

BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of Beaverton School District	)	FINDINGS OF FACT,
48J	)	CONCLUSIONS,
	)	AND FINAL ORDER
	)	Case No. 25-054-005

I. BACKGROUND

On January 23, 2025, the Oregon Department of Education (Department) received a written request for a special education complaint investigation from the grandparent (Complainant) of a student (Student) residing in the Beaverton School District (District). The Complainant 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.<sup>1</sup> This timeline may be extended if the Parent and the District agree to the extension in order to engage in mediation or local resolution or for exceptional circumstances related to the complaint.<sup>2</sup>

On January 29, 2025, 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 February 12, 2025.

The District submitted a *Response* on February 12, 2025, denying the allegations, providing an explanation, and submitting documents supporting the District's position. The District submitted the following relevant items:

1. District's Written *Response* to Complaint, 02/12/25
2. Prior Written Notice (PWN), 05/28/24
3. Individualized Education Program (IEP), Amendment, 05/28/24
4. Meeting Minutes, 05/28/24
5. Notice of Team Meeting, 05/28/24
6. PWN, 05/14/24
7. Individualized Education Program (IEP), 05/14/24
8. Special Education Placement Determination, 05/14/24
9. Special Education Progress Notes, 05/15/24

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<sup>1</sup> OAR 581-015-2030(12) and 34 CFR § 300.152(a)

<sup>2</sup> OAR 581-015-2030(12) and 34 CFR § 300.152(b)

10. Meeting Minutes, 05/14/24
11. Notice of Team Meeting, 05/13/24
12. IEP, Amendment, 12/18/24
13. Written Agreements Between Parents and District, 12/18/24
14. PWN, 12/05/24
15. PWN, 12/05/24
16. PWN, 12/03/24
17. IEP, 12/03/24
18. Special Education Placement Determination, 12/03/24
19. Special Education Progress Notes, 01/23/25
20. Meeting Minutes, 12/03/24
21. Notice of Team Meeting, 11/26/24
22. PWN, 11/13/24 Notice of Team Meeting, 11/01/24
23. Notice of Team Meeting, 10/01/24
24. Safety Plan, 09/28/23-09/26/24
25. Records Request, 10/11/24
26. PWN, 09/18/24
27. IEP Amendment, 09/18/24
28. Safety Plan, 09/28/23-09/12/24
29. Functional Behavioral Assessment (FBA), 09/17/24
30. Escalation Cycle, 09/18/24
31. Behavior Support Plan Summary, 09/18/24
32. Meeting Minutes, 09/18/24
33. Notice of Team Meeting, 09/18/24
34. Medical Statement or Health Assessment Statement, 04/10/23
35. Incident Report, 12/17/24
36. Incident Report, 12/19/24
37. Meeting Minutes, 11/06/24
38. Safety Plan, 09/28/23-12/17/24
39. 2023-23 Elementary Progress Report, no date
40. Direct Messages, 10/16/23-12/04/24
41. Direct Messages, 08/28/23-12/04/24
42. Email, re: IEP meeting for [student], 09/06/24-02/10/25

The District submitted additional documents on February 24, 2025:

1. IEP, Amendment, 12/05/23
2. Email, re: [student] - meet?, 01/10/25
3. Email, re: parent concern..., 10/03/24
4. Email, re: safety plan clarification, 12/19/24
5. Email, re: response to email sent to [staff], 12/05-12/06/24
6. Email, re: new message..., 09/26/24
7. Direct Messages, 08/28/23-12/04/24
8. Email, re: [student] kinder, 04/16/21
9. Safety Plan, 09/28/23-10/26/23

10. Safety Plan, 09/28/23-10/16/23
11. Safety Plan, 09/28/23-10/09/23, with highlighting
12. Safety Plan, 09/28/23-10/09/23
13. Safety Plan, 09/28/23-02/09/24

The Complainant submitted a *Reply* on February 18, 2025 providing an explanation, rebuttal and documents in support of the Complainant's position. The Complainant submitted the following relevant items:

1. Email, re: PWN inaccuracies, 11/14/24
2. Background, 02/18/25
3. Email, re: IEP meeting, 11/12/24

The Complaint Investigator interviewed the Complainant on February 24, 2025. On February 28, 2025, the Complaint Investigator interviewed District personnel. The Complaint Investigator reviewed and considered all of these documents, interviews, and exhibits to reach 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 January 24, 2024, to the filing of this Complaint on January 23, 2025.

Allegations	Conclusions
<p><b>Parent Participation</b></p> <p>The Complaint alleged that the District violated the IDEA by failing to offer the Parent opportunities to participate in IEP meetings and IEP decision-making at the May 14, 2024, September 18, 2024, and November 6, 2024 IEP meetings.</p> <p>(OAR 581-015-2190(1); 34 CFR §300.501(b))</p>	<p><b>Not Substantiated</b></p> <p>Evidence indicated the Parent (legal guardian) was consistently invited and participated in IEP meetings. While the Complainant might have felt unheard at times, documentation shows their presence and the inclusion of their concerns in meeting records.</p>
<p><b>Content of IEP</b></p>	<p><b>Not Substantiated</b></p>

Allegations	Conclusions
<p>The Complaint alleged that the District violated the IDEA by not including Parental input in the Student’s IEP during the May 14, 2024, September 18, 2024, and November 6, 2024 IEP meetings. The Complaint also alleged that the content of the IEP and the safety plan have conflicting provisions.</p> <p>(OAR 581-015-2200(d); OAR 581-015-2225(1)(b); 34 CFR §§300.320, 300.324)</p>	<p>The District consistently included parental input in the IEP. The safety plan and IEP are not conflicting but complementary, with the safety plan providing specific strategies to support the IEP goals.</p>
<p><b>When IEPs Must Be In Effect</b></p> <p>The Complaint alleged that the District violated the IDEA by not implementing the following accommodations as described in the Student’s IEP:</p> <ul style="list-style-type: none"> <li>a. “additional time to complete assignments &amp; shortened assignments.”</li> <li>b. “alternate sitting options.”</li> <li>c. “explicit directions and rules stated throughout the day.”</li> <li>d. Supervision of the Student at lunch and recess.</li> <li>e. “escalation and safety plan.”</li> </ul> <p>(OAR 581-015-2220; 34 CFR §300.323)</p>	<p><b>Not Substantiated</b></p> <p>While most accommodations appear to have been implemented, discrepancies existed regarding shortened assignments and seating options. However, there was not a material failure to implement the IEP.</p>
<p><b>Prior Written Notice (PWN)</b></p> <p>The Complaint alleged that the District violated the IDEA by not providing the Parent with prior written notices (PWN) when making changes to the Student’s safety plan and removing the accommodation of having the Complainant supervise the Student at lunch and recess.</p> <p>(OAR 581-015-2310; 34 CFR §300.503)</p>	<p><b>Substantiated, in part</b></p> <p>While PWNs were provided for IEP meetings, the District did not consistently provide PWNs for all safety plan revisions, particularly those outside of formal IEP meetings.</p>
<p><b>Least Restrictive Environment (LRE)</b></p> <p>The Complaint alleged that the District violated the IDEA when “[the Student] had been kept separated from [their] classmates, preventing [the Student] from working on [their] social skills as outlined in [the Student’s] IEP and not providing [a] FAPE.”</p> <p>(OAR 581-015-2240; 34 CFR §300.116)</p>	<p><b>Not Substantiated</b></p> <p>Evidence suggested the Student was not isolated but had access to peers, albeit with some restrictions. The use of breaks and separate lunch arrangements appears to have been implemented based on the student's needs and behavior,</p>

Allegations	Conclusions
	not with the intent to isolate the Student.

REQUESTED CORRECTIVE ACTION
<ul style="list-style-type: none"> <li>• Provide training to staff regarding effective communication and conflict resolution, as well as implementing accommodations and behavioral interventions.</li> <li>• Develop a system for meaningful parental involvement to include two-way communication, parental input, and regular check-ins with parents.</li> <li>• The IEP team members who violated IDEA should be subject to formal disciplinary action.</li> </ul>

### 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 January 24, 2024. Any facts listed below relating to circumstances or incidents earlier than that date are included solely to provide the context necessary to understand the Student's disability and special education history.

#### Background information

According to the Complainant, the Parent retained legal custody of the Student, but the Student had resided with the Complainant for some time, and the Complainant had worked with the School to pursue educational evaluation services for the Student with the Parent's consent. The Complainant believed the School had "encouraged and helped facilitate" their "educational rights process" so they could participate in decision-making and access the Student's educational information. The Complainant explained that even after the Student transitioned back to residency with the Parent, the Parent still requested that the Complainant be at the "forefront of the decision-making process."

On April 16, 2021, the Parent emailed a School Office Assistant saying, "This is [the Parent]. ... I am writing to give my permission for [the Student's] teacher [unknown initial] to give [the Student's] grandparents [the Complainant] educational rights with emails and any information that is given about [the Student]." It included an email address for the grandparents and encouragement to contact the Parent with questions. There was no signature.

1. The Student is nine years old and attends an elementary school in the District.

2. The Student is eligible for special education services with a primary disability of Other Health Impairment (OHI). The Student is diagnosed with Attention Deficit/Hyperactivity Disorder (ADHD) and Tourette's Syndrome. Their most recent reevaluation date was June 1, 2023.
3. The Student is described as being creative, charismatic, thoughtful, and lovable. The Student enjoys being active, running around with friends, talking about their family, playing sports, playing virtual reality games, and drawing.
4. An IEP dated June 1, 2023 documented the following for the Student:
  - a. Meeting participants included the Complainant and the Parent.
  - b. Parent input: "When [the Student] has meltdowns, [they are] not completing [their] work. Is [the Student] completing their work and receiving instruction when [the Student] is out taking breaks[?]"
  - c. No academic concerns were noted.
  - d. Social-Emotional/Behavioral Functional Performance Levels:
    - i. Strengths: "[The Student] is building relationships with some staff and peers at school. [The Student] plays Gaga Ball with peers during recess and works with specific peers in the classroom."
    - ii. Needs: "When dysregulated, [the Student] demonstrates aggressive and inappropriate behaviors at school. [The Student] does not use regulating strategies independently."
    - iii. Baseline Data: "[The Student] had 10 behavioral trackers within a 3[-]month period of time. These behaviors include aggressions (pushing a peer, pushing over tables and chairs), throwing objects (i-Pad, scissors, pencils), refusal to comply with adult directions, and cursing."
    - iv. Impact of Disability: "[The Student's] diagnosis of ADHD impacts reasonable and meaningful progress in the general education curriculum and learning environment in the ... area of Emotional Regulation."
  - e. Self-Direction Functional Performance Level:
    - i. Strengths: "[The Student] starts academic tasks and [the Student] sits with [their] class at times."
    - ii. Needs: "When working on a given task, [the Student] often stops working and distracts classmates. [The Student] does not stay in the designated work space to complete the task."
    - iii. Baseline Data: "[The Student] needs reminders and teacher redirection to complete assignments and tasks. Independently, [the Student] has completed 1 out of 4 academic tasks. [The Student] has one behavior tracker because [the Student] did not transition with the class."
    - iv. Impact of Disability: "[The Student's] diagnosis of ADHD impacts ... [their] self-direction within the ... area of [a]ttention and focus."
  - f. Behavior Goal: "By May 2024, during a moment of frustration, and when offered a pre-taught calming strategy by a teacher, [the Student] will use the strategy within 30 seconds, for 7 out of 10 moments of frustration, as measured by observation and data collection."

