BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of	)	FINDINGS OF FACT,
Mapleton School District 32	)	CONCLUSIONS,
	)	AND FINAL ORDER
	)	Case No. 26-054-062

I. BACKGROUND

On May 13, 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 Mapleton School District 32 (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 22, 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 June 5, 2026.

The District submitted a *Response* on June 5, 2026, denying some of 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, 6/5/26
2. IEP and embedded Progress Reports, 10/2/25
3. IEP Meeting Notes, 10/2/25
4. IEP, 10/2/25
5. Progress Notes, 2/19/26
6. Letter from Special Education Director, Notice of Withdrawal, 5/13/26
7. Daily Reports, 12/2/25 - 4/23/26
8. Email correspondence between Parties, 9/1/25 through 5/12/26
9. Email correspondence internal to District only, 9/3/25
10. Working file items from Autism Specialist, schedule and visual schedule, undated

[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. Data Collection documentation from Autism Specialist, 4/6/26 – 4/23/26
12. Text messages, 6/5/25 – 5/12/26

The Parents submitted a *Reply* on June 15, 2026. The Parents did not submit any additional documents.

The Complaint Investigator interviewed the Parents on June 15, 2026. On June 10, 2026, the Complaint Investigator completed an interview process with six District personnel. Virtual interviews were conducted instead of on-site interviews. The Complaint Investigator reviewed and considered all of these documents, interviews, and interview 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 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 14, 2025 to the filing of this Complaint on May 13, 2026.

Allegations	**Conclusions**
When IEPs Must Be in Effect? The Complaint alleged that the District violated the IDEA by not providing special education and related services in accordance with the Student's IEP. This included failing to implement the school psychologist consulting services and professional collaboration support/meetings among team members, including the Student's paraprofessional. (OAR 581-015-2220; 34 CFR §300.323)	**Not Substantiated** The District implemented the school psychologist consulting services as described in the Student's October 2025 IEP. Professional collaboration support meetings were not required by the Student's IEP.
Review and Revision of IEP The Complaint alleged that the District violated the IDEA when it did not revise the Student's IEP to address the Student's behavioral needs, including the consideration of an FBA. (OAR 581-015-2225; 34 CFR §300.324(b)(1)(ii).	**Substantiated** The District did not convene the Student's IEP team to consider IEP revision when the Student exhibited a lack of progress towards meeting their IEP goals.

Requirement for Least Restrictive Environment The Complaint alleged that the District violated the IDEA when it removed the Student from the general education environment and instead placed the Student in a restricted setting on a repeated basis. (OAR 581-015-2240; 34 CFR §300.114)	**Substantiated** The District failed to educate the Student in the least restrictive environment when it unilaterally changed the Student's schedule placing them in a more restrictive educational setting than directed by the Student's October 2025 IEP.
Placement of the Child The Complaint alleged that the District violated the IDEA by changing the Student's placement when it removed the Student from the general education environment to a restricted special education setting. (OAR 581-015-2250; 34 CFR §300.116)	**Substantiated** The District unilaterally changed the Student's placement without convening the IEP team to discuss a suggested placement change.
Parent Participation The Complaint alleged that the District violated the IDEA by engaging in predetermination regarding the Student's IEP, therefore interfering with the Parent's 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 (FAPE) to the Student. (OAR 581-015-2190; OAR 581-015-2195; 34 CFR §300.322; 34 CFR §300.501)	**Substantiated** The District did not include the Parents as IEP team members in the decision to change the Student's placement.
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)	**Substantiated** The District failed to educate the Student in the LRE and changed the Student's placement without an IEP meeting. This deprived the Student of educational benefits and infringed on the Parents' right to participate in IEP team decisions.

REQUESTED CORRECTIVE ACTIONS
1. Completion of an FBA and BIP conducted by a Board Certified Behavior Analyst. 2. Compensatory educational services for lost educational time. 3. On-going training for relevant staff on IDEA requirements, behavior de-escalation strategies and other relevant trainings. 4. A proper IEP meeting with a neutral facilitator to discuss placement options. 5. More oversight to prevent these situations in the future.

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 14, 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. At the time of the Complaint, the Student was seven years old and in first grade.

2. The Student is currently eligible for special education services under the disability category of Autism Spectrum Disorder.

3. The Student's October 2, 2025 IEP (October 2025 IEP), included the following information, in relevant part:

    a. Strengths: The IEP team indicated that the Student is a good problem solver, "good at figuring out [their] own needs and making sure they're met, does well with structure and routine and plans". They also noted that the Student is "very sweet and caring and thoughtful, good with picture instructions, very goal oriented, [has] very strong visual-spatial reasoning, very engaged with Legos". The team stated that the Student has "grown verbally and is joining [their] classmates more than before, [has an] engineering mind, [and has demonstrated an] increase in creativity recently".

    b. Parents' Concerns: The Parents reported that the Student's knowledge of cvc words is developing "but not yet complete". The Parents shared that "staff being informed and kept up on what [the Student]'s needs are is (sic) key." The Parents had received weekly reports last year but have yet to receive them this year.

c. Present Levels: The Student qualifies for language, math, reading, behavior and written expression, specially designed instruction (SDI). The Student also qualified for speech and language as a related service.

