BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of	)	FINDINGS OF FACT,
Sherwood SD 88J	)	CONCLUSIONS,
	)	AND FINAL ORDER
	)	Case No. 26-054-085

I. BACKGROUND

On July 7, 2026, the Oregon Department of Education (Department) received a written Complaint (Complaint) from the parent (Parent) of a student (Student) who resides and attends 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.

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 to engage in mediation or local resolution or for exceptional circumstances related to the complaint.[2]

On July 24, 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 August 7, 2026.

The District submitted a *Response* on August 7, 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, 8/7/2026
2. IEP Amendment, 5/9/25
3. IEP 10/30/25
4. IEP Amendment 3/6/26
5. IEP Amendment 4/16/26
6. Draft IEP, 10/27/25
7. Special Education Placement Determination, 11/4/24
8. Special Education Placement Determination, 10/30/25

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

9. Special Education Placement Determination, 3/6/26
10. Special Education Placement Determination, 4/16/26
11. Prior Written Notice, 11/4/24
12. Prior Written Notice, 10/30/25
13. Prior Written Notice, 3/6/26
14. Prior Written Notice, 4/16/26
15. Prior Written Notice, 11/4/24
16. Prior Written Notice, 5/22/25
17. Prior Written Notice, 10/30/25
18. Prior Written Notice, 10/30/25
19. Prior Written Notice, 3/6/26
20. Prior Written Notice, 3/6/26
21. Prior Written Notice, 4/3/26
22. Prior Written Notice, 4/16/26
23. Prior Written Notice, 4/16/26
24. Notice of team Meeting, 10/30/24
25. Notice of team Meeting, 10/9/25
26. Notice of team Meeting, 11/19/25
27. Notice of team Meeting, 1/30/26
28. Notice of team Meeting, 2/17/26
29. Notice of team Meeting, 3/2/26
30. Notice of team Meeting, 4/7/26
31. IEP Progress Report, 2024-2025
32. IEP Progress Report, 2025-2026
33. Special Education Evaluation Report, 11/4/24
34. Conference Summary/Meeting Notes, 11/4/24
35. Conference Summary/Meeting Notes, 10/30/25
36. Conference Summary/Meeting Notes, 12/4/25
37. Conference Summary/Meeting Notes, 2/23/26
38. Conference Summary/Meeting Notes, 3/6/26
39. Conference Summary/Meeting Notes, 4/16/26
40. Parent Permissions for Release of Information, 11/15/24
41. Sherwood School District Board Policy JOI/GBAB-AR
42. Sherwood School District Board Policy KAB-AR
43. Email Correspondence
44. Signed Consent for FBA, 3/6/26
45. Functional Behavior Assessment, 4/16/26
46. Emails, 4/21/26 - 4/30/26
47. Escalation Cycle Behavior Plan, 4/19/26
48. Behavior Plan, 4/3/26
49. Behavior Plan, 3/10/26
50. Behavior Plan, 3/9/26
51. Front Office Break Plan, 11/14/25

The Parent submitted a *Reply* to the District's *Response* on August 21, 2026 and provided the following items with the *Reply:*

1. Attendance records, various
2. Correspondence from physician to the District, 3/30/26
3. Functional Behavior Assessment, 4/9/26
4. Student Discipline Profile, 4/1/26
5. Email, 2/24/26
6. Correspondence from PMNHP, 11/17/25
7. Correspondence from FNP, 3/10/26
8. Emails, various

The Complaint Investigator interviewed the Parent on August 24 and September 10, 2026. The Complaint Investigator interviewed District personnel on September 9 and 10, 2026. Virtual 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 July 8, 2025 to the filing of the Complaint on July 7, 2026.

Allegations	Conclusions
Content of the IEP The Complaint alleges that the District violated the IDEA by failing to provide the Student with supports and services necessary to address their school avoidance. The Complaint further alleges the District failed to provide appropriate accommodations in the area of physical education. (OAR 581-015-2220; 34 CFR §300.323)	**Not Substantiated** The District reasonably addressed the Student's school avoidance issues by providing additional supports and services in a progressive manner as the Student's difficulties escalated. The Student did not require accommodations to participate in physical education.