- g. Self-Direction Goal: "By May 2024, during an academic task, [the Student] will display 2 on-task behaviors until task completion, for 7 out of 10 academic tasks, as measured by observation and data collection."
  - h. Specially designed instruction for behavior and self-direction for 60 minutes monthly.
  - i. Related psychological services for 30 minutes monthly.
  - j. Supplementary Aids/Services; Accommodations in the "provider's space:"
    - i. "breaks, access to break space throughout the day";
    - ii. "additional time to complete assessments as needed";
    - iii. "frequent check-ins with teacher and/or parent daily";
    - iv. "shortened assignments for longer assignments";
    - v. "allowed to draw when instruction is given as needed";
    - vi. "explicit directions and rules stated throughout the day"; and
    - vii. "alternate seating options throughout the day."
  - k. Program Modifications/Supports for School Personnel:
    - i. Consultation with the teacher for 100 minutes per year in the "provider's space."
    - ii. Consultation with the psychologist for 45 minutes per year in the "provider's space."
  - l. Non-Participation Justification: "[The Student] will be removed from the general education setting for 165 minutes per month to receive specially designed instruction in the areas of behavior, self-direction, and to receive psychological services. [The Student] is also out of the classroom an additional 30 minutes per day to take breaks (some scheduled and some student selected) for regulation."
5. The IEP was amended on October 4, 2023 with the following updates:
- a. Present levels: "A revision was made to [the Student's] IEP dated [June 1, 2023]. [The Student] has been exhibiting sexual behavior at school. There have been 3 incidences at school, resulting in 3 different SIRPs (sexual incident response protocol). The behaviors occurred on 9/19/23 in the cafeteria (level 1 SIRP), 9/27/23 at recess (level 1 SIRP), and on 10/04/23 at recess (level 2 SIRP). The team met through an IEP meeting to discuss the behaviors and to discuss next steps to support [the Student]. A student safety plan has been implemented and it was last updated on October 4, 2023. This has been added to [the Student's] IEP as an accommodation. The use of single[-]stall restroom has also been added to the IEP as an accommodation. In addition, [the Student] has an assigned space for recess time. [The Student] is allowed to play Gaga ball and [they are] expected to stay in the Gaga ball pit area, unless [the Student] is with a designated adult. The team also obtained consent to complete a functional behavior assessment (FBA). A behavior support plan is in the process of being developed."
  - b. Accommodations added:
    - i. "use of single[-]stall restroom throughout the day"; and
    - ii. "safety plan daily."
6. The Student's Safety Plan was revised four times between September 28, 2023 and October 26, 2023, resulting in the following key points:
- a. Removed:

- i. "Allowed to play Gaga Ball or on the Big Toy at recess. [The Student] is not allowed to join other students in the field, on the smaller play structures, bars, swingset, or near the trees."
    - ii. "[The Student] will not be participating in recess unless supervised by [the Complainant]."
  - b. Remaining Safety Supports from previous versions:
    - i. "Scheduled breaks throughout the day to check in about behavior and goals."
    - ii. "Eat lunch in the office unless supervised by [the Complainant]."
    - iii. "Designated spot in line and on the carpet during classroom instruction and specials."
    - iv. Use of "the single[-]stall restroom across from the main office" with teachers to notify the office when the Student was on their way.
    - v. "All substitutes who interact with [the Student] will be given a copy of this plan."
    - vi. "When students are undercover for recess, [the Student] is allowed to play wall ball and basketball. All other undercover activities are not allowed at this time."
    - vii. Check-in Person: Four names were listed.
    - viii. Review Team: Five names were listed.
7. The IEP was amended December 5, 2023 with the following changes:
- a. Present Levels: "A Functional Behavioral Assessment (FBA) was just completed by the school psychologist (11/2023). Changes were made to [the Student's] IEP dated [June 1, 2023] to support the newly identified lagging skills. Regarding direct service with the school psychologist, [the Student's] goal will be adjusted to focus more on Social Skills than Emotional Regulation since the lagging social skills are often a precursor to any needs for emotional regulation, and any demonstrated emotional regulation needs do not appear to fall outside of the norm at this time. An additional objective will also be added to address the Executive Functioning skills required to accurately predict the outcomes of [the Student's] behaviors. [The Student's] monthly minutes of direct service with the school psychologist will also be increased from 30 to 45 minutes per month."
  - b. Social Skills (Related Psychological Services) Goal: "[The Student] will work toward the following short-term objectives in order to successfully choose positive ways to interact with [their] peers and accurately predict the emotional state of others given [the Student's] behavior on 4 of 5 opportunities.:"
    - i. Objective 1: Given scenarios, role-plays, and guided teaching and practice, [the Student] will be able to correctly identify the emotional state in others when using a structured framework such as Zones of Regulation both prior to and following [the Student's] interaction with them on 4 of 5 opportunities."
    - ii. Objective 2: "[The Student] will be able to identify and demonstrate at least 3 preferred ways to gain and maintain positive peer attention/interaction."
    - iii. Objective 3: "Through coaching and discussion given either real-life or hypothetical situations, [the Student] will become familiar with a problem-solving framework that incorporates the consideration of various actions and their likely outcomes before choosing an actionable solution, so that [the Student] is able to accurately predict the outcomes of [their] behaviors and choose the best option on 4 of 5 opportunities."
  - c. Related psychological services increased from 30 minutes monthly to 45 minutes monthly, starting December 6, 2023.



8. The Student's Progress Report from the first semester (January) of fourth grade during the 2024-25 school year indicated the following:
  - a. Reading Foundational Skills: Insufficient evidence
  - b. Reading Comprehension: Insufficient evidence
  - c. Writing: Developing
    - i. Punctuation: Developing
  - d. Math Number Sense/Place Value: Proficient
    - i. Number Sense/Addition and Subtraction: Insufficient Evidence
    - ii. Multiplication and Division: Insufficient Evidence
  - e. Music Academic Learning Targets: Nearly Proficient
  - f. Physical Education Skills: Proficient
    - i. Fitness and Movement Concepts: Proficient
    - ii. Personal and Social Skills: Nearly Proficient
  - g. It was noted that the Student "rarely completed [their] work, which has made it difficult to gather sufficient evidence to accurately assess [their] performance."
9. Special Education Progress Notes dated January 31, 2024, for the IEP dated June 1, 2023, indicated the following:
  - a. Behavior Goal: "By May 2024, during a moment of frustration, and when offered a pre-taught calming strategy by a teacher, [the Student] will use the strategy within 30 seconds, for 7 out of 10 moments of frustration, as measured by observation and data collection."
    - i. Progress: No progress noted.
  - b. Self-Direction Goal: "By May 2024, during an academic task, [the Student] will display 2 on-task behaviors until task completion, for 7 out of 10 academic tasks, as measured by observation and data collection."
    - i. Progress: No progress noted.
  - c. Social Skills Goal (added December 5, 2023 via written agreement): "[The Student] will work toward the following short-term objectives in order to successfully choose positive ways to interact with [their] peers and accurately predict the emotional state of others given [the Student's] behavior on 4 of 5 opportunities."
    - i. Objective 1: Given scenarios, role-plays, and guided teaching and practice, [the Student] will be able to correctly identify the emotional state in others when using a structured framework such as Zones of Regulation both prior to and following [the Student's] interaction with them on 4 of 5 opportunities.
      - (1) Progress noted: "[The Student] is currently able to identify [their] own Zone and the Zones and emotions of others at least 4 of 5 times. Discussion has begun about identifying changes in others related to [the Student's] interaction with them. [The Student] is engaged in discussion with the school psychologist and does a nice job with accountability. [The Student] is making excellent progress toward this goal."
    - ii. Objective 2: "[The Student] will be able to identify and demonstrate at least 3 preferred ways to gain and maintain positive peer attention/interaction."
      - (1) Progress noted: "This goal objective has not yet been addressed."

- iii. Objective 3: Through coaching and discussion given either real-life or hypothetical situations, [the Student] will become familiar with a problem-solving framework that incorporates the consideration of various actions and their likely outcomes before choosing an actionable solution, so that [the Student] is able to accurately predict the outcomes of [their] behaviors and choose the best option on 4 of 5 opportunities.

(1) Progress noted: "Discussion has begun around a Problem-Solving Strategy which will then be incorporated with the goal stated in Objective number 2."

10. On February 2, 2024, the School Counselor sent a direct message to the Case Manager, the Parent, and the Complainant regarding an update on the Student's "Supervision Plan." They said the school team had met to revise the plan and noted the Student had made improvements in the classroom and on the playground, advocating for themselves more often and receiving feedback when needed. The School Counselor mentioned that the team tried to allow the Student more recess opportunities, so they asked the Student to select a new activity. They would do a trial run during an upcoming recess, and if it worked out, the team would expand the option to more recess times. They also noted the Student expressed a preference for eating their lunch in the office because "it was much quieter than the lunch room." After this explanation, the School Counselor indicated that the Student had a physical interaction with another student that day on the playground and, as a result, the expanded recess activity options would be postponed. Also, the Student would be required to play alone at recess the next school day, but could resume previously agreed upon activities (wall ball and basketball with a "special ball") the following day.
11. On February 2 and February 5, 2024, the Complainant and the Parent responded to the School Counselor's email.
  - a. The Complainant stated, "Thank you for letting me know. You'll have to let [the Parent] know as [they are] point on this. If you're asking my input, I disagree with continuing to isolate [the Student]. Isolation isn't helping [the Student] with [their] social skills hence today's outburst."
  - b. The Parent stated, "Eventually, I think [the Complainant] and I would like to see [the Student] eating in the cafeteria. I respect that [the Student] wants to eat by [themselves] but considering the fact that we are trying to work on self[-]regulation in public settings, I feel as though [the Student] can practice that being in the cafeteria setting."
12. On February 6, 2024, the Classroom Teacher emailed the Case Manager regarding the Student's safety plan. They discussed how they met with other school staff to review ideas for giving the Student more options at recess and decided to try a "punch card" positive reinforcement system for earning new recess activity options that would be supervised initially by the Classroom Teacher. It was also noted (and the Parent and Complainant were notified) that due to two incidents the previous week involving aggression toward other students at recess, the Student had to spend two recesses playing alone, but "did great" and was able to join back in the next day with group basketball and wall ball activities. Finally, it was shared that the Student had been given the choice to rejoin peers for lunch in the cafeteria, and while declining at first, the Student ultimately decided to eat with their peers."

13. A Notice of Team Meeting dated May 13, 2024 and addressed to the Parent and the Complainant, indicated a meeting to review existing information and develop or review an IEP and placement for the Student was scheduled for May 14, 2024 from 3:15 p.m. to 4:00 p.m.
14. An IEP dated May 14, 2024 documented the following for the Student:
- a. Meeting participants included the Parent.
  - b. Input from Parent: "When [the Student] has meltdowns, [the Student] is not completing [their] work. Wonder if [they are] completing [their] work and whether [the Student is] receiving instruction when [they are] taking breaks. [The Student's] tics seem to be showing up again. Always a bit nervous as we move into the next year about which teacher [the Student will] have, how they will get along ... we'll just wait and see. Pleased with [the Student's] progress though!"
  - c. Behavior Goal: "By April 2025, during a moment of frustration and given a prompt to use a calming strategy, [the Student] will independently select a calming strategy and use it within 30 seconds, for 4 out of 5 moments of frustration, as measured by observations and data collection." Baseline data indicated 1 out of 3 opportunities.
  - d. Self-Direction Goal: "By April 2025, when assigned a non-preferred academic task to complete during whole group instruction (e.g. solve math problems during teacher-led guided practice), [the Student] will independently remain on-task (i.e. actively working on the task, minimal disruption to self/others, asking relevant questions of peers/teacher), for 30 minutes or until the task is completed as directed, in 4 out of 5 academic tasks, as measured by observations and data collection."
  - e. Social Skills Goal: "[The Student] will work toward the following short-term objectives in order to successfully choose positive ways to interact with [their] peers and accurately predict the emotional state of others given [the Student's] behavior on 4 out of 5 opportunities."
    - i. Objective 1: "Given scenarios, role-plays, and guided teaching and practice, [the Student] will be able to correctly identify the emotional state in others, both prior to and following [the Student's] interaction with them, when using a structured framework such as Zones of Regulation on 4 of 5 opportunities."
    - ii. Objective 2: "In the counseling setting, [the Student] will be able to identify and demonstrate at least 3 preferred ways to maintain positive peer attention/interaction (such as being flexible on [their] plan, accepting input from others, allowing others to be heard or even in charge, supporting or complimenting others, being kind, etc.)."
    - iii. Objective 3: "Through coaching and discussion given either real-life or hypothetical situations, [the Student] will become familiar with a problem-solving framework that incorporates the consideration of various actions and their likely outcomes before choosing an actionable solution, so that [the Student] is able to accurately predict the outcomes of [their] behaviors and then choose the best option on 4 of 5 opportunities."
  - f. Specially Designed Instruction from May 14, 2024 through May 13, 2025 for behavior and self-direction for 60 minutes monthly in the "Provider's Space."
  - g. Related services: Psychological services for 45 minutes monthly in the "Provider's Space" from May 14, 2024 through May 13, 2025.