Behavior: The Student's progress following non-preferred directions has improved, with three or fewer prompts "being the norm." The Student has made progress staying in their seat and engaged with a task for up to ten minutes.

Academic Achievement: The Student has met their goal of naming alphabet letters and "has impeccable spelling." The Student has not met their reading decoding goal but is making progress with decoding cvc words. In writing, when provided a picture, the Student can label items using letter cube manipulatives. In math, the Student has met their goal of using comparative math words regarding quantity and size of objects. Also, the Student met their addition goal but still requires practice with the subtraction goal.

Language: The Student has yet to meet their prior receptive language goal of understanding basic concepts and has made progress with oral production of phrases/sentences of 3 or more words to request, respond, describe, comment and ask questions.

d. How disability affects involvement and progress in the general education curriculum: [The Student]'s disability presents as "challenges with communication and social cues" that impacts relations with both their peers and staff. The Student exhibits behaviors in that they "struggle to follow directions and observe boundaries".

e. Special Factors: The Student exhibits communication needs and behaviors that impede their learning or the learning of others.

f. Annual Goals: Included a Language goal (answering 'wh' questions); Math goal (addition and subtraction within 20); Reading goal (reading accuracy, phonemic awareness and reading comprehension); Behavior goal (completion of non-preferred activity using visual reminders/schedules/prompts); and Writing goal (writing a complete sentence on a preferred topic with limited punctuation errors).

g. Progress reporting: Progress is to be reported through quarterly written progress notes.

h. Specially Designed Instruction (SDI): Math (200 minutes quarterly; location of general education classroom); Reading (200 minutes quarterly; location of general education classroom); and Written Language (200 minutes quarterly; location of general education classroom). The IEP does not include SDI to address the Student's Behavior goal.

i. Related Services: Language therapy provided by a Speech and Language Pathologist (200 minutes quarterly; location of speech and language room);

j. Accommodations: Sensory breaks of 5-15 minutes a time to get through the day, assistance with toileting/self-care, visual schedules for all routines and non-routines, allowance to stand instead of sit to complete work, access to noise cancelling headphones, and 1:1 paraprofessional assistant for the entirety of each school day across all school environments.

k. Supports for School Personnel: Staff support included 120 minutes annually of Occupational Therapy (OT) consultation and training on the Student's physical and sensory needs; 120 minutes monthly of consult with School Psychologist to observe, update and modify team's behavioral approaches as needed; and 240 minutes annually of consultation with the ESD Autism Specialist.

l. Non-Participation Justification: "The Student will spend most of [their] time in the regular education classroom, but will occasionally be removed for toileting concerns and speech-language therapy. This removal will not impact extracurricular activities." This removal was justified because the "type of instruction that [the Student] needs supplemented (sic) for speech-language therapy requires a private, separate setting to be effective and to protect [the Student]'s privacy."

4. In the October 2, 2025 Special Education Placement Determination, the IEP team selected "Inside General Education class 80% or more of the day," from the three options listed.

5. The Prior Written Notice issued October 2, 2025 indicates that the IEP team considered a more restrictive placement (more time in a special education setting) and rejected this option because it "was deemed excessively restrictive and not conducive to [the Student]'s success at this time."

6. The Student's October 2025 IEP indicates the Special Education Director (Director)[3] was serving as the Student's special education teacher. During their interview the Superintendent clarified that the District utilized an Early Intervention Specialist (Specialist) as the Student's case manager.

7. In an email conversation dated November 18, 2025 to the Parent, Superintendent, Specialist, and 1:1 Paraprofessional, the Director explained the impact of staffing vacancies on the Student's program and discussed use of visual schedule techniques with the Student during routine and non-routine activities.

8. Daily reporting provided by the District began on December 2, 2025 and continued through April 23, 2026. The report format changed three times throughout the timeframe.

   a. Initially the reports (December 2, 2025 through January 8, 2026) utilized an identical daily structure. The reports described how the Student's day was (choosing from characterizations of "good, okay or rough") and noted the Student's participation in daily

[3] According to their interviews and special education records, the Special Education Director also serves as the District School Psychologist and, at times, the Student's Case Manager.

activities, as well as which goals had been implemented that day. None of these reports indicated how the Student's behavior goal was implemented, although there are anecdotal notations of how staff supported the Student when they exhibited frustration.

b. Reports dated from January 12, 2026 through April 8, 2026[4] reflected a format change to include a checkbox of IEP goals worked on that day, including a reference to the Student's behavioral goal of completing nonpreferred tasks:

   i. These reports indicate the Student's daily schedule and track the amount of time they require a break;

   ii. These reports document the Student breaks were completed in a 10-15 minute timeframe, with only 4 occasions during which the Student's breaks required 20 minutes; and

   iii. With variable levels of detail, the reports anecdotally document when the Student refused or did not engage in the scheduled activities or eloped from the scheduled setting.