Educational Records The Complaint alleges the District failed to maintain records related to a Functional Behavior Assessment and resulting Behavior Plan and failed to provide the records to the Student's receiving District when the Student moved. (OAR 581-015-2300; 34 CFR §§ 300.613, 300.501(a)(b)(1)(c)(1))	**Not Substantiated** The District provided the Student's records to the Student's Parent and the Student's new school district as required.
Free Appropriate Public Education (FAPE) Due to the alleged IDEA violations detailed above, the Complaint alleged that the District failed to provide the Student with a FAPE. (OAR 581-015-2040; 34 CFR § 300.101)	**Not Substantiated** The District provided the Student with a FAPE during the relevant time period.

REQUESTED CORRECTIVE ACTIONS
1. The Complainant requests the Department order the District to provide the Student with compensatory education as corrective action.

III. FINDINGS OF FACT

IDEA regulations limit complaint investigations to alleged violations occurring no more than one year before the Department's receipt of the special education complaint. This Complaint Investigation did not consider any IDEA violations alleged to have occurred before July 8, 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 thirteen years-old and in the seventh grade. The Student resided and attended school within the District from the beginning of the complaint period until he transferred into another school district in April of 2026.

2. The Student is eligible for special education under the primary category of Autism Spectrum Disorder (ASD). The Student is well-liked by District staff who described him, *inter alia,* as "engaging," "wonderful," and "brilliant."

3. The Student enrolled in the District in the fall of 2021, while in the second grade.

4. The District completed a special education evaluation of the Student in November of 2021. The District found the Student eligible for special education under the eligibility categories of Other Health Impairment (OHI) due to Attention Deficit Hyperactivity (ADHD) and anxiety.

5. The District completed a re-evaluation in November of 2024. The District found the Student continued to be eligible for special education under the category of OHI. The District also found the Student to be eligible under the category of ASD.

6. In the fall of 2025, the Student transitioned from elementary school to middle school.

7. Initially, the Student's transition to middle school was successful. When the IEP team met for the Student's annual review on October 30, 2025, the Student had met all the goals from his previous IEP. The Student was performing well academically in all his classes. The Student's physical education teacher reported the Student was trying his best during activities. The teacher noted the Student did not love to run but was trying very hard.

8. Through the date of the annual review, the Student had attended school 85.4% of the time. The Student had accommodations in his IEP that allowed him to take breaks away from class. While at school, the Student utilized the counseling office 4.1% of the time, the health room 1.2% of the time, and refused to attend classes 0.8% of the time.

9. The District offered placement in the general education classroom with push-in support from the special education teacher in the area of emotional regulation for 30 minutes per month and pull-out services from the speech and language pathologist in the area of social communication for 60 minutes per month.

10. Following the IEP, the Parent sent an email requesting an accommodation in the area of physical education. Specifically, the Parent requested the Student be permitted to choose an activity other than running. The District responded to the Parent via email, indicating it would not provide the requested accommodation because the Student was performing at or above grade level standards in physical education. Student was participating in PE appropriately and did not believe the student required the requested accommodation. District staff noted that the Student participated in PE, and was very active during recess, often seen engaging in spirited games of four square with his peers.

11. The Student's attendance declined significantly beginning in the second trimester of the 2025-2026 school year following the winter break. Sometimes, the Student would arrive at school with their Parent but refuse to get out of the car. The District mental health specialist or another staff member would attempt to support Student's transition from the car into the school by going out to the car and working with the Student. The interactions would often take up to an hour and were not always successful. Other times, the Student would call home to request that his Parent come to pick him up. Often, the Student would bypass the normal protocol for using the school's telephone, calling the Parent in an attempt to be picked up prior to the end of the school day.

