BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of	)	FINDINGS OF FACT,
Sherwood School District 88J	)	CONCLUSIONS,
	)	AND FINAL ORDER
	)	Case No. 26-054-071

I. BACKGROUND

On May 26, 2026, the Oregon Department of Education (Department) received a written Complaint (Complaint) from the parent (Parent) of a student (Student) who previously resided and attended school in the Sherwood School District (District) regarding the special education of the Student. The Parent requested that the Department conduct a special education investigation, as provided by Oregon Administrative Rule (OAR) 581-015-2030. The Department confirmed receipt of this Complaint and forwarded the request to the District.

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

On June 9, 2026, the Department's Complaint Investigator sent a *Request for Response (RFR)* to the District identifying specific allegations in the Complaint to be investigated and establishing a *Response* due date of June 23, 2026. On June 23, 2026, the District submitted a *Response*, disputing the allegations described in the Complaint. The District submitted the following relevant items:

1. District's Narrative Response
2. Individualized Education Program, 11/7/2024
3. Prior Written Notice, 10/24/2024
4. Notice of Team Meeting, 10/24/2024
5. Review of Existing Information Report, 10/24/2024
6. Eligibility Summary, 11/7/2024
7. Summary of Performance, undated
8. Conference Summary, 11/7/2024
9. District Graduation Requirements, undated
10. Academic Planning Guide, 2024-2025 School Year
11. Emails, various dates, 5/5/2025 - 6/25/2025

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

12. Exit Interview, 5/27/25
13. High School Transcript, June 15, 2026
14. Student Test History, 2024-2025 School Year

On July 14 and July 17, 2026, the Department's Complaint Investigator interviewed the Parent and provided the opportunity for the Parent to provide additional information. The Department's Complaint Investigator interviewed the District's Director of Special Education, the Student's Special Education Case Manager, and the District's Associate Director of Student Services on July 15, 2026. Virtual and telephone interviews were conducted instead of on-site interviews. The Complaint Investigator reviewed and considered all these documents, interviews, and exhibits in reaching the findings of fact and conclusions of law contained in this order. This order is timely.

II. ALLEGATIONS AND CONCLUSIONS

The Department has jurisdiction to resolve this Complaint under 34 CFR §§ 300.151-153 and OAR 581-015-2030. The Parent's allegations and the Department's conclusions are set out in the chart below. The conclusions are based on the Findings of Fact in Section III and the Discussion in Section IV. This Complaint covers the one-year period from May 27, 2025, to the filing of this Complaint on May 26, 2026.

Allegations	Conclusions
Termination of Special Education Eligibility The Complaint alleges that the District violated the IDEA in July of 2025 by issuing the Student a standard diploma and terminating the Student's eligibility for special education rather than issuing the Student a modified diploma and continuing the Student's eligibility for special education and related services. (OAR 581-015-2045; 34 CFR §300.102)	**Not Substantiated** The District was obligated to terminate the Student's eligibility for special education when the Student graduated with a standard diploma. The District issued the Student a standard diploma because the Student completed the coursework required to earn the diploma.
Free Appropriate Public Education (FAPE) Due to the alleged IDEA violations detailed above, the Complaint alleges that the District failed to provide the Student with a free appropriate public education. (OAR 581-015-2040; 34 CFR §300.101)	**Not substantiated** The Student was no longer eligible for special education following their graduation from high school with a standard diploma. Thus, the District was no longer responsible for the

	provision of a FAPE to the Student.

REQUESTED CORRECTIVE ACTION
The Parent requests that the District: ● Rescind the standard "Oregon Diploma" issued to the Student in July 2025 and replace it retroactively with an Oregon Modified Diploma; ● Restore the Student's eligibility for special education through age 21; and, ● Enroll the Student in District adult transition services and provide the Student with independent living, community transit, and vocational instruction.

III. FINDINGS OF FACT

1. The Student in this matter is 19 years old and attended high school within the District until their graduation from high school in June of 2025.

2. While enrolled in the District, the Student qualified for special education under the categories of autism spectrum disorder (ASD) and emotional behavior disability.

3. The Student took the Oregon Statewide Assessment as an 11th grader. Level 3 scores are considered meeting grade-level expectations and level 4 scores are exceeding grade-level expectations. The following were their results:

   English Language Arts - 2769 (level 4)
   Reading - 2977 (level 4)
   Writing - 2688 (level 4)
   Math - 2643 (level 3)
   Concepts & Procedures - 2638 (level 3)
   Science - 3818 (level 4)

4. On November 7, 2024, when the Student was in the twelfth grade, the District completed the Student's annual IEP. The IEP indicated the Student was pursuing a regular diploma and on track to graduate, having earned 21.375 of 28 credits required to graduate as of the date of the IEP.