9. Progress reporting dated February 19, 2026 indicated that the Student was beginning to work on their language and written language goals, and was still working on their goals in math and reading. Referencing their behavior goal, the Student was noted to be "able to follow verbal prompts to complete non-preferred tasks before a preferred task 3 out of 3 opportunities" but "is inconsistent and with a lot of times [will] resist the nonpreferred activity". The SLP noted that the Student was "improving in using [their] verbal language to request and answer differentiating questions and [they] will often repeat expanded responses].

10. Meeting notes dated March 16, 2026 indicate that the Director and the Parent discussed the Parent's request that the District purchase a particular app for the Student's use to support their use of a visual schedule. The notes indicate that purchase of the app was approved. Thereafter, a new iPad was also purchased for the Student's use since the app was incompatible with the current District devices.

11. In an email conversation to the Superintendent dated April 14, 2026, the Parents referenced a scheduled meeting on April 17, 2026 and requested that they discuss the change to the Student's schedule, specifically that the "Sun Room not be used for [the Student]" as it was not the "placement option we chose."

12. Progress reporting dated April 16, 2026 indicated that the Student was exhibiting behaviors that are "impeding [professional's] ability to engage [them] very much on academics". The District noted that "data was limited" and that the Student's "ability to follow directions and

[4] Reports dated March 9, 2026 through March 11, 2026, included information about which goals were implemented, identified the activities in which the Student participated and provide comments on the day but no longer included a copy of the Student's schedule or frequency/duration of breaks.

engage with work are very limited, and attempts to engage [them] on this can lead to outbursts and refusal". The reporting stated that, as of April 8, 2026, "new attempts are being made to increase these skills".

13. Daily reports dated from April 9, 2026 through April 23, 2026, indicated that the Student's daily schedule had changed from their general education classroom setting to the "SUN Room" location for two hours and twenty-five minutes in the morning schedule and an additional fifty-five minutes each day in the "SUN Room" location for social skills group at the end of the day.

14. District internal notes indicate that the Parent and several District personnel met on April 16, 2026 for fifteen minutes to discuss progress the Student was having with the app, and to respond to the Parents' concern with the Student's schedule change to the SUN Room. The District notes indicate the Parents left before the professionals could explain their use of "recent behavior interventions".

15. In an email conversation to the Director dated April 16, 2026, the Superintendent acknowledged the Parents' concerns about daily reporting and that "we need to host an IEP meeting to discuss the schedule and current focus and make sure the placement is accurate."

16. Documentation provided by the District confirms that the ESD Autism Specialist (Autism Specialist) observed the Student on April 9, April 13, April 16, April 20, April 22 and April 23, 2026, to collect data on the Student's use of a visual schedule, communication system, use of a timer as well as "Student outcomes" (defined as "minutes of engagement in activity, transition to next activity and remaining with their teacher").

17. On April 23, 2026, the Parents emailed the Superintendent, the Director, and the Specialist to indicate that the Student would be taking a two-week break from school, that the Parents were open to having a meeting to update the Student's IEP but were not open to changing the Student's placement.

18. On May 4, 2026, District notes indicate that the Parents and District staff met via Zoom to review data collected since March and that District staff explained the data "supports consideration of a placement change from '80% or more in regular education' to a more restrictive placement". The notes indicates that the Parents did not support the placement change.[5]

19. On May 12, 2026, the Director emailed the Parent, the Principal, and the Specialist to provide a draft peer engagement goal.

20. In a letter dated May 13, 2026, the Director wrote that the Student "has been withdrawn from enrollment in the district effective 05/13/2026 due to ten consecutive school days of absence." The Director also explained that the Student remained eligible for special education services and that, in the event the Student is re-enrolled, the District will resume

[5] The District did not complete a revised IEP at this meeting or issue a prior written notice to the Parents.

special education service delivery with the intention of reconvening the Student's IEP team at that time.

21. Text communications between the Superintendent and the Parent indicate that they communicated at times throughout the school year regarding the Parent's questions, including:

    a. September 2025 communications regarding transportation training, use of a bus buddy and clarifying the staff assigned to work with the Student;

    b. October and November 2025 communications on the transition of staff to new positions and interviews for a new 1:1 paraprofessional;

    c. January 2026 discussions for the Parents and Superintendent to meet regarding Parent concerns; and

    d. April 2026 communications in which the Parent expresses that they "are not happy with the last meeting and plan to file a state complaint" to which the Superintendent offers an additional meeting to discuss recent changes to the Student's schedule.