12. The District attempted to address the Student's declining attendance by reinforcing the accommodations available to the Student. The District also utilized its mental health specialist to counsel the Student regarding the triggers that led to school refusal and to develop strategies to improve the Student's attendance and deter the Student from early departure. The mental health specialist and the special education teacher also collaborated with a behavioral agency that assisted the Parent in addressing the Student's school avoidance by working with the Student and the Parent at home and occasionally accompanying the Parent and the Student on the ride to school.

13. The District also attempted to address the Student's declining attendance through a series of IEP team meetings held on February 9, February 23, March 6, and April 16, 2026.

14. At the February 9, 2026 IEP team meeting, the team discussed the Student's declining attendance. The team noted the Student was still performing well academically, receiving all "A"s or "B"s and completing most of their assignments.

15. At the February 23, 2026 IEP team meeting, the team discussed the Student's continuing and escalating attendance issues, including a pattern of calling the Parent to pick the Student up from school early. The team discussed different possible triggers for the behavior and agreed to meet again to further discuss the issue.

16. At the March 6, 2026 IEP team meeting, the team again discussed the Student's declining attendance. The Parent requested a change in placement to a nonpublic school. The District did not agree that a change was appropriate at the time, specifically expressing concerns that such a placement was not the least restrictive environment for the Student. The District offered to increase the specialized instruction provided to the Student in the area of emotional regulation to 300 minutes monthly. The Parent informed the District that the Student would begin arriving at school after PE and would leave following 5th period. The District acknowledged the Parent's preference and informed the Parent that PE would continue to be available to the Student, as would the Student's sixth period class. The team also agreed to conduct a functional behavioral assessment (FBA) to inform the development of a behavior plan to address the Student's school refusal. The District also developed an interim behavior plan to utilize while the FBA was being conducted. The District provided the Parent with prior written notice of its proposed and refused actions the same day.

17. On April 3, 2026, the District met with the Parent and informed the Parent that the District believed the reduced school schedule implemented by the Parent limited the District's ability to provide the Student with a FAPE. The District provided prior written notice to the Parent continuing to offer to make a full day educational program available to the Student. The Parent decided to continue to bring the Student for a modified school day.

18. At the April 16, 2026 IEP team meeting, the team reviewed the FBA and proposed a behavior plan to address the Student's school refusal.

19. Shortly after the April 16, 2026 meeting, the Student transferred to a program in a neighboring school district. Thus, the District did not get an opportunity to implement the behavior plan developed through the FBA.

20. On April 1, 2026, the District provided the Parent with the Student's educational records in response to a request from the Parent.

21. On May 6, 2026, the District provided the Student's receiving District with the Student's educational records.

22. On May 8, 2026, the District provided the Parent with a copy of the records the District had sent to the receiving District.

23. During the investigative interview of the Parent, the Parent acknowledged receipt of the Student's educational records. Parent explained their concern related to the provision of records centered around a document consisting of data gathered by a teacher that was shredded by the Student's case carrier following his transfer from the District.

24. The case carrier stated that the shredded document consisted of a teacher's personal notes of a teacher, and that it was not a record that would be kept in the Student's file.

IV. DISCUSSION

Content of IEP

The Complaint alleges that the District violated the IDEA by failing to provide the Student with supports and services necessary to address their school avoidance. The Complaint further alleges the District failed to provide appropriate accommodations in the area of physical education.

