for special education.[4] A child must be evaluated in all areas related to the suspected disability and an evaluation must be sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified.[5] A evaluation must be completed within 60 school days from written parent consent to the date of the meeting to determine eligibility or the student's educational needs.[6] For a child who may have disabilities in more than one category, the team need only qualify the child under one disability category. However, the child must be evaluated in all areas related to the

[4] OAR 581-015-2105(1); 34 CFR §300.305.
[5] OAR 581-015-2110(4); 34 CFR § 300.304.
[6] OAR 581-015-2110(5); 34 CFR § 300.301.

suspected disabilities, and the child's IEP must address all of the child's special education needs.[7]

The District convened an evaluation planning meeting and the Parents signed written consent on July 15, 2026 for the District to evaluate the Student. Evaluation planning documents indicated that (1) the team was considering the eligibility categories of OHI, SLI, ASD, and DD at the time, and (2) the end of the 60-school day evaluation timeline fell on April 29, 2026. On February 9, 2026 an OT assessment was added. On March 26, 2026, the Parents signed consent for the District to add evaluations to consider eligibility under EBD.

The District completed the evaluation of the Student and convened a meeting to review the evaluation reports and determine eligibility. On April 21, 2026, the team reviewed and discussed all evaluation reports and completed written statements of eligibility for two of the five categories being considered. The team unanimously determined that the Student was eligible for special education under OHI but did not meet the eligibility criteria for SLI. Eligibility for the remaining three disability categories being considered was completed when the team reconvened on May 6, 2026. The team determined that the Student met the eligibility criteria under EBD and agreed that EBD would be the primary eligibility category with OHI as secondary.

The Student was found eligible for special education services on April 21, 2026. As there is no requirement for the District to determine that the Student is eligible for special education in more than one disability category, the District met the obligation to meet and determine eligibility within the 60-school day evaluation timeline.

The Department does not substantiate this allegation.

Determination of Eligibility

The Complaint alleged that the District violated the IDEA when it failed to identify the Student as a student with a disability who needs special education and related services under the eligibility category of Autism Spectrum Disorder.

Upon completion of the evaluation, a team (including the parents) must determine whether the student is a student with a disability under the IDEA.[8] The team must prepare (1) an evaluation report, describing and explaining the results of the evaluation conducted, and (2) a written statement of eligibility.[9] The written statement of eligibility must include a determination of whether the student meets the minimum evaluation criteria for one of the disability categories, whether the student's disability has an adverse impact on the student's educational performance, and whether the student needs special education services because of the disability.[10] It must also include a list of the evaluation data considered in determining the

[7] OAR 581-015-2120(4); 34 CFR § 300.306.
[8] OAR 581-015-2120(1); 34 CFR §300.306.
[9] OAR 581-015-2120(2); 34 CFR §300.306.
[10] OAR 581-015-2120(2); 34 CFR §300.306.

student's eligibility and the signature of each member of the team indicating agreement or disagreement with the eligibility determination.[11]

The team may not find a student eligible for special education services if the student does not meet the eligibility criteria under OAR 581-015-2130 through 518-015-2180. The school district must provide a copy of the evaluation report and the documentation of determination of eligibility to the parent at no cost.[12]

If a child is suspected of having autism spectrum disorder, a comprehensive evaluation must be conducted and include a developmental history; information from parents and other knowledgeable individuals regarding historical and current characteristics that are associated with ASD; three observations; a social communication assessment; and a standardized autism identification tool, among other things.[13] To be eligible for special education services under the category of ASD, a student must meet all of the following minimum criteria: documented evidence that the student demonstrates (1) a pattern of characteristics defined as all three social communication deficits; and (2) at least two of the four restricted, repetitive patterns of behavior, interests, or activities.[14] In addition, it must be determined that the characteristics of ASD are not better described by another established or suspected eligibility for special education services. A child may not be eligible on the basis of ASD if the child's primary disability is EBD. However, a child with ASD as their primary disability may have EBD as a secondary disability.[15]

As stated above, there is no requirement that a district find a child eligible in more than one disability category.