   At the time of the IEP, the Student was passing three of their five classes.

   The IEP noted the Student functioned at or above grade-level in all academic areas but struggled with self-regulation and executive functioning.

The IEP contained a goal addressing planning and organization and provided for 20 minutes weekly of specially designed instruction in the area of executive functioning.

The IEP contained accommodations designed to address the Student's deficits in the area of executive functioning.

The IEP also contained a summary of present levels of performance for transition planning, developed in consultation with the Student.

5. The Student earned the following grades during the 2024-2025 school year:

   Trimester 1
   Contemporary Literature - F
   Environmental Science A - D
   Economics - D
   Painting 1 - B
   Access - Pass

   Trimester 2
   Creative Writing 1 - C
   Drawing 1-B
   Intro to Strength Training - C
   Intro to Computer Applications - A
   Access - Pass

6. The District awards four types of diplomas. Of relevance here, are the "Sherwood Diploma," which requires a Student to complete 28 credits from 11 different categories, and the "Oregon State Diploma," which requires the completion of 24 credits from seven different categories. Both the Sherwood Diploma and the Oregon State Diploma are considered "standard" diplomas. The District also offers a "Modified Diploma," which may only be awarded to a student who is unable to meet the academic requirements for a standard diploma while receiving reasonable accommodations and modifications. Through the second trimester of the Student's senior year, the Student was on track to receive the Sherwood Diploma.

7. During the third trimester of the 2025-2026 school year, the Student was in danger of failing their Composition course and their Government course. Thus, it appeared the Student might not earn the 28 units required for the Sherwood Diploma. However, they remained on track to earn the 24 units required to earn the Oregon State Diploma.

   The District advised the Student and the Parent of the potential consequences of failing the Composition and Government courses. The District advised the Student and the Parent about the differences between the Sherwood Diploma and the Oregon State Diploma and

informed them they would qualify for the Oregon State Diploma regardless of the grades earned in the Composition and Government courses because they had already earned the necessary credits. On June 7, 2025, the Student and the Student's Parent signed an application to receive an Oregon State Diploma, rather than a Sherwood Diploma.

8. The Student was unable to complete the requirements for their Composition course prior to the end of the regular school year. The District issued the grade of "Incomplete" in the course to allow the Student to complete the coursework and receive a grade after its completion.

9. The Student completed the coursework and turned it in. The Student's work was graded by an appropriately credentialed teacher, who determined the work met the District's required standards. The Student was issued a grade of "D" in the course, issued the appropriate credit, and issued the Sherwood Diploma. The District's policies list the grades of A through D as credit-earning level of work. The Student's graduation date is listed on their transcript as June 6, 2026.

10. The Student received the following final grades in the third trimester of the 2024-2025 school year:

    Composition - D
    Government - D
    Painting 2 - F
    Photography 2 - D
    Access - Pass

11. The District provided the Student a Summary of Performance detailing their progress in special education and providing recommendations for meeting post-secondary goals.

12. On May 26, 2026 the Parent filed this Complaint.

13. The Department's Complaint Investigator interviewed the Parent on July 14 and July 17, 2026. The Parent expressed extreme concern for the Student. The Parent detailed the Student's continued difficulties with behaviors related to their disabilities, in particular, social anxiety and emotional dysregulation that have prevented them from furthering their education or gaining employment.

    The Parent believes the District should have provided the Student with a modified diploma that enabled the Student to remain eligible for special education services and allowed the Student to participate in a post-secondary transition program.

    The Parent believes the Student was "pushed through" high school without completing the necessary requirements to earn a standard diploma.

The Parent said that they had been told by others that the Parent should have insisted that the District grant the Student a modified diploma.

14. The Department's Complaint Investigator interviewed District Staff on July 25, 2026. The Special Education Case Manager responsible for the Student during the Student's high school tenure described the Student as witty, funny, and creative. They said the Student was intrinsically motivated to do well and had a strong aptitude with computers and art. The Case Manager said the Student completed the same coursework to the same standards as their non-disabled peers during their time in high school. The Case Manager said the Student was on the standard diploma track for their entire high school tenure and their IEP team had never considered a modified diploma to be appropriate for the Student.

    The Case Manager noted the Student had significant challenges related to fears around germ-contamination, which significantly impacted their ability to tolerate shared environments. The Case Manager noted the Student also had significant deficits in the areas of organization, attention, and executive function, which impacted their ability to complete work.