- h. Supplementary aids/services; accommodations provided in the “Provider’s Space” from May 14, 2024 through May 13, 2025:
    - i. “breaks, access to break space throughout the day”;
    - ii. “additional time to complete assessments as needed”;
    - iii. “frequent check-ins with teacher and/or parent daily”;
    - iv. “shortened assignments for longer assignments”;
    - v. “allowed to draw when instruction is given as needed”;
    - vi. “explicit directions and rules stated throughout the day”;
    - vii. “alternate seating options throughout the day”;
    - viii. “use of single stall restroom throughout the day”;
    - ix. “safety plan daily”;
    - x. “fidgets/putty as needed”;
    - xi. “visual schedule daily”; and
    - xii. “take tests, quizzes, and assessments in a separate setting as needed.”
  - i. Program modifications/Supports for school personnel from May 14, 2024 through May 13, 2025:
    - i. Consultation with the teacher for 100 minutes per year in the “Provider’s Space.”
    - ii. Consultation with the psychologist for 45 minutes per year in the “Provider’s Space.”
  - j. Non-Participation Justification: “[The Student] will be removed from the general education setting for 165 minutes per month to receive specially designed instruction in the areas of behavior, self-direction, and to receive psychological services. [The Student] is also out of the classroom an additional 20 minutes per day to take breaks (some scheduled and some student selected) for regulation. [The Student] needs time to practice and build the skills listed on [their] IEP. [The Student] also needs time to take regulating breaks throughout the day.”
  - k. Special education placement determination: “General education with special education support” was “selected” because “[t]his best meets [the Student’s] needs at this time.”
15. Meeting Minutes dated May 14, 2024 indicated an annual IEP review meeting including the Parent. It was noted that the Parent shared that the Student had made a lot of progress. The Parent reported that the Student's motor tics had increased and also shared that the Student felt stressed knowing the team was meeting to discuss the Student's needs.
16. A PWN dated May 14, 2024 indicated a proposal to change the IEP. It stated that the Student’s “previous IEP was expiring so a new IEP was written” based on “parent input, teacher input, observations,” and “data collection.”
17. During an interview with the Complaint Investigator, the Complainant stated they intentionally did not attend the May 14, 2024 IEP meeting. They explained that the Student had been living with them, but was transitioning back to living with the Parent (who had always retained legal guardianship). According to the Complainant, the School was aware of this transition, and the May 14, 2024 meeting was the Parent’s attempt to handle the IEP meeting duties themselves without the Complainant’s attendance.

18. A Notice of Team Meeting dated May 28, 2024, addressed to the Parent and the Complainant, indicated a meeting to review existing information and develop or review an IEP and placement for the Student was scheduled for May 28, 2024, from 8:30 a.m. to 9:00 a.m.
19. An IEP amendment was made on May 28, 2024 that included these updates:
  - a. Present levels section: “[The Student] was given one day of in[-]school suspension for a level 3 offense. [They] made a racial comment at school toward another student in the same class. A meeting was held with the parent and administration to discuss the event.”
  - b. Parent input: “[The] Parent received messages stating multiple behaviors were happening at school. [The] Parent was confused because [during] the IEP [meeting] the month prior, the family heard that [the Student] was making progress. [The] Parent is concerned about the communication between home and school. The family would like to receive communication when [the Student] has behaviors at school. The team reviewed the IEP goals and objectives and feel they are appropriate. No other changes were made to the IEP.”
20. Meeting Minutes from the May 28, 2024 meeting indicated an IEP revision meeting with the Parent and the Complainant. The Meeting Minutes documented concerns raised by both the Parent and Complainant regarding the Student's behavior, the School's handling of the racial comment incident, and communication between the School and the family.
21. A PWN dated May 28, 2024 indicated a proposal to change the Student's IEP. It noted that a revision was made to the IEP dated May 14, 2024, due to an increase in behavior from the Student. It stated that after reviewing the support listed on the IEP, the team decided the goals and objectives were appropriate and updated only the present levels section.
22. Special Education Progress Notes dated June 11, 2024 for the IEP dated May 14, 2024 indicated the following:
  - a. Behavior Goal: “During a moment of frustration and given a prompt to use a calming strategy, [the Student] independently selected a calming strategy and used it within 30 seconds, for 0 out of 2 moments of frustration. [The Student] cried during moments of frustration.”
    - i. Objective 1: “Given a problem (real or hypothetical), [the Student] determined the size of the problem and gave 1 or more response that matches the size of the problem on 1 out of 2 opportunities. [The Student] needs support to correctly identify the size of the problem. [The Student] will often identify [a] small problem as a big problem.”
    - ii. Objective 2: “Given a written task to evaluate how a person in a scenario deals with an upsetting situation (e.g. being left out, losing, rejection, being teased), [the Student] provided a response to explain if they would approach the situation in the same way and give 1 reason why/why not, on 0 out of 2 opportunities. [The Student] will evaluate how a person feels but [the Student] doesn't provide ideas on how to approach the situation.”
    - iii. Objective 3: “[The Student] demonstrate[d] improved perspective-taking abilities by accurately identifying the emotions and thoughts of others in role-play scenarios, with 80% accuracy in 0 out of 1 trials.”

- b. Self-Direction Goal: “When assigned a non-preferred academic task to complete during whole group instruction (e.g. solve math problems during teacher-led guided practice), [the Student] independently remained on-task (i.e. actively working on the task, minimal disruption to self/others, asking relevant questions of peers/teacher), for 30 minutes or until the task is completed as directed, in 1 out of 2 observed academic tasks.”
    - i. Objective 1: “Given an academic task, [the Student] used a task completion checklist to complete the task to entirety on 0 out of 1 opportunities [sic].”
    - ii. Objective 2: “There has not been sufficient time for [the Student] to learn and practice 3 different strategies [for independent problem-solving] since this IEP was written. [The Student] is currently receiving instruction on using self-talk.”
  - c. Social/Emotional Skills (Related Psychological Services) Goal: No progress noted.
23. On September 6, 2024, the Parent sent a direct message to the Principal asking for an IEP meeting to be set up the following week and suggested September 11, 2024. The same day, the Case Manager emailed the Parent asking if they were available for an IEP meeting on September 18, 2024 from 2:45 p.m. to 3:45 p.m. The Case Manager followed up with a second email asking if the Parent preferred the meeting in person or via Zoom. The Parent responded they could attend and preferred the meeting in person.
24. On September 11, 2024, the Principal sent a direct message to the Parent notifying them of the School’s intent to reinstate the safety plan from the previous year with some revisions. The Parent responded the next day, stating they had questions about two items on the safety plan and asked if they could discuss their concerns at the IEP meeting.
25. The safety plan included in the Student’s IEP, with a revision date of September 12, 2024, outlined the following:
- a. School Safety Supports:
    - i. “Scheduled breaks throughout the day to check in about behavior and goals.”
    - ii. Permission to play “wall ball or basketball at recess,” but no play “in the field, on smaller play structures, bars, swingset, Gaga ball, or near the trees.”
    - iii. “Additional adult supervision during recess.”
    - iv. Permission to play “wall ball and basketball,” but no other “undercover activities” when students were “undercover” for recess.
    - v. Assigned seat in the cafeteria and directions to not approach “Student A” at any time.
    - vi. “One opportunity for re-direction [sic] after a short break.”
    - vii. “Escorted inside for the remainder of recess” if “physical with another student at recess.”
    - viii. “Designated spot in line and on the carpet during classroom instruction and specials.”
    - ix. Use of “the single[-]stall restroom across from the main office” with teachers to notify the office when the Student was on their way.
    - x. “All substitutes who interact with [the Student] will be given a copy of this plan.”
  - b. Check-in Person: Four names were listed.
  - c. Safety Plan Review Date: October 10, 2024.
  - d. Review Team: Six names were listed.

26. On September 13, 2024, the Parent and the Principal exchanged direct messages regarding the Complainant being included in correspondence regarding the Student.
- Parent: "I also wanted to ask if [the Complainant] can be included in the messages for [the Student]? Thank you so much."
  - Principal: "Yes. Just to be sure, include [the Complainant] on any messages regarding [the Student]? Is that correct?"
  - Parent: "Yes, ma'am, that would be greatly appreciated."
27. An FBA updated September 17, 2024 (original report date of November 28, 2023) outlined the following for the Student:
- Behavior Strengths/Preferences
  - Individual Variables
    - "Social skills: [The Student] has been generally well-liked and was often a sought-after playmate until the [20]24-25 school year. [The Student] is now avoided by most students, including students who were previously considered friends. [The Student] is a leader. However, peers do complain about [their] unpredictable and unacceptable behaviors such as inappropriate language and physical rowdiness [and] aggression."
  - Possible reasons for the "challenging behaviors," including social skills, executive functioning, and emotional regulation deficits.
  - Descriptions of the "challenging behavior:"
    - Blurting out;
    - Impulsivity;
    - Refusing to follow directions;
    - Repeated boundary issues; and
    - Physical aggression.
  - Descriptions of setting events and triggers.
  - Environmental response, including "supportive accommodations and boundaries." Changes that appeared to be made from the original report and the updated report included:
    - Replacement of "Lunch in the office (unless supervised by [Complainant])" with "Assigned [c]afeteria seat."
  - Hypothesized functions of behavior.
28. A Notice of Team Meeting dated September 18, 2024, addressed to the Parent and the Complainant, indicated a meeting to review existing information and develop or review an IEP and placement was scheduled for September 18, 2024 from 3:00 p.m. to 3:45 p.m.
29. The IEP was amended September 18, 2024 and it documented the Parent and the Complainant as meeting participants. Updates were listed as follows:
- Present levels section:
    - [The Student] was "demonstrating unsafe physical behaviors and disrespectful behavior at school, across multiple settings." The Parent had requested an IEP meeting. At that meeting, the team reviewed updates to the existing FBA and made changes to the IEP goals.