22. In their interview, the Parents provided additional information about their concern with IEP implementation and the issues identified in the Complaint:

    a. The Parents assert that there is no documentation that "bi-weekly meetings between [the Student]'s 1:1 and Case Manager to support the 1:1, and update and modify approaches" occurred;

    b. The Parents acknowledge that "some consultation appears to have occurred beginning in March; however, this coincided with increased parent concern and does not demonstrate that services were consistently provided prior to that time";

    c. The Parents clarify that they "are not opposed to the inclusion of the data collected by the [Autism Specialist] as part of the [Functional Behavior Assessment] (FBA) process. However, [they] do not agree that this data alone should serve as the primary or sole basis for the assessment."

    d. The Parents assert that this schedule change "placed [the Student] in a restricted setting on a repeated basis [and] the level of removal significantly limited [their] access to [their] nondisabled peers and the general education environment";

    e. The Parents state that they requested that "the strategies used in the SUN room be implemented in the classroom" and the "District declined and instead removed [the Student] from [their] peers to provide those supports"; and

f. The Parents disagree with characterizing the Student's removal to the SUN room "as an intervention" and that this decision occurred without the IEP team meeting, interfering with their right to participate in what should be IEP team decisions.

23. In their *Response*, the District contested several allegations and did not contest other allegations:

a. The District contested the allegation that the Student's IEP had not been implemented;

b. The District did not contest the allegation that it failed to revise the Student's IEP or conduct an FBA. The District proposed using data collected by the Autism Specialist to "conduct a formal FBA and write a formal behavior plan to be included in [the Student]'s IEP";

c. The District acknowledged that the "supports for [the Student] and data collection processes have not been as consistent as needed, however, at the time of the switch to the SUN room schedule, [the Student] was not responding to interventions in the general education space";

d. While agreeing that the removal to the SUN room improperly changed the Student's placement, the District argues that the removal was necessary to meet the Student's needs.

e. The District explained that the "April schedule was changed prior to an IEP meeting as an intervention to support [the Student] towards a successful 80% general education placement", that the change was shared with the Parent and "communicated in writing the day it was changed"; and

f. The District denied that their conduct had interfered with parent participation as there was no predetermination and the team communicated with the Parent throughout the year.

24. In their *Interview*, the Specialist responded to questions regarding several of the allegations:

a. The Specialist discussed the weekly team meetings:

i. While they were assigned to the Student, weekly special education team meetings were scheduled but that they were unable to attend "for several months as [they were] directly with a student" and so they "connected with the Director informally 3-4 times to ask questions about students";

ii. "Since Spring Break, [they] have attended the weekly meetings" and they had "attended collaboration meetings with the Autism Specialist 10 times between April and June"; and

iii. The paraprofessional "did not participate in these weekly meetings, nor other consultation [they had] record of".

b. Describing the schedule change, the Specialist explained:

i. In the fall, the "Student spent time in the General Education classroom with scheduled break times in the SUN Room… [where they] participated in regulation activities and choice times";

ii. The Specialist "coached the 1:1 aide in ways to support [the Student] to complete work and to use the Legos and tablet as motivation and reward, not when the [Student] requested it";

iii. The Specialist recalled reaching out to the Director in February because they "felt the 1:1 paraprofessional needed more coaching to support [the Student]"; and

iv. While the Specialist confirmed that "all students are able to access the [SUN Room] when given permission from their teacher, they also explained that the [SUN Room] was a temporary, focused intervention while "we built the skills to have successful classroom participation…and could use timers every 15 minutes to transition and not disrupt the gen ed class."

25. In their *Interview*, the Superintendent discussed numerous allegations raised by the Parents and also offered mediation and use of meeting facilitation to work with the Parents so the Student could return to enrollment at a District program:

a. The Superintendent highlighted specific District responses to the Student's behavioral needs:

i. Six observations conducted by the Director from March 9 -19, 2026 documented "extremely low classroom engagement";

ii. The District provided daily reports to the Parents regarding the Student's behavioral concerns, that the Autism Specialist began embedded work with the Student on March 30, 2026, and that, based on the Autism Specialist's data collection, the Student's schedule change was implemented by the District on April 8, 2026; and

iii. The team identified the need for a schedule change "as a short-term intervention and recognized that a formal IEP meeting would be needed to address placement and behavioral programming" and the Specialist emailed the Parents on April 8, 2026 to notify them of the schedule change.[6]

[6] The District did not include a copy of this email in their response or interview documents.

b. A meeting to review the behavioral data occurred on April 16, 2026 during which the Principal and the Director "began to share [the] behavioral data and discuss further, but the family left almost immediately";

c. A formal FBA "was not initiated" but that the District requested consultative services from the ESD on multiple occasions during the 24-25 school year";

d. "[D]espite our efforts, staff use of behavioral supports was inconsistent and needed further training";

e. Parents were "involved in IEP decisions throughout this school year at every required stage" describing multiple meetings, phone calls and written communication, including the implementation of weekly phone calls; and

f. "Our goal throughout has been 80% or greater general education placement for [the Student], consistent with least restrictive environment and the family's wishes."