The Student was suspected of having a disability in multiple disability categories, including autism spectrum disorder. The District's evaluation of the Student was comprehensive, completed by qualified professionals, and included all required components of an evaluation for eligibility under the suspected categories. The results were included in the evaluation reports reviewed by the team. The team discussed the evaluations, team members provided input and considered information from a variety of sources, and the team made an eligibility determination for each category under consideration, as reflected in the completed written statements of eligibility.

The District's ASD evaluation report included the required elements required under OAR 581-015-2130. The evaluation looked at the Student's strengths and weaknesses across both the home and school settings, from the perspective of different team members who were familiar with the Student. The Autism Specialist conducted Parent, Teacher, and Student interviews, as well as observations of the Student on three different occasions, in various locations. An SLP completed a social communication evaluation of the Student. The team relied upon a variety of measures in determining that the Student did not meet the minimum eligibility criteria for ASD.

[11] OAR 581-015-2120(2); 34 CFR §300.306.
[12] OAR 581-015-2120; 34 CFR §300.306.
[13] OAR 581-015-2130; 34 CFR §300.8.
[14] OAR 581-015-2130(2): 34 CFR §300.8.
[15] OAR 581-015-2130(3): 34 CFR §300.8.

The Parents claimed that the District did not properly consider their input or information from outside sources, including from the Student's behavior skills trainer. However, the District's meeting notes reflect that the Parents shared questions and concerns, which were discussed by the team. The May 6, 2026 meeting notes indicated that the Director asked the Trainer about their experience working with the Student, and the Trainer provided input during both the EBD and ASD eligibility discussions. The Trainer shared that they did not believe that the Student's use of eye contact was age appropriate. They also mentioned that the Student had a diagnosis from a therapist. Although the Parents did not provide documentation of this diagnosis, the team determined that the Student met the eligibility category for EBD.

The District noted that they heard the Parents' input on specific behaviors exhibited at home, but some of these behaviors were not observed in the school setting. The District shared it was common to have discrepancies between the school and home setting. The District communicated that regardless of eligibility category, the team would consider all disability related needs during the development of the Student's IEP.

The written statement of eligibility for ASD included the required information and properly recorded determinations made by the team. It reflected the Parents' disagreement with the team's determination that the Student did not meet the eligibility category under ASD. The Parents' disagreement was further reflected in the District's Meeting Notes and PWN issued by the District, which were provided to the Parent along with evaluation reports and eligibility documents.

The Department does not substantiate this allegation.

Parent Participation

The Complaint alleges that the District violated the IDEA by interfering with the Parents' ability to participate in decisions with respect to the identification, evaluation, IEP and educational placement of the Student, and the provision of a free appropriate public education to the Student.

A school district must provide one or both parents the opportunity to participate in meetings with respect to the identification, evaluation, IEP, and educational placement of the child.[16] Districts must consider the concerns of the parents for enhancing the education of their child, among other indicators of the student's academic, developmental, and functional needs.[17] "[P]arents have the right to bring questions, concerns, and preliminary recommendations to the IEP Team meeting as part of a full discussion of the child's needs and the services to be provided to meet those needs."[18] While school districts have educational discretion, parents still have the right "to remain informed of, and to participate in, educational decisions concerning their children."[19]

[16] OAR 581-015-2190(1); 34 CFR §300.501(b).
[17] OAR 581-015-2205(1)(b) and (d); 34 CFR §300.324(a)(1).
[18] Letter to Northrop (OSEP 5/21/2013), citing 71 Fed. Reg. 46,678 (2006).
[19] *Pasatiempo v. Aizawa*, F.3d 796, 804 (9th Cir. 1996).