- ii. It was noted that the Student had met 2 out of 3 objectives on the annual Social Skills Goal with the School Psychologist, so that goal was replaced with a new Social/Emotional Goal, while retaining the last objective not previously met. Specially designed instruction with the School Psychologist was increased from 45 minutes per month to 60 minutes per month.
- iii. Other changes included:
  - (1) A Behavior Service Plan (BSP) was created and implemented.
  - (2) The safety plan was revised twice since the start of the school year.
  - (3) "The team added an objective to the behavior goal and increased the specially designed instruction in the area of behavior."
  - (4) "An escalation plan was added as an accommodation."
- b. Parent concerns: "There have been three weeks of school and the parent has concerns about the current safety plan. [The Parent] feels that it is isolating [the Student]. [The] Parent also has concerns with [the Student] using the single[-]stall restroom at school and not being able to attend school at [the School]. The family was asked to complete an administrative transfer for [the Student] because [they have] been living at the same residence for multiple years. [The Parent] doesn't understand why [they were] asked to do this. [The Complainant] would like to be notified and involved with any decisions made with [the Student] as the family is working to reinstate [the Complainant's] educational rights and involvement with [the Student's] schooling."
- c. Social/Emotional/Behavioral Strengths of the Student:
  - i. "Social" and "enjoys playing games with peers during recess."
  - ii. "Great sense of humor."
  - iii. "Follows individual plans for lunch and recess times" and stays in "designated spaces within the classroom."
  - iv. Has a "punch card" turned in for a reward when 10 punches are earned for positive behavior in specials classes and recess.
- d. Social/Emotional/Behavioral Needs of the Student:
  - i. "Behavior has been different from the end of last school year to the start of this school year."
  - ii. "In the first 15 days of the 2024-[25] school year, [the Student] has 17 documented incidences of physical aggression, defiance/disrespect, and 1 threat toward a peer."
  - iii. The Student "has a hard time controlling [their] big emotions." The Student "yells or cries" when they don't "get [their] way" or when "asked to complete a nonpreferred task."
  - iv. The Student "has a difficult time talking about unpleasant events that happen," "does not show much interest in solving the problem," and "does not often accept responsibility for [their] part of the problem."
- e. A list of ten successful strategies.
- f. New Social/Emotional Skills Goal: "Through coaching and discussion given either real-life or hypothetical situations, [the Student] will become familiar with a problem-solving framework that incorporates the consideration of various actions and their likely outcomes before choosing an actionable solution, so that [the Student] is able to accurately predict the outcomes of [their] behaviors and then choose the best option on 4 of 5 opportunities presented in the counseling setting."



- g. On the service summary, service times for behavior and self-direction were each increased from 60 minutes per month to 120 minutes per month.
- h. Under related services, Psychological Services was increased from 45 minutes per month to 60 minutes per month.
- i. The following accommodations were added with a start date of September 18, 2024:
  - i. "behavior support plan (BSP) daily";
  - ii. "behavior reinforcement system for specials and recess daily";
  - iii. "visuals for expected behavior daily";
  - iv. "access to snacks throughout the day";
  - v. "additional adult supervision during recess and specials daily";
  - vi. "non-verbal feedback/communication about [the Student's] behavior daily"; and
  - vii. "escalation plan daily."
- j. The Nonparticipation Justification stated the Student would be removed from the general education classroom for 300 minutes per month with an additional 20 minutes per day for regulation breaks.

30. Meeting Minutes dated September 18, 2024 indicated an IEP amendment meeting had occurred with the Parent and the Complainant's participation. There was also a discussion regarding a "specialized program" focused on behavior in which the Parent and the Complainant participated. They asked questions about it and stated that if needed, they wanted to move to the next step and not "drag it out." Several concerns from the Parent and the Complainant were noted:

- a. Parent's concerns: Student incidents, safety plan, information given to the Student.
  - i. Student incidents: Had the Parent been informed of them?
  - ii. Safety Plan: "Questions about recess and [the Student] being isolated."
  - iii. "Using a bathroom separate from the other students."
  - iv. "Admin transfer process" and why they needed to complete paperwork for this.
  - v. Medication: The Student had started medication a couple weeks before school started and showed positive changes when on it and less when they didn't take it (on weekends).
  - vi. The Parent stated that the Student's emotions "can heighten quickly," and asked, "What's your next move if [the Student] can't control [their] behavior?"
- b. Complainant's concerns:
  - i. "Very concerned about how [the Student] is being treated at school."
  - ii. "Is isolating the Student part of the regression the school was reporting?"
  - iii. The Complainant declined to sign permission for the medication to be administered at school in cases where the Student forgot to take it at home because "we want to have structure at home and we want to get [the Student] in a routine."
  - iv. Tourette's Syndrome: "Will increase as [the Student] gets older. Isn't all this behavior a manifestation of [their] disability? Do we need to add additional resources?"
  - v. There was a lack of communication from the school.

31. A PWN dated September 18, 2024 indicated an IEP meeting was held and the team reviewed and updated the FBA, created a BSP, and increased the specially designed instruction (SDI)

on the Student's IEP dated May 14, 2024. The team also reviewed the updated safety plan and added accommodations to the IEP. The PWN also listed the following:

- a. A proposal to change the "provision of a free, appropriate public education (includes IEP)" because the Student was "demonstrating an increase of undesired behaviors at school" based on "behavioral data, parent input, [and] teacher input."
- b. Other options considered: Not making changes to the IEP dated May 14, 2024.
- c. Other options rejected because: The Student was "demonstrating an increase of undesired behaviors at school." Specially designed instruction was increased for behavior, self-direction, and psychological services to provide more support to the Student.
- d. Other factors considered: "The team will convene again for an IEP revision in October to review [the Student's] strengths and needs at school. The team may consider a change in placement if more support is needed."

32. An Escalation Cycle dated September 18, 2024 listed a continuum of states the Student may demonstrate during behavior incidents and corresponding staff responses for each. The cycle included specific examples the Student may demonstrate for "calm," "triggers," "agitation," "acceleration," "peak," "de[-]escalation," and "recovery."

33. A BSP dated September 18, 2024 outlined the Student's strengths, challenging behaviors, triggers, behavior goal dated June 14, 2023, preventative strategies/interventions, teaching strategies, response strategies, and a list of behavior incidents. It noted that for the 2024-25 school year, the Student had a history of behavior trackers demonstrating "physical aggression toward peers, threats, defiance/disrespect, and off-task behavior." From August 28, 2024 through September 13, 2024, ten separate incidents were listed. On four different dates, two separate incidents were reported on the same day.

34. During an interview with the Complaint Investigator, the Complainant described their experience during the September 18, 2024 IEP meeting when they attempted to share input and concerns. They first reflected back to September 4, 2024 when they believed the Principal had "made a threat" to the Student that if the Student did not "behave," they could no longer attend the School. As a result, the Complainant contacted the District's Special Education Facilitator to inquire about the Student's rights after not getting responses from the Principal to their emails for two weeks. According to the Complainant, the Special Education Facilitator told the Complainant to make a list of their concerns, and they would make time at the September 18, 2024 IEP meeting for the Complainant to share.

According to the Complainant, when they attempted to talk to the Principal at the September 18, 2024 IEP meeting, the Principal said, "This is not the time to ask that question." When the Complainant asked about Tourette's Syndrome and the Student's related behavior, the Case Manager allegedly put their hand up, palm facing the Complainant, and said, "We're not talking about that," and then, "Tourette's is a medical condition, not a behavior issue." The Complainant reported that afterwards, "They did not look in my direction. They did not ask me questions. They did not ask if I had anything else to say. They only directed their attention to [the Parent]." The Complainant reported that the Parent had an opportunity to talk, but then they "got really frustrated" and "shut down."

The Complainant reported that from that point forward, whenever they brought up a concern or asked for data related to assignments or behavior, they were told, “We’ll give that to you later,” but they never did. The Complainant alleged, “I was getting no help, and nobody wanted to explain the IEP to me, nobody wanted to explain PWNs, nobody wanted to explain anything.” The Complainant reportedly reached out to the Executive Director for Student Services, who was familiar with the Complainant from the Complainant’s past volunteer work in the District, and they helped explain the IEP, parental input, PWNs, and safety plans and provided copies of documents for the Complainant. The Complainant stated, “That was the first time I got all the safety plans. That was the first time I got all the PWNs. That was the first time I got everything that I was supposed to get. ... Prior to that, there was just no contact. I was not allowed to contact the IEP team. ... I never got the chance to speak to anybody. I went to the meetings. I tried to voice my opinions or my concerns, and [was] always told no.”

The Complainant added that they received no explanation for not being permitted to speak during the meeting and were “just totally ignored.” They also said there were notes from this meeting that the Complainant believed were inaccurate, particularly regarding the Complainant’s concerns about the Student being isolated at lunch and recess and about the Complainant’s questions about a Tourette’s Syndrome evaluation. The Complainant admitted they did not receive a copy of these notes.

35. A Safety Plan for the Student with a revision date of September 26, 2024 retained the same supports and other items as the Safety Plan with a revised date of September 12, 2024 except for the following changes:
  - a. School Safety Supports:
    - i. Added: “Wait in the main office after school until the adult supervisor [called the Student] to the car pick-up line.”
    - ii. Removed: “All substitutes who interact with [the Student] will be given a copy of this plan.”
36. On September 26, 2024, the Classroom Teacher emailed the Parent and the Complainant to update them about the Student:
  - a. Recess: With the safety plan and additional adult supervision in place, the Student was reportedly playing safely at recess and usually played wall ball with two or three friends.
  - b. Cafeteria: The Student showed frustration about having an assigned seat when their friends did not. The Student was encouraged to invite friends to sit with them at lunch and that reportedly seemed to help.
  - c. Specials: There was additional support in all specials except one and the Student seemed motivated by the positive reinforcement “punch card” and earning candy.
  - d. Classroom: There were several noted behaviors such as yelling, hitting the table, or stabbing a paper or book with a pencil. The Teacher reported giving the Student redirections, reminders, and frequent check-ins. They also provided noise-canceling headphones and encouraged the Student to take a break when needed, although the Student was not always receptive.

37. A Notice of Team Meeting dated October 1, 2024, addressed to the Parent and the Complainant, indicated a meeting to review existing information and develop or review an IEP and placement for the Student was scheduled for October 8, 2024 from 3:00 p.m. to 3:45 p.m.
38. On October 3, 2024, the Executive Assistant to the Executive Administrator emailed the Principal outlining a conversation they had with the Complainant when the Complainant went to the District office to express concerns. It was noted that:
- a. The Complainant stated they had been volunteering at the School for “several years to provide assistance with [the Student],” and recently, the Complainant’s “access at the school” had become “more limited,” and they had been asked to make an appointment to come into the School.
  - b. The Complainant stated that the Student had “been punished from recess, separated at lunch and not allowed to play with other kids due to behaviors that [the Complainant] believes are prompted by Tourette’s Syndrome. [The Complainant] said [they feel] that it is unfair to punish [the Student] due to this condition.”
  - c. The Complainant mentioned the Student reported to the Parent and the Complainant that they were told they would have to leave the School and go to their “boundary school” if the Student did not “start behaving.” The Complainant expressed concern that this would be told to the Student, who “struggles regulating.”
39. An online submission form dated October 11, 2024 indicated the Complainant requested “all SIRP, threat assessments and safety plans that were written up from the beginning of second grade to present.” A confirmation message from the District indicated that special education files were digital and a document had been emailed to the Complainant with a link to access the files.
40. A direct message dated October 23, 2024 from the Principal to the Parent and the Complainant stated, “All communication regarding [the Student] for the school will go through [the Principal] (both from staff and from family).” The Executive Director for Student Services explained via interview with the Complaint Investigator that this decision was made due to an “escalation in communication.” They said the School “just wanted to streamline the communication, put basically a communication plan, and [the Principal] would be the conduit of that.”
41. During an interview with the Complaint Investigator, the Complainant stated they had contacted numerous school personnel to share their concerns, including the Special Education Facilitator, the Special Education Director, the Executive Administrator, the Superintendent, and the Compliance Officer. They also contacted external organizations like parent advocacy and disability rights groups. Communication shifted to primarily email, following legal advice to create a written record. The Complainant detailed instances where responses were limited or nonexistent, particularly with the Classroom Teacher, and eventually, all communication had to go through the Principal. They sought specific information about the Student’s behavior but often received no direct answers.