A child's IEP must include a statement of the specific special education and related services and supplementary aids and services to be provided to the child or on behalf of the child. The IEP must include a statement of the program modifications or supports for school personnel that will be provided for the child:

a. To advance appropriately toward meeting the annual goals;
b. To be involved and progress in the general education curriculum and to participate in extracurricular and other nonacademic activities; and
c. To be educated and participate with other children with disabilities and children without disabilities.[3]

Districts must ensure that the IEP team reviews the child's IEP periodically, but at least once every 365 days, to determine whether the annual goals for the child are being met. The IEP team may revise the IEP, as appropriate, to address a lack of progress toward the annual goals

[3] OAR 581-015-2200(d)

and in the general education curriculum, the results of any re-evaluation, information provided to or by the parents, the child's anticipated needs, or other matters.[4]

Here, the District reacted in a systematic, progressive, and collaborative manner in addressing the Student's escalating school refusal issues. First, when the IEP team convened for the Student's annual review, the Student was not having difficulties with attendance and was performing well in all their classes. Next, when attendance issues arose during the second trimester, the District convened a series of IEP team meetings to address the issue, which resulted in the provision of additional hours of support and the development of a behavior plan following the completion of a functional behavior assessment. Meanwhile, the District collaborated with the Parent and the behavioral agency assisting the Parent in the development of strategies designed to address the Student's school avoidance. The District also provided support from its mental health specialist, who devoted hours counseling the Student and facilitating the transition from the Parent's car to the school setting. The measures taken by the District were appropriate to address the needs arising from the Student's disability.

The Department does not substantiate this allegation.

Educational Records

The Complaint alleges the District failed to maintain records related to a Functional Behavior Assessment and resulting Behavior Plan and failed to provide the records to the Student's receiving District when the Student moved.

The parent is entitled at any reasonable time to examine all the records of the school district pertaining to the identification, evaluation and educational placement of the child and the provision of a free appropriate public education to the child. Records must be provided without undue delay, which may not exceed 10 business days.[5] Educational records do not include teacher notes kept in the sole possession of the teacher.[6]

Here, the District provided the Student's educational records to the Parent and receiving District in accordance with the applicable regulations. The document at issue is not classified as an educational record that must have been included in response to the Parent's request.

The Department does not substantiate this allegation.

Free Appropriate Public Education (FAPE)

Due to the alleged IDEA violations detailed above, the Complaint alleged that the District failed to provide the Student with a FAPE.

[4] OAR 581-015-2225(1)(b)

[5] ORS 343.173

[6] OAR 581-021-0220 (6)(b)(A); 34 CFR 99.3; 34 CFR 300.611(b)

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.[7] In Oregon, the school district who is responsible for providing FAPE to a student is the student's district of residence.[8] The IDEA defines FAPE as special education and related services that: 1) Are provided at public expense, under public supervision and direction, and without charge; 2) Meet the standards of the state educational agency; 3) Include an appropriate preschool, elementary school, or secondary school education; and 4) Are provided in conformity with an IEP.[9]

To determine if a student has been denied a FAPE, courts must consider 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.[10] Not all procedural violations amount to a denial of FAPE. A school district's procedural violation denies FAPE to a student if it results in a loss of educational opportunity or if it seriously infringes on the parents' opportunity to participate in the development of the IEP.[11]

The District provided the Student with a FAPE at all times relevant to the Complaint. First, as discussed above, the District responded to the Student's escalating difficulties with school attendance in a systematic and progressive manner that was reasonable, appropriate, and collaborative. Next, there is no evidence the Student required additional accommodations specific to physical education. Finally, the District complied with the applicable regulations regarding the provision of the Student's records to the Parent and the receiving school district.

The Department does not substantiate this allegation.

V. CORRECTIVE ACTION

In the Matter of Sherwood School District
Case No. 026-054-085

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

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

[8] OAR 581-015-2040

[9] OAR 581-015-2040; 34 CFR § 300.17

[10] *Endrew F., 137 S.Ct. at 999*

[11] *W.G. v. Bd. of Trustees of Target Range Sch. Dist. No. 23,* 960 F.2d 1479, 1484 (9th Cir. 1992)

Dated: this 17th Day of September, 2026



Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing Date: September 17, 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). A party may request reconsideration by the Superintendent within 60 days after the date of the Order pursuant to OAR 137-004-0080 and OAR 581-015-2030(14)(b). A request for reconsideration does not stay this Order, and corrective action must begin according to the timelines stated herein. OAR 581-015-2030(14)(c).