26. In their *Interview*, the Principal addressed several of the Parents' allegations:

a. They participated in the "psych consult meetings" which are combined with the professional collaboration meetings as the "typical content is the same" because these meetings are used to discuss "pressing student issues, review upcoming meetings and engage in problem solving discussions";

b. "The Student's behavioral needs were discussed at the weekly sped meetings, where the team planned how to implement behavioral supports listed in the [S]tudent's IEP";

c. The "IEP accommodations that support the [S]tudent's behavioral needs have been intentionally built into the [S]tudent's daily schedule";

d. A 1:1 education assistant "provides the majority of behavioral supports" and they receive "training/coaching/consultation from the special education case manager, the early intervention coordinator, and our occupational therapist."

e. Before April, the Student received their services in the 1st grade classroom (for academic instruction) and the SUN Room which was used for "sensory regulation and breaks";

f. The SUN Room is "available to all students" for sensory regulation, small group instruction and creative movement;

g. The April schedule change was intended to address "[The] Student's lack of progress toward IEP goals", elopement and refusal behaviors, including "physical aggression toward staff", however, the Student was receiving access to the "adopted first grade level curriculum and [was] participating with peers during lunch, recess and specials";

h. Overall, the Student's progress on their goals has been "up and down" and in their interview, the Principal shared professional observations of the Student's concerns and progress; and

i. No attempts were made to schedule an FBA for the Student.

27. In their *Interview*, the Director explained:

a. They conducted weekly special education team meetings with the Principal, Specialist and "other team members":

   i. This meeting was a weekly calendar event created in June of 2025 and continued through the 2025-26 school year;

   ii. The team would discuss or consult on on-going issues pertaining to all students, including the Student, including "data gathered, approaches to new data gathering and refining approaches and interventions" to serve students; and

   iii. The Director provided a list of meetings from their meeting notebook.

b. "For many weeks, [the Director explained that they] would make an informal visit on [the Student] and [their] aide on Wednesdays, for 30-40 minutes per visit":

   i. The Director explained that the visits "would be at random times throughout the day, intentionally so that [they] could observe different settings and activities";

   ii. The Director further clarified that visits would include conferring with the Student's aide regarding "what is working, and what is not, [the Director] hearing any further needs they might have and …making suggestions on how to tighten the approach to serving [the Student's] needs"; and

   iii. The Director indicated that, in March, they completed six visits across two weeks, "each visit lasting 60-90 minutes during which time [they were] directly working with [the Student and their aide] to increase [the Student's] participation in the general ed classroom."

c. With regard to the allegation regarding failure to consider a formal FBA, the Director indicated that this allegation was not contested but they added that the District "did many iterations of behavior data gathering and interventions in much the same manner that an FBA would".

d. The Director described that the Student's IEP was implemented:

   i. The Student had "a one-on-one aide throughout [their] school day, access to breaks as needed and a separate break space";

ii. The Student was "offered visual schedules that included photos of real places and people [they would be] working with during the day";

iii. The Student was allowed to stand at their work table rather than sit in the general education classroom;

iv. The Student was offered "noise cancelling headphones to aid in blocking out overstimulating noises" though the Director "did not witness [the Student] using those" and

v. The District provided more than the IEP required consultation minutes for staff through accessing the Autism Specialist.

e. The Director also provided background on the Student's use of the SUN Room and how it evolved over time, explaining that the large space originally filled with student sensory-stimulating items and break space which then became a space segmented with cubicle dividers. "This space became multi-use and serves any and all of [the Student]'s needs that can't be served directly in the general ed classroom".

f. In March, the SUN Room was the location that the Autism Specialist used to work with the Student:

i. "Data generated by new work with [the Autism Specialist] in March of 2026 revealed [the Student]'s very specific skill weaknesses that we needed to focus on to improve [the Student]'s ability to attend to [their] class work";

ii. Despite their multiple observations and attempts in early March to "get [the Student] to engage, [the Director] had no positive result…and the schedule change occurred based on [the Autism Specialist's] recommendation"; and

iii. The Parents were notified on April 8, 2026 via email of the change.

g. With regard to parent participation, the Director indicated that the Parents were involved in the three separate IEP meetings that were required to complete the October 2025 IEP. Weekly and daily communication with the Parents occurred through the entire school year and "as soon as the schedule was a question, [P]arents were invited to meetings on [April 16 and May 4, 2026]."

h. In response to Parent's allegations regarding placement and least restrictive environment, the Director indicated that, even during the SUN Room schedule change, the Student had always been placed in a general education environment at least 80% of their time, referencing the Federal IDEA educational environment indicator of 80-100% in the general education environment.