42. A Notice of Team Meeting dated November 1, 2024 addressed to the Parent and the Complainant, indicated a meeting to develop or review an IEP and placement for the Student was scheduled for November 6, 2024, from 11:00 a.m. to 12:00 p.m.
43. Between November 4, 2024 and November 5, 2024, direct group messages were exchanged between the Principal, the Parent, and the Complainant.
- November 4, 2024, 1:36 p.m.: The Principal sent the Parent and Complainant the Notice of Team Meeting and a Zoom link for November 6, 2024 at 11:00 a.m.
  - November 5, 2024, 7:34 a.m.: The Complainant requested the meeting to be held in person due to personal hearing issues that made it difficult to hear during Zoom meetings.
  - November 5, 2024, 8:36 a.m.: The Principal confirmed the in-person meeting at the School on November 6, 2024 at 11:00 a.m.
44. Meeting Minutes dated November 6, 2024 indicated an IEP meeting had occurred and included the Parent and the Complainant as participants.
- The Parent's concerns:
    - The Student did not want to go to Resource or have a safety plan.
    - The changes to the IEP did not seem to be working.
  - The Complainant's concerns:
    - "Was under the impression that the team was meeting to address [the Complainant's] concerns. Are we going to meet again in May?"
    - The Complainant "felt shut down and not heard at the last meeting."
    - The Complainant asked to be addressed formally using their last name.
    - The Student was "more stressed out before coming to school," "felt restricted," and "did not want to come to school."
    - "Shared a list of written concerns:"
      - "Request for [one-to-one] aide, expert evaluation for Tourettes, IEE [independent educational evaluation] for OHI";
      - "New BSP based on new FBA";
      - "Reduction of daily removals from the classroom"; and
      - "Provide in-person meetings [as opposed to virtual]."
    - The Complainant stated they did not receive a copy of the updated version of the IEP. "We will need a copy of the new IEP because it will take me some days to go through it. We may need to reschedule the meeting. The intention of this meeting should have been to address my concerns."
    - The team explained the purpose of the meeting was to "clean things up from multiple amendments with a new IEP," and agreed to schedule "part 2" of the meeting for a future date to discuss the family's concerns and the new IEP. The Complainant responded, "The last meeting was 'strictly IEP' and we didn't focus on my concerns."
    - The Complainant stated, "We need to read the new document thoroughly and then respond to them. I don't want to have a meeting where we discuss both the IEP and our concerns. I want a meeting to just address my concerns. We'll schedule another meeting. We didn't agree to any of this. ... I'm frustrated about this. This meeting is over. We are leaving."

45. During an interview with the Complaint Investigator, the Complainant stated that they were unprepared to discuss a new IEP on November 6, 2024, as they had not received a draft copy in advance to review it with an outside agency that had been helping them understand the IEP documents and process. They had received copies of the IEP dated May 14, 2024, and amended on September 18, 2024. The Complainant stated that had they known the meeting was to discuss a new IEP, they would have postponed it until they had time to review the draft. The District sent the draft to the Parent and the Complainant on November 5, 2024, but the Complainant was unaware it was a new document and did not believe there was enough time to get support in reviewing it. The Complainant also stated that during the meeting, "Every time I tried to say something, [the Special Education Facilitator] would talk over me. Then we did get a couple concerns out, and then when we got to the IEP section, that's when I stopped the meeting [due to not having received a copy of the newly drafted IEP]."
46. On November 12, 2024, the Complainant sent a direct message in the message group that included the Parent and Principal. It said: "I'd like to bring to your attention [to] the safety plan issued on 10/28/2023, specifically lines 2,4. In line 2 it clearly states '[the Student] will eat lunch in [the] office unless supervised by [the Complainant].'. Line 4 states '[The Student] will not be participating in recess unless supervised by [the Complainant].'. Have you had an opportunity to speak with [the Case Manager] about [their] actions? If so, it goes against the policy [the Case Manager] has chosen to enforce."
47. A PWN dated November 13, 2024 indicated that the IEP team met on November 6, 2024 for the Student's "annual IEP review and to address parent concerns." It noted that the team reviewed the Student's strengths and a copy of the Parent and the Complainant's concerns and requests. It was also written that the Parent and the Complainant requested additional time to review the drafted IEP dated November 6, 2024 before proceeding, so the team planned to reconvene at a later date to continue the annual review and address concerns. Other things documented on the PWN were as follows:
- A proposal to change the IEP because the Student's IEP had been updated to reflect their current needs based on "current progress" and "parent input."
  - Other options considered: Continuing the IEP meeting as scheduled, "despite the parent not having reviewed the current IEP draft dated 11/6/24."
  - The other options were rejected because the Parent had "requested additional time to review the current IEP draft and to reconvene once they had a chance to go through it."
  - Other factors considered: "A draft of the IEP was sent on 11/5/24, prior to the IEP meeting. You requested additional time to review the 11/6/24 IEP draft before proceeding with the meeting. The IEP team will reconvene to complete the annual IEP meeting and address parent concerns. After the meeting on 11/6/24, you indicated that you received the IEP draft on 11/5/24 but had not opened it."

On November 13, 2024, the Special Education Facilitator emailed this PWN as an attachment to the Parent and Complainant.

48. On November 14, 2024, the Complainant emailed the Special Education Facilitator with a list of claimed inaccuracies in a recent PWN as follows:
- a. Regarding the PWN statement that the IEP team met on November 6, 2024 for the Student's annual IEP review and to address parent concerns, the Complainant stated they had already had an annual IEP meeting in May 2024 and that they and the Parent had requested a meeting to discuss their concerns.
  - b. The Complainant contested they did not share a copy of their concerns, but a copy of their requests, which had been referred to by District staff as 'questions' rather than 'requests,' thereby "denying" the family "the opportunity to address them."
  - c. The Complainant stated that the November 6, 2024 IEP contained no parental input due to District staff "shutting me down at the last IEP meeting" as well as "dismissing the request[s] and minimizing them as questions."
  - d. Regarding the draft IEP dated November 6, 2024:
    - i. The Meeting Participants listed the Principal as participating, but according to the Complainant, the Principal did not participate.
    - ii. "Page 3 was not completed."
    - iii. "Page 4 Input from parent(s) ... is blank."
    - iv. "Functional Behavior Assessment was conducted without our knowledge and input."
    - v. "Page 9 was partially completed."
    - vi. "Page 10 not completed."
  - e. Regarding the PWN statement about the Complainant not opening the November 6, 2024 draft IEP, the Complainant stated that was partially accurate. The Complainant stated that the draft IEP message had not indicated it was an updated version. Therefore, the Complainant thought it to be a previous version they had already downloaded and received as a paper copy.
  - f. The Complainant concluded by stating, "This IEP is incomplete, inaccurate and outdated rendering the program developed for [the Student] a failure to provide FAPE."
49. A Notice of Team Meeting dated November 26, 2024 addressed to the Parent and the Complainant, indicated a meeting to develop or review an IEP and placement for the Student, was scheduled for December 3, 2024 at 9:45 a.m.
50. An IEP dated December 3, 2024 outlined the following for the Student:
- a. Meeting participants included the Parent and the Complainant.
  - b. Parent Input:
    - i. From the Complainant: The Student exhibited school-related stress and faced numerous informal exclusions, prompting the Complainant's search for a Tourette's specialist therapist. The Student thrived in structured, one-to-one settings, particularly enjoying projects with clearly defined steps and breaks, such as those with the Complainant. The Complainant requested notification of any IEP or support plan changes and desired to contribute to the IEP process. The Complainant also provided a list of requests that were detailed in the meeting notes dated November 6, 2024 and the PWN dated December 5, 2024.
    - ii. From the Parent: The Student expressed a reluctance to interact with staff and, for the first time, voiced a desire to avoid school. Despite this, the Student demonstrated

task-oriented behavior and began taking accountability for their actions. The Parent expressed concern regarding the number of Sexual Incident Response Protocols (SIRPs) and requested an explanation of the process, requirements, and intersection with the IEP.

- c. Other Present Level section updates regarding behavior were the same as the September 18, 2024 amendment.
- d. Social/Emotional Skills Goal: “During a moment of frustration and given a prompt to use a calming strategy, [the Student] will independently select a calming strategy and use it within 30 seconds, for 4 out of 5 moments of frustration, as measured by observations and data collection.”
- e. Self-Direction Goal: “When assigned a non-preferred academic task to complete during whole group instruction (e.g. solve math problems during teacher-led guided practice), [the Student] will independently remain on-task ... for 15 minutes or until the task is completed as directed, in 4 out of 5 academic tasks, as measured by observations and data collection. (baseline data: 1 / 5 opportunities).”
- f. Behavior Goal: “Through coaching and discussion given either real-life or hypothetical situations, [the Student] will become familiar with a problem-solving framework that incorporates the consideration of various actions and their likely outcomes before choosing an actionable solution, so that [the Student] is able to accurately predict the outcomes of [their] behaviors and then choose the best option on 4 of 5 opportunities presented in a small group setting.”
- g. Specially Designed Instruction from December 9, 2024 through December 2, 2025:”
  - i. Social/Emotional Skills: 360 minutes monthly in the “provider’s space”;
  - ii. Self-Direction: 240 minutes monthly in the “provider’s space”; and
  - iii. Behavior: 360 minutes monthly in the “provider’s space.”
- h. Supplementary Aids/Services; Accommodations:
  - i. “scheduled movement breaks, access to break space throughout the day and after out[-]of[-]class transitions like lunch, specials, [and] recess”;
  - ii. “additional time to complete assessments as needed”;
  - iii. “frequent check-ins/redirections/reminders with teacher daily”;
  - iv. “shortened assignments for longer assignments”;
  - v. “explicit directions and rules stated throughout the day”;
  - vi. “alternate seating options throughout the day”;
  - vii. “use of single[-]stall restroom throughout the day”;
  - viii. “safety plan daily”;
  - ix. “fidgets/putty as needed”;
  - x. “visual schedule daily”;
  - xi. “take tests, quizzes, and assessments in a separate setting as needed”;
  - xii. “behavior support plan (BSP) daily”;
  - xiii. “behavior reinforcement system for specials and recess daily”;
  - xiv. “visuals for expected behavior daily”;
  - xv. “access to snacks throughout the day”;
  - xvi. “additional adult supervision during recess and specials daily”;
  - xvii. “non-verbal feedback/communication about [the Student’s] behavior daily”;
  - xviii. “escalation plan daily”;



- xix. "transition warnings throughout the day";
- xx. "access to audio books as needed throughout the day"; and
- xxi. "access to speech to text as needed for writing assignments."
- i. Program Modifications/Supports for School Personnel:
  - i. Consultation with the teacher for 100 minutes per year in the "provider's space."
  - ii. Consultation with the school psychologist for 90 minutes per year in the "provider's space."
  - iii. Assistive Technology consultation for 60 minutes per year in the "provider's space."
  - iv. Consultation with the "district behavior specialist" for 60 minutes per year in the "provider's space."
- j. Non-Participation Justification: "[The Student] will be removed from the general education setting for 960 minutes per month to receive specially designed instruction in the areas of Social Skills, Self-Direction, and Social/Emotional/Behavioral. Per [the Student's] movement break schedule, as part of [their] accommodations, [the Student] may have increased time away from the [general education] environment."
- k. Placement Options Considered:
  - i. "General education with special education support" was marked "selected" with the note, "At this time, this is the least restrictive placement for [the Student]."
  - ii. "Special class, focusing on social/emotional/behavior skills" was marked "rejected" with the note, "The team will continue to support [the Student] through the Behavior Support Plan and collect data on [their] progress."