However, districts may impose reasonable restrictions on excessive parent communication. "Parents are not entitled to unlimited communications concerning their child"[20] and are "not entitled to notice and participation in routine day-to-day school matters."[21] If the volume and tone of emails sent by parents interferes with the ability of district staff to do their job, or results in district staff feeling overwhelmed or uncomfortable, it may be appropriate for a district to institute a communication protocol.[22]

While IEP teams should work towards consensus, the district is ultimately responsible for the provision of FAPE to a student. "If the team cannot reach agreement, the public agency must determine the appropriate services and provide the parents with prior written notice of the agencies determinations regarding the child's educational program and of the parents' right to seek resolution of any disagreement by initiating an impartial due process hearing or filing a state complaint."[23]

In this case, there was a significant amount of communication between the District and the Parent throughout the complaint period. The District convened meetings when requested by the Parents. The District responded to the Parents' questions and concerns sent by email throughout the school year.

When the volume of emails and repeated questions overwhelmed staff and interfered with their ability to do their jobs, the District implemented a communication plan. The plan directed the Parents to send questions and concerns to the Principal. However, the plan did not limit the number of emails the Parents could send, and it stated that emails sent to other staff would be forwarded to the Principal. In addition to the Principal's weekly email, the record indicates that staff continued to email the Parents as needed to provide notification of significant incidents and to communicate about the Student's evaluation process.

The District's meeting notes indicated that the Parents fully participated in meetings, voiced questions and concerns, and these were discussed by the team at length. The team listened to the Parent's input and adopted many of the Parent's recommendations and requests. The meeting notes reflect that the Parents' disagreements with team determinations were noted. In addition, disagreements were reflected in PWN issued by the District on numerous occasions.

There is no evidence that the District failed to consider parent input or interfered with the Parents' ability to participate in decisions with respect to the identification, evaluation, IEP and educational placement of the Student, and the provision of a free appropriate public education to the Student. While the Parent disagreed with some of the District's decisions, this does not amount to a lack of meaningful participation at meetings.

The Department does not substantiate this allegation.

[20] *Forest Grove Sch. Dist. v. Student*, 73 IDELR 115 (D. Ore 2018).
[21] *Id*., (citing *Student v. Silver Falls Sch. Dist.*, Case No. DP 13-113 at 36).
[22] *Forest Grove Sch. Dist. v. Student*, 73 IDELR 115 (D. Ore 2018); Spokane (WA) Int'l Acad., 73 IDELR 129 (OCR 2018).
[23] Letter to Richards (OSEP 2010).

Access to Student Education Records

The Complaint alleged that the District violated the IDEA by failing to comply with the safeguards required for education records of children with disabilities, and by failing to comply with the Parents' request to inspect and review records without unnecessary delay and provide copies of these records to the Parents within the required timeline.

School districts must comply with a parent's request to inspect and review their child's education records without unnecessary delay before any meeting regarding an IEP, and in no case more than 45 days after the request has been made.[24] This includes all education records with respect to the identification, evaluation, placement, and provision of FAPE to the child.[25] OAR 581-015-2300 adopted provisions of FERPA for purposes of ensuring the safeguards required for education records of children with disabilities.[26] Under FERPA, "education records" are defined as those records that are (1) directly related to a student; and (2) maintained by an educational agency. This does not include records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.[27] "Maintain" has been interpreted as covering records that are "kept in a filing cabinet in a records room at the school or on a permanent secure database."[28] Therefore, a district "is not required to turn over emails that were not 'maintained' in a physical file or secure electronic data base."[29]

Parents have the right to request that a district amend education records the parents believe are inaccurate, misleading, or violate the student's privacy rights.[30] If requested, the district must decide whether to amend the record within a reasonable period of time. If the district declines to amend the record as requested, the district must notify the parent of the refusal and the parent's right to a hearing.[31] Upon request, the district must provide the parent an opportunity for a hearing to challenge information in a student's records.[32]

There are two issues related to this allegation: whether the District complied with the Parents' request to inspect and review the Student's education records and provide copies of these records; and whether the District followed required procedures related to the Parents' requests to amend the Student's records.