28. In their *Interview*, the Autism Specialist explained that the recommended schedule change [a predictable routine and adapted schedule] was designed to provide targeted autism spectrum disorder specific behavioral support and "create opportunities for the [S]tudent to develop skills necessary for greater participation and success in less restrictive settings." The Autism Specialist explained that use of the schedule change was consistent with the IEP as it represented an identified break space and implementation of the Student's behavior goal, yet it still allowed the Student to access some of the Student's prior general education activities.

IV. DISCUSSION

When IEPs Must Be in Effect?

The Complaint alleged that the District violated the IDEA by not providing special education and related services in accordance with the Student's IEP. This allegation focused on failing to implement the school psychologist consulting services and professional collaboration support/meetings among team members, including the Student's paraprofessional.

Here, the IEP did include school psychologist consulting services. The Parents indicate that the psychologist was to specifically meet with the Student's 1:1 assistant. In their interview, the Parents explain "there is no documentation that bi-weekly meetings between [the Student]'s 1:1 and Case Manager to support the 1:1, and update and modify approaches have occurred". A requirement of bi-weekly meetings may have been discussed among Parents and District professionals; however, this exact language does not appear as either an accommodation or program modification/required support for personnel.

Rather, the October 2025 IEP specifically states that the Student requires "120 minutes monthly of behavior consult with School Psychologist to observe, update and modify team's behavioral approaches as needed". When asked about the provision of these consulting services, each of the District professionals answered in a slightly different manner. The Specialist, Principal and Director each referenced special education weekly meetings in which District staff would discuss the Student's needs. The Specialist indicated that the Student's 1:1 assistant did not attend these meetings but did indicate that they provided coaching to the 1:1 assistant.

The Director explained in their interview that, as the District school psychologist, they organized the weekly special education team meetings. The Director explained that the meetings were used to discuss data gathered, approaches to new data gathering and refining approaches and interventions. The Director also explained that they completed direct observations of the Student for 30-40 minutes each week and that the observations were scheduled at random times throughout the day, intentionally so that they could observe different settings and activities. The Director also shared that the visits would include conferring with the Student's aide regarding "what is working, and what is not, [the Director] hearing any further needs they might have and …making suggestions on how to tighten the approach to serving [the Student's] needs".

In sum, the observations and meetings described exceed the 120 monthly minutes of

psychological consultation required by the Student's IEP.

The Department does not substantiate this allegation.

Review and Revision of IEP

The Complaint alleged that the District violated the IDEA when it did not revise the Student's IEP to address the Student's behavioral needs, including the consideration of an FBA.

The IDEA requires school districts to ensure that IEP teams review every IEP at least once per year to: (a) determine whether a student with a disability is achieving their IEP goals, and (b) to revise the IEP as appropriate.[7] Specifically, the IEP team must also review and revise a student's IEP at any time to address:

1. A lack of expected progress toward the annual goals and in the general education curriculum;
2. The results of any reevaluation;
3. Information about the student provided to, or by, the student's parents;
4. The student's anticipated needs; or
5. Other matters.[8]

The Parents' allegation focuses primarily on the failure of the IEP team to conduct an FBA. In their response, the District does not contest the Parents' allegation, and the District indicates a willingness to convene and review data collected by the District and ESD staff to plan an FBA.

Additionally, there are numerous indications that the Student was not making the expected level of progress to meet their annual goals and to participate in the general education curriculum. The progress report summarized by District personnel in April of 2026 concluded that the Student was exhibiting behaviors that were impeding their engagement in academic activities and that the Student's ability to follow directions and engage with work are very limited while attempts to engage them lead to outbursts and refusal. The Principal explained that the April schedule change was intended to address "[The] Student's lack of progress toward IEP goals", elopement and refusal behaviors, including "physical aggression toward staff". The Director also described the April schedule change as recommended by the Autism Specialist when the Director's own observations and recommendations had not resulted in the Student's progress.

In light of the lack of expected progress, the District was required to convene the Student's IEP team to discuss a possible revision of the Student's IEP. While professional meetings occurred between the Director and some staff with Parents, there is no District documentation that these informal meetings to discuss visual schedules or data were formal IEP team meetings including all required IEP team members.

The Department substantiates this allegation.

[7] OAR 581-015-2225(1); 34 CFR 300.324(b)
[8] OAR 581-015-2225(1)(b)(A)-(E); 34 CFR 300.324(b)

Requirement for Least Restrictive Environment

The Complaint alleged that the District violated the IDEA when it removed the Student from the general education environment and instead placed the Student in a restricted setting on a repeated basis.