51. The Meeting Notes from this meeting included concerns from the Parent regarding hearing "good things" about the Student during IEP meetings, but then hearing "bad things" the Student did at school. The Parent also expressed wanting to ensure the team was aware and knowledgeable of the Student's diagnoses. The Parent asked if an outside therapist could observe the Student and shared that the Student no longer wanted to come to school or interact with staff.

The Meeting Notes also included concerns from the Complainant regarding the receipt of documents (SIRPS) that were not explained in the IEP. The Complainant also asked if the IEP date changed with every meeting held and asked about obtaining expert information about Tourette's Syndrome. The Parent and the Complainant explained that [the Student] struggled with Tourette's-related "rage attacks," expressing difficulty calming themselves verbally but being unable to do so physically and required visual aids and simplified instructions to manage overwhelming situations. They also expressed concerns regarding the consistency and frequency of communication between the School and the family, especially regarding the Student's behavior and changes or revisions to the IEP, safety plan, or FBA. There was also documentation of several accommodations discussed and the Complainant's request for one-to-one assistance for the Student.

Finally, the Meeting Notes documented a discussion about the Student's needs in regards to LRE. It was explained that general education with special education support was the Student's current placement. Advantages and disadvantages were discussed. Then, it was noted that the next LRE that could be considered was a "special class focused on social behavior skills,"

which would remove the Student from the general education class more than the current placement. It was determined that some further evaluation and revisiting of the topic would be done later.

52. A Prior Notice about Evaluation/Consent for Evaluation dated December 3, 2024, indicated the Student was being evaluated for additional adult assistance based on the IEP dated December 3, 2024 and input from the Parent and the Complainant. Other factors considered were written: "Placement in an emotional growth center was offered, but prior to that decision, the family would like to see the results of the AAA [additional adult assistance] evaluation." Consent was given and signed for by the Parent on December 3, 2024.
53. A PWN dated December 5, 2024 indicated the IEP team met on December 3, 2024 to "review and update [the Student's] IEP, [their] support plans, and address family concerns and requests. This will be the annual IEP." It also indicated a proposal to change the IEP, stating, "These changes reflect [the Student's] evolving needs and ensure clarity for the team and family. They are based on observations, data collection, and family input." Other items noted were:
- a. "The annual IEP date was moved to December 3, 2024, to consolidate prior amendments into a clear, streamlined plan."
  - b. "Assistive Technology to support [the Student] with writing and maintaining attention during reading were added to [the Student's] accommodations."
  - c. "A district-level behavior specialist will consult with the team to address the intersection of Tourette's Syndrome and ADHD in [the Student's] behavior."
  - d. The safety plan now includes gradual increases in [the Student's] independence in unstructured settings like recess and after-school pickup. Data will be collected to monitor and adjust the supports as needed."
  - e. Other options considered:
    - i. "Considering this IEP as an 'Amendment' rather than the annual IEP."
    - ii. "Removing the accommodation to use a single-stall bathroom."
  - f. We rejected these options because:
    - i. "Annual IEP allows for clarity and consistency."
    - ii. "[The Student's] self-regulation challenges continue to warrant the single-stall bathroom accommodation."
  - g. Other factors considered by the team:
    - i. "IEP services are set to begin on 12/09/2024 to allow time for the family to review the proposed IEP."
    - ii. "The IEP team recognizes that [the Student's] ADHD and Tourette's Syndrome significantly impact [their] progress. We believe [the Student] may benefit from a specialized placement that offers targeted support in emotional regulation, a tailored curriculum for behavioral challenges, and increased adult support in the classroom."
    - iii. "While we are committed to maintaining the least restrictive environment, the team will implement additional interventions and collect data to determine whether [the Student's] current placement can meet [their] needs effectively."

54. Another PWN dated December 5, 2024 indicated the team met on December 3, 2024 to review and revise the Student's annual IEP and discuss the family's requests. The items documented were as follows:
- a. The family's requests and the District's responses:
    - i. Family request: A one-to-one aide assigned to the Student for "instruction, behavior and physical support."  
(1) District response: "The team did not assign a [one-to-one] aide."
    - ii. Family request: "Conduct an expert evaluation at public expense to consider the significance of a Tourette Syndrome diagnosis and its potential impact on [the Student's] behavioral dysregulation and recommend ways to address them more effectively."  
(1) District response: "A separate, expert evaluation will not be conducted."
    - iii. Family request: "Independent Educational Evaluation at public expense because I disagree with the District's evaluation in the area of 'Other Health Impairment 80' conducted on [September 18, 2024]. Please send me a copy of the written criteria for independent evaluations. Please include a written list of independent evaluators I may consider."  
(1) District response: "An Independent Educational Evaluation will not be funded to change [the Student's] eligibility category."
    - iv. Family request: "Provide a new Behavior Support Plan based on a new FBA (Functional Behavioral Analysis) that does not rely on the use of reducing access to activities such as cafeteria, specials, music, makerspace and recess."  
(1) District response: "A new FBA will not be conducted."
    - v. Family request: "I request a reduction or elimination of near daily removals from the classroom that frequently add up to more than an hour a day when [the Student] is not receiving any education."  
(1) District response: "Scheduled and self-selected breaks will remain as an accommodation in [the Student's] IEP."
  - b. A refusal to change the IEP because:
    - i. "Current data does not indicate that additional adult assistance would benefit [the Student] all day. However, an evaluation to assess this support is indicated, and parental consent was signed on December 3, 2024, to conduct an Additional Adult Assistance Evaluation."
    - ii. "There is no standardized evaluation tool solely for Tourette's Syndrome. [The Student's] psycho-educational evaluations already address the impact of Tourette's and ADHD on [the Student's] strengths and challenges. The district's behavior specialist will provide additional consultation to the team to support [the Student]."
    - iii. "Tourette's Syndrome qualifies under the 'Other Health Impairment' category, and no further evaluations are required for this determination."
    - iv. "The most recent FBA (dated September 17, 2024) reflects [the Student's] needs. The current Behavior Support Plan will be updated based on data and team input."
    - v. "Removals from the classroom (scheduled and self-selected breaks) are listed as an accommodation on [the Student's] IEP as a preventative measure and the team determined [the Student] continues to require this accommodation to support behavior regulation. Preventative measures such as Specially Designed Instruction,

- scheduled breaks, accommodations, behavior support plan, and positive behavior supports are in place to potentially reduce staff-directed removal.”
- c. Other factors considered: “The IEP team recognizes that [the Student’s] ADHD and Tourette’s Syndrome significantly impact [their] progress. We believe [the Student] may benefit from a specialized placement that offers targeted support in emotional regulation, a tailored curriculum for behavioral challenges, and increased adult support in the classroom. While we are committed to maintaining the least restrictive environment, the team will implement additional interventions and collect data to determine whether [the Student’s] current placement can meet [their] needs effectively.”
55. On December 5, 2024, the Principal forwarded an email to the Complainant with answers to questions about the Student’s safety plan that the Complainant had asked of the Case Manager. The Principal stated, “Per our discussion on October 23rd, I am the staff member who all building communication should go through. With that said, I have included responses to your email to [the Case Manager] from 12/4/2024.” The following was discussed in the email:
- a. Complainant question: Who was assigned to supervise the Student for both recess periods during the day and did they hold “safety care training certification?”
- i. District answer: They identified three staff members assigned to supervise the Student during their recesses and said there are times when a substitute has to be assigned. They stated, “A substitute is always assigned. They may or may not be safety care trained.”
- b. Complainant question: What was the start date of the recess supervision assigned to the Student?
- i. District answer: “[The Student’s] safety plan was revised on 9/11/2024 to state that [the Student] will have additional adult supervision during recess. The accommodation of ‘additional adult supervision during recess and specials’ was added to [the Student’s] IEP on 9/18/2024.”
56. On December 6, 2024, the Complainant emailed the Principal expressing concerns about the Student’s safety plan. The Complainant shared understanding that substitutes may not always have safety training, but was concerned about the lack of “consistent, trained supervision” for the Student. They referenced the September 11, 2024 safety plan revision and the September 18, 2024 IEP accommodation indicating a need for consistent additional adult supervision and asked, “Can you please clarify the process for ensuring this need is met, even when regular staff are absent? A clear protocol and contingency plan are crucial.”
57. A written District account of a behavior incident on December 17, 2024 listed the sequence of events as reported by the Student for an incident that happened in the gym. It did not list testimony from any other staff or students, describe how the incident was responded to, or indicate what happened after. It stated, “Due to the seriousness of a student leaving the school building it was documented formally in [School Information System] as ‘Closed Campus’ and listed in the notes of the formal documentation [as] the following: ‘Antecedent: Prior to elopement, [the Student] had been asked to take a break in the office after hitting a

student in PE with a piece of PE equipment.” It noted the Parent was called on December 17, 2024 to inform them of the incident.

58. A safety plan with a revision date of December 17, 2024 retained the same school safety supports for the Student as the previous versions except for the following:
- Added: “[The Student] is permitted to participate in all recess activities, with the exception of Gaga Ball, with consistent supervision within a 10-15 foot radius (approximately the size of a school bus) to allow for a sense of proximity, and for [the Student] to be clearly seen and heard. [The Student] agrees to let the supervising staff know of [their] chosen activity and remain within the 10-15 foot radius of the supervising staff member.”
  - Removed: Permission to play “wall ball or basketball at recess,” but no play “in the field, on smaller play structures, bars, swingset, Gaga ball, or near the trees.”
  - This version of the Safety Plan did not have a revision date or revision team members listed.
59. The IEP was amended on December 18, 2024 via written agreement to revise the IEP without a meeting. It was noted in the present levels section that, “This IEP was amended to add the accommodation of additional adult assistance (see service summary page).” On the service summary, “additional adult assistance throughout the day, focusing on transition times and unstructured settings” was added as an accommodation with the start date of January 6, 2025 and the end date of January 31, 2025. The written agreement to revise the IEP was signed by the Complainant on December 18, 2024.
60. On December 19, 2024, emails were exchanged between the Classroom Teacher, the Case Manager, and the Executive Director for Student Services regarding clarification of the most recent safety plan.
- The Classroom Teacher asked for “clarification on the decision[-]making around the safety plan” and noted that the adults who supervise the Student daily “were not given input on any changes.” They outlined their specific questions or concerns for individual sections of the safety plan as follows:
    - Safety plan language: “[The Student] agrees to let the supervising staff know of [their] chosen activity and remain within [a] 10-15 foot radius of the supervising staff member.”
      - Teacher question/concern: “If [the Student] tries to switch activities or goes beyond the 10-15 foot radius, what is our next step? Office? [The Student] will likely refuse to go to the office. Then what?”
      - The Executive Director for Student Services’ response: “My hope would be that the para[educator] coaches [the Student] before [the Student] participates in the activity by reminding [them] of the expectations and whatever reinforcement system that is in place for [the Student].”
    - Safety plan language: “[The Student] will be given one opportunity for re-direction after a short reset break.”
      - Teacher question/concern: “In my experience, when asked to take a break, [the Student] becomes even more dysregulated and refuses to take a break. If [the

Student] refuses to take a break, what is our next step? If [the Student] does take a break, if [they become] dysregulated again, what is our next step?"