    The Case Manager acknowledged the Parent asked about the possibility of a modified diploma at some point in 2024, but the Case Manager told the Parent the Student would not qualify for a modified diploma because the Student was able to meet grade level standards and earn a standard diploma.

    The Special Education Director explained the District's policies as related to the issuance of an incomplete grade and the issuance of the different types of available diplomas. The Director confirmed the treatment of the Student to be conforming with the District's policies related to incomplete grades and the issuance of diplomas.

IV. DISCUSSION

Termination of Special Education Eligibility

The Complaint alleges that the District violated the IDEA in July of 2025 by issuing the Student a standard diploma and terminating the Student's eligibility for special education rather than issuing the Student a modified diploma and continuing the Student's eligibility for special education and related services.

When a student with an Individualized Education Program (IEP) graduates with a regular high school diploma, their eligibility for special education services ends because the diploma constitutes a change in placement that officially terminates the school district's obligation to provide a free appropriate public education (FAPE).[3] The issuance of a regular diploma—defined as one fully aligned with state standards—results in the immediate cessation of all IEP

[3] 34 CFR § 300.102(a)(3)(i); OAR 581-015-2045(2)

protections, meaning the student is no longer entitled to specialized instruction or accommodations.[4] The school must provide the graduating student with a Summary of Performance (SOP) that details their academic achievement and functional performance to assist them in meeting their postsecondary goals.[5]

Oregon law mandates 24 credits for both the standard and modified diplomas but grants flexibility in curriculum standards for the modified track to support students with documented learning barriers. The standard diploma requires students to meet all unaltered state academic standards and must be issued if the student qualifies. Conversely, eligibility for the modified diploma requires a formal determination that the student cannot meet full academic standards even with reasonable accommodations. This modified track allows for adjusted course content determined by a school or IEP team—established no earlier than the end of sixth grade and no later than two years before graduation—and strictly requires written parental consent during the student's graduating year.[6]

Here, the District was required by state law to issue the Student a standard diploma (either the District's Oregon State Diploma or Sherwood Diploma) because the Student met the requirements for the standard diploma by earning the requisite units in the required subject matter. Prior to completing their missing coursework, the Student qualified for the Oregon State Diploma. After completing their coursework, the Student was issued the Sherwood Diploma, for which the Student had been on track for the entirety of the Student's high school enrollment. While the Parent believes the District issued the Student's grades improperly, the assertion is not supported by the evidence. There is no record of such concerns being expressed prior to the Student's graduation. District staff confirmed the Student completed the same course requirements as their non-disabled peers. The Student's standardized test scores also confirm academic functioning at or above grade level.

The Parent's concerns regarding the Student's continuing deficits in functioning related to their disabilities are understandable. However, a school district is not expected to fully and permanently alleviate a student's disability-related deficits. Instead, a school district is required to provide students with disabilities access to their education during their period of eligibility. The District fulfilled that responsibility here.

The Department does not substantiate this allegation.

Free Appropriate Public Education (FAPE)

Due to the alleged IDEA violations detailed above, the Complaint alleges that the District failed to provide the Student with a free appropriate public education.

[4] OAR 581-015-2045(2)
[5] 34 CFR § 300.305(e)(3)
[6] OAR 581-022-2000, OAR 581-022-2010

School districts must provide FAPE to all school-age children with disabilities for whom the district is responsible.[7] Procedural violations may only lead to finding that a child did not receive a FAPE if they: "(I) impeded the child's right to a free appropriate public education; (II) significantly impeded the parents' opportunity to participate in the decision making process regarding the provision of a free appropriate public education to the parents' child, or (III) caused a deprivation of educational benefits."[8] In determining whether a student was denied a FAPE, courts review a district's compliance with both the procedural and substantive components of the Student's education. Reviewing courts must inquire whether the school district complied with the procedural requirements of the IEP, and whether the school district met the substantive requirements to develop an IEP reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances.[9]

In this case, the Student no longer qualified for special education following their graduation from high school with a regular diploma. Accordingly, the District was no longer responsible for the provision of a FAPE.

The Department does not substantiate this allegation.

VII. CORRECTIVE ACTION

In the Matter of Sherwood School District 88J
Case No. 26-054-071

Based on the facts provided, no corrective action is ordered.

Dated: this 29 Day of July 2026



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Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

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

[7] OAR 581-015-2040
[8] 20 USD § 1415(f)(3)(E)(ii)
[9] *Endrew F.*, 137 S.Ct. at 999.

review resides. Judicial review is pursuant to the provision of ORS § 183.484. (OAR 581-015-2030 (14).)