Districts must ensure that, to the maximum extent possible, students with disabilities are educated with students who do not have disabilities. Districts should only use special classes, facilities, and removal from the general education environment when the nature and severity of the disability make educating such students impractical in the regular education classroom.[9] Specifically, a student with disabilities may be removed from the general education environment only when education there, with the use of supplementary aids and services, cannot be achieved satisfactorily.[10]

Here the Student's October 2025 IEP significantly limits the amount of instructional time the Student would be educated outside the general education environment. The IEP allows the Student to be removed from the general education environment for speech and language therapy 200 minutes quarterly and for sensory breaks of 5-15 minutes as needed. All other SDI was to be provided by the District professionals within the general education environment. The Prior Written Notice and Placement Determination both document the IEP team's decision to include the Student in their general education first grade environment for 80% or more of the school day.

In their documentation and interviews, District staff describe the use of data and the Autism Specialist's recommendation to justify an "April change of schedule". The Daily Reports beginning in December of 2025 clearly document that the Student took breaks throughout the school day. The reports indicate that breaks would generally be completed in a 10-15 minute timeframe; with only 4 occasions during which the Student's breaks required 20 minutes. Until the April 8, 2026 schedule change, the reports document the Student's educational instruction took place within the general education environment as intended by the IEP team.

In early April, the District did not convene the IEP team and changed the Student's schedule from short breaks throughout the day to substantial periods of time outside of the Student's general education classroom. As of April 8, 2026, the Student's daily schedule had changed from their general education classroom setting to the "SUN Room" location for two hours and twenty five minutes in the morning schedule, added a twenty minute "re-regulation break" daily and an additional fifty-five minutes each day in the "SUN Room" location for social skills group at the end of the day.

Interviews with the District professionals indicate that this space is open to everyone in the school, specifically with permission of their teachers for use as a break or creative movement time. Ultimately, the fact that typically developing peers may be present does not mean that the

[9] OAR 581-015-2240(1) - (2); 34 CFR 300.114
[10] OAR 581-015-2240; 34 CFR 300.114 (a)(2)(ii).

SUN Room is the same educational environment as the Student's 1st grade classroom where typically developing peers are always present and engaging in the grade level curriculum alongside the Student. This removal for more than 3 hours of the Student's instructional day is a substantial deviation from the Student's IEP and is not consistent with the LRE selected by the Student's IEP team.

The Department substantiates this allegation.

Placement of the Child

The Complaint alleged that the District violated the IDEA by changing the Student's placement when it removed the Student from the general education environment to a restricted special education setting. The District *Response* does not contest this allegation, yet several District witnesses explained that the SUN Room schedule was consistent with the Student's IEP.

The educational placement of a student with a disability shall be determined by a group of persons, including the parents and other persons knowledgeable about the student, the meaning of the evaluation data and the placement options. The decision regarding placement must be based on the student's IEP, determined at least once per year, and be as close as possible to the student's home. Unless the student's IEP requires some other arrangement, the student must be educated in the school that they would attend if not disabled.[11]

Above, the Department has already determined that the District unilaterally, without convening an IEP team, changed the Student's schedule from short breaks throughout the day to substantial periods outside of the Student's general education classroom where their typically developing peers are always present. In 1994, the US Department of Education, Office of Special Education Programs (OSEP) issued guidance for school districts to assist them to understand when changing a student's schedule or location of services results in a "change of their placement". In ***Letter to Fisher***,[12] OSEP advised the use of a case-by-case analysis is required to determine whether a change in location materially or substantially alters a student's program such that it constitutes a change in educational placement. According to OSEP, the analysis is based on whether the IEP is being revised concurrently; the Student will be educated with nondisabled peers to the same extent; the Student will have the same opportunities to participate in extracurricular and nonacademic services; and whether the new location is the same option on the continuum of alternative placements.

Here, the District Special Education Director indicated that the SUN Room was consistent with the IEP placement as it was providing breaks for the Student and was affording the Student unique instruction that increased the Student's engagement in curriculum. This assertion is inconsistent with the IDEA. Before April 8, 2026, the Student's placement was full-time in the general education environment with the exception of 10-15 minute breaks and speech and language therapy 200 minutes quarterly in a special education environment. Applying the *Fisher* analysis, the April 8th schedule change was not the result of an IEP team revision, and it

[11] OAR 581-015-2250; 34 CFR § 300.116
[12] *Letter to Fisher*, 21 IDELR 992 (OSEP 1994).

substantially reduced the Student's time in the general education classroom with their typically developing peers present during 1st grade level instruction by more than three hours each day.

The Department substantiates this allegation.

Parent Participation

The Complaint alleged that the District violated the IDEA by engaging in predetermination regarding the Student's IEP, therefore interfering with the Parent's 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 (FAPE) to the Student.