Records requests through February 9, 2026 were addressed in Case No. 26-054-021. However, the Parents continued to request similar records, including video recordings, "unredacted behavioral data since 11/25/25"; "Documentation of intervention implementation"; "Fidelity

[24] OAR 581-015-2300; 34 CFR §300.501.
[25] OAR 581-015-2300(2); 34 CFR §300.501.
[26] OAR 581-015-2300(1); 34 CFR §300.501.
[27] OAR 581-015-2300(1); 34 CFR §99.3.
[28] *Owasso Indep. Sch. Dist. No. 1-011 v. Falvo*, 536 U.S. 426 (2002) .
[29] *S.B. v. San Mateo-Foster City Sch. Dist.,* 118 LRP 31608 (N. D. Cal. 04/11/17), aff'd, *Burnette v. San Mateo Foster City Sch. Dist.*, 72 IDELR 147 (9th Cir. 2018, unpublished).
[30] 34 CFR §300.618(a).
[31] 34 CFR §300.618.
[32] 34 CFR §300.619.

monitoring records"; "Written explanation of data collection methodology"; and "Clarification regarding omitted safety events."

On February 23 and 27, 2026, the Parent requested behavioral data. On February 27, 2026, the District sent the Parents data trackers from January 16 to February 25, 2026. On March 4, 2026, the District sent the Parents an incident report completed by Nursing Staff. On March 13, 2026, the Principal sent the Parents copies of three bus referrals. The District responded to the Parents' requests to view video footage and indicated when the request needed to be addressed through the public records process. However, District staff reported that the School stopped using behavior data trackers when the Student was no longer attending school regularly.

On multiple occasions, the Parents requested incident documentation for behaviors mentioned by staff, including location and context of incidents, interventions used by staff, and how the Student responded to the interventions. When the District asked the Parents to identify specific documents that they believed were missing, the Parents repeated the same general request for information about location, context, interventions, and other data. There is no evidence that the District documented this information, or that the District completed any reports that were not provided to the Parents.

The District provided the Parents with the requested education records and processed the remaining under public records request. The additional records sought by the Parents did not meet the definition of education records.

On several occasions, the Parents asked the District to amend records by removing information or changing language included in reports. The District amended several documents, including January 15, 2026 evaluation planning documents, multiple evaluation reports, and District meeting notes. The District sent the Parents emails, a letter, and PWN in response to requests to amend the Student's education records. The District explained its decisions to grant or deny the Parents' requests. When the District denied the Parents' requests to amend education records, it properly notified the Parents of their right to request a hearing to appeal the District's decision.

The Department does not substantiate this allegation.

Free Appropriate Public Education (FAPE)

The Complaint alleged that 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.[33] 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

[33] OAR 581-015-2040(1); 34 CFR §300.101(a).

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.[34]

Not every procedural error is sufficient to rise to a denial of FAPE.[35] The procedural test consists of three pivotal procedural errors: (1) whether the student suffers a loss of educational opportunity;[36] (2) whether the parent's right to participate in the IEP process was infringed;[37] or (3) whether the procedural error caused a "deprivation of educational benefit."[38] 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."[39]

There is no evidence that the Student suffered a loss of educational opportunity, was deprived of educational benefit, or that the District interfered with the Parents' right to participate in the IEP process.

The Department does not substantiate this allegation.

V. CORRECTIVE ACTION

In the Matter of Dallas School District 2
Case No. 26-054-061

The Department does not order corrective action in this matter.

Dated: this 8 Day of July 2026

Ramonda Olaloye

Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing Date: July 8, 2026

[34] *Endrew F.*, 137 S.Ct. at 999.
[35] *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)).
[36] *Target* Range, 960 F.2d at 1484.
[37] *Id.*
[38] *Amanda J.*, 267 F.3d at 892 (citing *Roland M.,* F.2d at 994).
[39] *M.L. v. Federal Way Sch. Dist.*, 394 F.3d 634, 657 (9th Cir. 2005).

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).)