- (2) The Executive Director for Student Services' response: "This is not a new addition to the plan so I assume ... the 'Staff Response' procedures are outlined in [the Student's] [De-escalation]/Escalation Cycle. If not, let's meet and add them in so the [p]ara[educator] will know what to do. Also, remember, the fewer words the better."
- iii. Safety plan language: "If there is a physical altercation involving [the Student] and another student(s), all students will be escorted inside, given an opportunity to regulate their bodies and minds, before the incident is debriefed with adults."
  - (1) Teacher question/concern: "When a physical incident occurs, [the Student] often refuses to leave the playground and go inside with an escort. Next step? For the victim(s), this seems like a consequence. The students in [the Student's] classroom and those who are on the playground are already so impacted. I don't feel comfortable sending the message to other students and their families that they are being punished for someone else's behavior."
  - (2) The Executive Director for Student Services' response: "For a physical altercation, any student involved needs the opportunity to calm their body before they talk about the incident. ... This doesn't mean any student is being punished, it just means we are getting them to the place where their experience can be heard and (hopefully) getting them to a place where restoration can take place."
- b. Additionally, the Executive Director for Student Services stated, "The provisions of the Safety Plan have largely remained the same, with the adjustment to allow for a higher level of independence during recess. Since direct supervision is already outlined in [the Student's] IEP, it is important to provide opportunities for increased gross motor movement to better assess how this supports [the Student's] overall needs. This will (hopefully) help us gather clearer data on whether addressing [the Student's] triggers or tics earlier in the cycle positively impacts [their] behavior. Without adjusting the level of independence, we won't be able to fully evaluate the effectiveness of this intervention."

61. A District-written account of a behavior incident that occurred on December 19, 2024, outlined testimony from two paraprofessionals regarding the Student appearing as if they were going to cut another student's hair. It indicated that one of the paraprofessionals took the scissors from the Student and suggested a break for the Student, while the other paraprofessional said, '[T]hat's an assault. They would call the police over this. Don't do it buddy.' The report also listed the Student's recollection of events and noted that the Parent was informed when they came to pick up the Student and their sibling for an appointment. It was noted that the Parent was informed "the para[educator] used the term 'assault' to inform [the Student] of the seriousness that cutting somebody's hair is," and they "acknowledged that it was a strong word to use and that given their history it could be triggering." The report stated that the word "assault" would not be used with the Student again, and since the Student did not cut the other student's hair, the incident would not be formally documented in the school information system.

62. On January 23, 2025, the Complainant filed this Complaint.

63. During interviews with the Complaint Investigator, the Executive Director for Student Services described the School's responses to the December 17, and December 19, 2024 incidents. They stated that the behavior plan and escalation strategy involved removing the Student from situations, facilitating calming, and minimizing verbal engagement. In the first incident, the Student was reportedly highly escalated. In the second incident, involving a writing assignment and a paraprofessional, the Student became further escalated and physically reacted by breaking a fire extinguisher container during a walk intended as a break. They believed the plan was implemented by removing the Student from the environment to cool down, although the Student was not yet calm.
64. During interviews with the Complaint Investigator, the Complainant shared that IEP accommodations were not implemented regarding assignment length. They reported that the Student was not given shortened assignments, despite having an accommodation for this. The Complainant said they asked the Classroom Teacher how many of the seven writing assignments they claimed had not been completed were shortened, and the Teacher replied, 'None.' The Complainant also noted that seating accommodations, such as wobble chairs and movement, were not provided. They said they observed the Student in class for 30 minutes, and the Student was required to sit in a fixed position and was isolated during special activities. They expressed that these observations contradicted the accommodations outlined in the IEP.

The Complainant shared that the School's reasoning for separating the Student during specials was due to distraction with peers, which led to requests from the School for the Complainant to observe the Student during special activities. While their presence allowed the Student to exercise seating choices, this flexibility was reportedly absent when the Complainant was not present. The Complainant also described the reasoning for lack of access to a "wobble chair," saying, "[The Student] was banned because of one of [their] rage attacks ... [The Student] was rocking back on it, and they had told [them] to stop, and then when [the Student] didn't stop, [the Student] had a rage attack and then kicked it and walked out."

Regarding the safety plan accommodation, the Complainant described the Student being separated during recess and lunch in second grade due to behavioral issues. The Student was placed in the office, facing a wall, with limited interaction. They were restricted to specific activities during recess, such as wall ball, and required supervision from the Complainant to participate in lunch. When initially written, the safety plan had included the Complainant's ability to assist the Student during recess and lunch all through 3rd grade, and then when the Complainant attempted to facilitate that the next year, was denied access. Then, that part of the safety plan was allegedly removed without their knowledge. According to the Complainant, the Student's safety plans, frequently revised throughout 2023 and 2024, consistently limited their interaction with other students during these times. The Complainant further stated that safety plans and specific revisions were not routinely shared with them or the Parent, and they only received a full copy from the Executive Director for Student Services before filing their Complaint.

The Complainant also asserted that the Student's escalation and safety plans were not properly implemented. They stated that the escalation plan, created in September 2024, was not followed during incidents on December 17th and 19th, 2024. During the December 17th incident, the Student was sent to the office alone, leading to an elopement, and the safety plan's procedures for handling physical altercations were not followed. On December 19th, the Student was threatened with police involvement, contradicting the plan's emphasis on avoiding power struggles. They argued that staff actions, as documented in their reports, contradicted claims of using calm voices and following the established plans.

65. During an interview with the Complaint Investigator, the Classroom Teacher asserted that the Student was “never isolated from peers.” They stated the Student had opportunities to interact with peers on the playground and during lunch in the cafeteria, although the Student did have an assigned seat. The Classroom Teacher also explained that the Student’s breaks from the classroom were “self-selected” so they could finish their work in a different space. They began tracking the Student's self-selected breaks towards the end of the year, noting that the frequency increased significantly over time. The Student often sought breaks due to difficulty focusing, noise in the classroom, frustration with assignments, and a need for a quieter work environment.

Regarding accommodations, the Classroom Teacher recalled implementing the shortened writing assignment accommodation by reducing the required paragraphs and utilizing a read-and-write computer program. They stated that alternative seating, including a wobble stool and pillow, was available and used by the Student at their discretion. They described implementing the safety plan by providing a designated spot on the carpet, discussing recess activities, and scheduling breaks throughout the day. They also noted that the Student used a single-stall restroom and had a designated spot in line. Finally, the Classroom Teacher reported that the Student worked with the School Psychologist on social skills. As part of that, the Classroom Teacher was given different strategies to utilize in the classroom to help the Student with regulation.

66. During interviews with the Complaint Investigator, the Case Manager stated that Notices of Team Meetings and PWNs were sent to the Parent via email and sometimes were printed out and given to the Student to take home, although there was no log indicating specifically when this happened. The Case Manager verified that the information went to the Parent, although the Complainant also sometimes received the information. They reported the Complainant at times would say, “Go through [the Parent],” and “I’m stepping out. ... All communication goes through [the Parent].” Then the Case Manager reported the Complainant stated they were “back in the picture,” “wanted communication,” and attended almost every IEP meeting. The Case Manager could not recall the dates of these notifications.

The Case Manager stated that they could not speak to how accommodations were implemented in the classroom, but they directly worked with the Student on their self-direction, behavior, and emotional regulation goals. The Case Manager reported providing scheduled breaks, regulating tools and strategies, coaching, and problem-solving. The Case Manager also described implementing the safety plan similarly to how the Classroom Teacher described it.



Regarding escalation and safety plan revisions, the Case Manager explained the escalation plan was never revised, but the safety plan was reviewed and revised regularly with the Complainant's input and a School team that included the Principal, the Counselor, the Classroom Teacher, the Student Success Coach, and the Case Manager. To their knowledge, the Parent was not invited to those revision meetings. The updated safety plans were then emailed to the Parent or sent via the electronic direct messaging system.

The Case Manager stated that the Complainant's presence at lunch and recess was a condition from the previous school year, with the Complainant often participating in activities with the Student. They stated that the Student still had access to lunch in the cafeteria and recess even if the Complainant was absent. Adult supervision was later added to the safety plan, replacing the Complainant's required presence. The Case Manager could not recall the specific dates of these changes. They also did not know why the Complainant alleged the Student could not attend lunch or recess without them, or the reason behind the decision to remove the Complainant from the supervision aspect of the safety plan.

The Case Manager said they responded to concerns from the Parent and Complainant about the Student being isolated from peers by revisiting the safety plan, further explaining it, and documenting the concerns in the IEP. They recalled that the Student was occasionally removed from their peers, but did not consider this isolation. This included the Student requesting breaks, being asked to take breaks when dysregulated, and eating lunch separately when unsafe or by request. These separations were typically limited to 30 minutes or less, except when calming down or resolving issues in the resource room.

#### **IV. DISCUSSION**

##### **Parent Participation**

The Complaint alleged that the District violated the IDEA by failing to offer the Parent opportunities to participate in IEP meetings and IEP decision-making at the May 14, 2024, September 18, 2024, and November 6, 2024 IEP meetings.

School districts must provide one or both parents with an opportunity to participate in meetings with respect to the identification, evaluation, IEP, educational placement of the child, and the provision of a free appropriate public education to the child.<sup>3</sup>

The Complainant clarified that they were intentionally absent from the May 14, 2024 IEP meeting because the Parent was reclaiming full decision-making for the Student's IEP. However, due to several circumstances, the Complainant claimed the Parent asked them to get involved again. The Complainant stated, "I never rescinded my educational rights, nor did I terminate

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<sup>3</sup>OAR 581-015-2190(1)

any involvement with day-to-day schooling decisions for [the Student]. Regarding the September 18, 2024 IEP meeting, the Complainant's position was that they were prevented from expressing their concerns and only the meeting notes, not the IEP, indicated any concerns from the Complainant. Regarding the November 6, 2024 IEP meeting, the Complainant explained that they were unaware the meeting was to be an annual review and had not been notified that the draft IEP sent the day before the meeting was new. The Complainant explained that after they contacted the Executive Director for Student Services in September 2024, they finally received copies of IEP-related documents and explanations of them. They alleged that prior to that, they had been ignored and disrespected.

The Parent was unavailable to share input or answer questions regarding this investigation. However, the Notices of Team Meetings, Meeting Notes, IEPs, and PWNs for all meeting dates in the allegation showed that the Parent was invited and actively participated, and their input was documented. Furthermore, District records indicated frequent communication between the School and family regarding the Student's behavior and meetings to discuss concerns and IEP-related revisions.

According to the District, their records indicated that the Parent was the legal guardian of the Student and the Parent provided consent via email for the District to share information with the Complainant. The District asserts that the Parent was "invited to, attended, and actively participated" in the IEP meetings on May 14, 2024, September 18, 2024, and November 6, 2024. The Complainant also attended the meetings on September 18, 2024 and November 6, 2024. The District claimed to be "receptive and responsive to the family's input and concerns" at each meeting.

While the Complainant was intentionally absent from the May 14th meeting, documentation shows the Parent was present and provided input. For the September 18 and November 6, 2024 meetings, both the Parent and Complainant were present and participated. The Complainant's claim of being prevented from speaking is contradicted by meeting minutes documenting their concerns. Evidence indicates the Parent (legal guardian) was consistently invited and participated in IEP meetings. While the Complainant might have felt unheard at times, documentation shows their presence and the inclusion of their concerns in meeting records.

The Department does not substantiate this allegation.

### **Content of IEP**

The Complaint alleged that the District violated the IDEA by not including Parental input in the Student's IEP during the May 14, 2024, September 18, 2024, and November 6, 2024 IEP meetings. The Complaint also alleged that the Content of the IEP and the safety plan have conflicting provisions.

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.<sup>4</sup>

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 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.<sup>5</sup>

According to the Complainant, they and the Parent were "denied the opportunity to meaningfully collaborate with the IEP team."

District records indicated that all IEPs from the dates in the allegation contained parental input. The Parent was unavailable to describe their experience during IEP meetings. The IEP and safety plans provided did not appear to contain contradictory information. The safety plan was listed as an accommodation on the IEP and contained specific steps for supporting the Student's behavior that aligned with other provisions on the IEP.