In their interviews, the Parents clarified their allegation, that the April 8th schedule decision occurred without the IEP team meeting, thus interfering with their right to participate in what should be an IEP team decision. 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.[13] 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.[14] "[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."[15] While school districts have educational discretion, parents still have the right "to remain informed of, and to participate in, educational decisions concerning their children."[16]

In this case, the District personnel each reference the Parents' participation in lengthy IEP meetings to develop the October 2025 IEP, and thereafter daily and weekly communication with the Parents as evidence of parent participation. The procedural safeguard focuses on participation of parents in special education decisions, succinctly, being at the IEP table as participants in the IEP development. Neither the prior October 2025 IEP team meeting attendance nor the regular communication between the Parents and District personnel substitute for the Parents' right to participate in a decision that would ultimately change the Student's placement. Regardless of the positive intent of the April 8th schedule change, this District decision was an inappropriate change of placement, accomplished without inviting the Parents to join the discussion.

The Department substantiates 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.

[13] OAR 581-015-2190(1); 34 CFR § 300.322(a).
[14] OAR 581-015-2205(1)(b) and (d); 34 CFR § 300.324(a)(1).
[15] Letter to Northrop (OSEP 5/21/2013), citing 71 Fed. Reg. 46,678 (2006).
[16] *Pasatiempo v. Aizawa*, 103 F.3d 796, 804 (9th Cir. 1996).

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.[17] 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.[18]

Not every procedural error is sufficient to rise to a denial of FAPE.[19] The procedural test consists of three pivotal procedural errors: (1) whether the student suffers a loss of educational opportunity;[20] (2) whether the Parents's right to participate in the IEP process was infringed;[21] or (3) whether the procedural error caused a "deprivation of educational benefit."[22]

Here, as a result of the unilateral change of Student's placement on April 8, 2026, the Student was no longer instructed with their general education peers for more than 3 hours each day, this loss of educational opportunity deprived Student of the access to learn with and from their 1st grade peers. The District's decision to change the Student's placement outside of the IEP team deliberative process infringed upon the parental right to participate in the IEP process.

The Department substantiates this allegation.

ADDITIONAL FINDING

IEP Content

An IEP must contain (1) a statement of the student's present levels of achievement and functional performance, including how the student's disability affects the student's involvement and progress in the general education curriculum; (2) measurable annual goals and a description of how the student's progress toward meeting the annual goals will be measured and reported; (3) a statement of the specific special education and related services and supplementary aids and services to be provided to the student; (4) the projected dates for initiation of services and the anticipated frequency, amount, location, and duration of the services; and (5) an explanation of the extent to which the student will not participate with children without disabilities in the regular class and activities.[23]

The October 2025 IEP includes goals in the areas of Language, Reading, Writing, Math and Behavior. The IEP includes measurable goals for each of these academic and functional needs in the domains of Language, Reading, Writing and Math goals all regulatory criteria are evident in the Student's IEP. While a 1:1 assistant is included as an accommodation, the IEP does not include

[17] OAR 581-015-2040(1); 34 CFR §300.101(a).
[18] *Endrew F.*, 137 S.Ct. at 999.
[19] *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)).
[20] *Target* Range, 960 F.2d at 1484.
[21] *Id.*
[22] *Amanda J.*, 267 F.3d at 892 (citing *Roland M.,* F.2d at 994).
[23] OAR 581-015-2200(1); 34 CFR §300.320(a).

an anticipated frequency, amount, location and duration of the services to be provided to implement the Student's behavior goal.

V. CORRECTIVE ACTION

In the Matter of Mapleton School District 32
Case No. 26-054-062

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

Action Required	Submissions	Due Date
1. The District must ensure that all District staff involved in the Student's special education and placement receive training in each of the following areas: • Least restrictive environment and IEP Team Placement decisions (as differentiated from IDEA Indicator 5 and 6 reporting); • IEP content and implementation; • Parent participation.	Training agenda/materials to ODE for review/approval. Sign-in sheet for training.	**October 1, 2026** **December 15, 2026**
2. The District must convene an IEP meeting[24] to determine whether the Student requires an FBA and to review the Student's IEP, including revising the IEP to ensure that it includes all services and supports necessary to address the Student's disability-related needs.	The District shall submit the following to ODE: Documentation of offer to hold IEP meeting made to the Parents. The revised IEP, meeting notes, PWN, and evidence that the Parent(s) participated in the meeting.	**August 31, 2026** **October 15, 2026**
3. The District must convene a meeting with the Parent(s) to determine appropriate compensatory education services owed to the Student for the loss of educational opportunity caused by the District's improper change of placement and the	A written plan for delivery of compensatory education developed at a meeting with the Parent(s).	**October 15, 2026**

[24] The Department provides IEP facilitation services when it is mutually desired by parents and school districts and is available to support the Student's IEP team in this meeting upon request.

failure to review and revise the Student's IEP. If the parties are unable to reach an agreement on the compensatory education to be offered to the Student, either party can request that a determination be made by the Department.	Evidence showing that compensatory services were provided.	**March 30, 2027**

Dated: this 10th Day of July 2026



Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing Date: July 10, 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).)