The District asserted that the Meeting Notes and parental input section on the IEP for the May 14, 2024 IEP meeting contain input and concerns from the Parent. The meeting notes and parent input sections from the September 18, 2024 IEP amendment meeting and November 6, 2024 (continued December 3, 2024) contain input and concerns from both the Parent and the Complainant. Regarding the alleged conflicting provisions between the IEP and the safety plan, the District stated the provisions "are not in conflict with each other as they serve different purposes." Overall, the District said the "IEP accommodations, IEP goals, and safety plan, are complementary, not in conflict."

All IEPs contain sections for parental input, which were completed in each version. The safety plan, while a separate document, was referenced within the IEP as an accommodation and its provisions align with the IEP's goals. The District consistently included parental input in the IEP. The safety plan and IEP are not conflicting but complementary, with the safety plan providing specific strategies to support the IEP goals.

The Department does not substantiate this allegation.

### **When IEPs Must Be In Effect**

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<sup>4</sup> OAR 581-015-2200(d)

<sup>5</sup> OAR 581-015-2225(1)(b)

The Complaint alleged that the District violated the IDEA by not implementing the following accommodations as described in the Student's IEP:

- a. "additional time to complete assignments & shortened assignments."
- b. "alternate sitting options."
- c. "explicit directions and rules stated throughout the day."
- d. Supervision of the Student at lunch and recess.
- e. "escalation and safety plan."

At the start of each school year, School Districts must have an IEP in place for every child with a disability under their jurisdiction, and special education and related services must be provided according to the IEP.<sup>6</sup> As soon as possible following the development of the IEP, special education and related services must be made available to the child in accordance with their IEP. School Districts must ensure that the IEP is accessible to each regular education teacher, special education teacher, related service provider, and other service providers who are responsible for its implementation. Teachers and providers must be informed of their specific responsibilities for implementing the child's IEP and the specific accommodations, modifications, and supports that must be provided for or on behalf of the child in accordance with the IEP.<sup>7</sup>

A district violates the IDEA when it materially fails to implement an IEP. "A material failure occurs when the services a school provides to a disabled child fall significantly short of the services required by the child's IEP. Minor discrepancies between the services provided and the services called for by the IEP do not give rise to an IDEA violation." As further explained by the court in *Van Duyn*: "The materiality standard does not require that the child suffer demonstrable educational harm in order to prevail. However, the child's educational progress, or lack of it, may be probative of whether there has been a significant shortfall in the services provided. For instance, if the child is not provided the reading instruction called for and there is a shortfall in the child's reading achievement, that would certainly tend to that the failure to implement the IEP was material. On the other hand, if the child performed at or above the anticipated level, that would tend to show that the shortfall in instruction was not material."<sup>8</sup>

The Complainant reported that the Student was not given shortened assignments, despite having an accommodation for this. The Complainant also noted that seating accommodations, such as wobble chairs and movement, were not provided. They said they observed the Student in class for 30 minutes, and the Student was required to sit in a fixed position and isolated during special activities. They expressed that these observations contradicted the accommodations outlined in the IEP. The Complainant believed the Student had been "banned" from using wobble chairs and routinely did not have access to alternative seating options. Also, according to the Complainant, the incident reports they received in December 2024 did not indicate that the staff attempted to follow the escalation or safety plan.

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<sup>6</sup> OAR 581-015-2220(1-2)

<sup>7</sup> OAR 581-015-2220(3)

<sup>8</sup> *Van Duyn v. Baker Sch. District*, 5J, 502 F3d 811 (9<sup>th</sup> Cir. 2007) ("*Van Duyn*")

The Classroom Teacher and Case Manager described the implementation of accommodations that aligned with what was written in the IEP. While the Case Manager could not speak to accommodations related to academics or seating options in the general classroom, they were familiar with the implementation of the safety and escalation plans. The District asserted that the IEP was implemented with fidelity. They pointed out that the Complainant's allegation regarding "extra time to complete assignments" was incorrect because the IEP accommodations allowed for extended time for assessments, not assignments, although longer assignments could be shortened. The District claimed all other referenced accommodations were implemented consistently, although minor discrepancies in implementing the escalation and safety plans may have occurred.

While the Complainant claims some accommodations were not implemented, the Classroom Teacher and Case Manager provided accounts of their implementation. Discrepancies exist regarding shortened assignments and seating options, but this could be due to differing interpretations of implementation. The escalation and safety plans appear to have been generally followed, though with possible inconsistencies in specific instances. While most accommodations appear to have been implemented, discrepancies existed regarding shortened assignments and seating options.

The Department does not substantiate this allegation.

### **Prior Written Notice**

The Complaint alleged that the District violated the IDEA by not providing the Parent with PWN when making changes to the Student's safety plan and removing the accommodation of having the Complainant supervise the Student at lunch and recess.

The IDEA requires school districts to give parents PWN within a reasonable period of time before a school district proposes or refuses to initiate or change anything related to the identification, evaluation, educational placement, or the provision of FAPE to a child with a disability. PWN must be both specific and explanatory, including:

- a. A description of the action the school proposed or refused;
- b. An explanation of why the school proposes or refuses to take the action;
- c. A description of each evaluation procedure, assessment, record, or report the school used as a basis for the proposed or refused action;
- d. A statement that the parents of a child with a disability have procedural safeguards under IDEA and how parents can obtain a copy of the procedural safeguards notice;
- e. Sources for parents to contact to obtain assistance in understanding the IDEA;
- f. A description of other options considered and the reasons why those options were rejected; and
- g. A description of other factors that are relevant to the school's proposal or refusal.

The purpose of such detailed PWN requirements is two-fold. First, it assists school personnel to consider options carefully and to make decisions on the basis of articulable criteria or

reasoning. Second, it gives parents definitive statements of school district decisions and enables their understanding of exactly what considerations led to those decisions.<sup>9</sup>

The Complainant agreed that the IEP did not contain a specific accommodation regarding their supervision of the Student during lunch and recess. Still, they believed they should have received PWN for any changes made to the safety plan since it was listed as an accommodation on the IEP.

The District stated that the Student's original safety plan (outside of the time period at issue) provided that the Complainant would supervise the Student at lunch and recess, but the IEP "never contained a specific accommodation" that required this to occur. At the time that the Complainant said they were denied access to the Student at school, the safety plan no longer listed references to the Complainant. Instead, it stated the Student would have "additional adult support during recess" and "be assigned a seat in the cafeteria." The District stated that the reference to the Complainant on the safety plan was removed on September 11, 2024, and the Parent was informed the same day via the electronic direct messaging system. Then the IEP team met on September 18, 2024 to discuss the FBA and removal of the Complainant from the safety plan, and the Parent and the Complainant were reportedly active participants in the revision discussion.

None of the IEPs from the complaint period indicated an accommodation requiring the Complainant to supervise lunch or recess. This was listed on the safety plan in September 2023. The support that listed the Complainant as supervising recess was removed in October 2023, and the support that listed the Complainant as supervising the Student's lunch was removed when the safety plan was reinstated in September 2024.

District records indicated PWNs dated May 14, 2024, May 28, 2024, September 18, 2024, November 13, 2024, and December 5, 2024 that referenced meetings and resulting changes to the IEP. The Complainant claimed they never received these documents until the Executive Director of Student Services became involved in September 2024. The Case Manager reported that PWNs were emailed to the Parent or printed and sent home with the Student. The District's verification of sending the November 2024 documents was provided. The Parent was unavailable to confirm receipt of the PWNs.

Outside of IEP meetings, there was evidence that indicated direct communication between School staff and the Parent or Complainant regarding the safety plan within the complaint period. The Case Manager confirmed that the safety plan was reviewed and revised regularly with the Complainant's input and a School team that included the Principal, the Counselor, the Classroom Teacher, the Student Success Coach, and the Case Manager. To their knowledge, the Parent was not invited to those revision meetings. The updated safety plans were then emailed to the Parent or sent via the electronic direct messaging system. There is evidence that the Parent and Complainant participated in a discussion regarding the safety plan revisions at the September 18, 2024 IEP meeting. The PWNs from the September 18, 2024 and December 3, 2024 meetings both indicated revisions were made to the safety plan.

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<sup>9</sup> OAR 581-015-2310(1-2)

No other PWNs were provided that indicated specific revisions to the safety plan, although evidence indicated the safety plan was revised multiple times during the 2024 school year, specifically, February 2, 2024, September 26, 2024, and December 17, 2024.

The District asserted that the Parent and the Complainant were consistently informed about any updates to the safety plan, and they provided input regarding the safety plan during IEP meetings. Finally, the District argued that “any changes to the safety plan did not trigger parental notice requirements because they dealt with day to day implementation adjustments. Moreover, all changes were discussed with the family.”

While PWNs were issued for IEP meetings where the safety plan was discussed, specific revisions to the safety plan, listed as an IEP accommodation, were not always accompanied by a PWN. Additionally, the Complainant's claim of not receiving PWNs is contradicted by the Case Manager's statement of sending them via email or with the Student. The Parent was unavailable to confirm receipt.

While not claimed to be specifically inaccurate in the allegation, it was discovered that significant changes were made to the Student's service summary on the IEP dated December 3, 2024 from the IEP dated May 14, 2024 and amended September 18, 2024 that were not recorded on the PWN dated December 5, 2024 regarding the proposal to change services. Notably, SDI for social-emotional skills was added, SDI for self-direction and behavior was increased, and consultation with the School Psychologist was also increased under supports for school personnel. These changes were not documented on the PWN.

The Department partially substantiates this allegation.

### **Least Restrictive Environment**

The Complaint alleged that the District violated the IDEA when “[the Student] had been kept separated from [their] classmates, preventing [the Student] from working on [their] social skills as outlined in [the Student's] IEP and not providing [a] FAPE.”

Districts must ensure that children with disabilities, including those in public or private schools or other care facilities, are educated with nondisabled children to the maximum extent appropriate. Removal of children with disabilities from the regular educational environment, such as through special classes or separate schooling, should only occur when the nature or severity of the disability prevents satisfactory education in regular classes, even with the use of supplementary aids and services.<sup>10</sup>

The Complainant insisted the Student was “isolated” from peers often, especially during lunch and recess. IEP meeting notes and other communication between the School and the family indicated this was a concern expressed by the Parent and the Complainant more than once. School staff denied the isolation of the Student, but acknowledged that the Student often took self-selected breaks or sought a quieter space to eat lunch or complete work. The Student was

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<sup>10</sup> OAR 581-015-2240

also limited in their recess activities due to safety issues, but reportedly still had access to peers.

Several instances of separation were cited:

- Lunch and recess: The Student was often separated from peers during lunch and recess, sometimes eating in the office and having restricted access to playground activities. Initially, the Complainant's presence was required on the September 2023 safety plan for the Student to participate in recess, which was later replaced with adult supervision in September 2024. The Case Manager insisted the Student was never denied access to lunch in the cafeteria or recess if the Complainant was not present at the School.
- Specials: The Student was separated during "specials" due to distraction by peers, with the Complainant's presence sometimes requested for participation.
- Classroom: The Student was assigned a designated spot on the carpet, used a single-stall restroom, and was asked to take breaks when dysregulated, leading to removal from the classroom.
- Safety Plan: The safety plan, frequently revised, consistently limited the Student's interaction with other students, particularly during recess and lunch.

The Complainant argued that these separations prevented the Student from working on their social skills, a key component of their IEP, and amounted to isolation. They felt that the Student was being punished for behaviors related to their disability, and that the School's actions were not in line with the LRE mandate to educate students with disabilities alongside their non-disabled peers to the maximum extent appropriate.

The District's position was that the safety plan contained nothing that separated the Student from peers beyond limiting their activities during recess for safety reasons. The District asserted the Student was removed from the general classroom less than 20% of their day to receive special education services and was provided self-selected breaks for a limited duration to support regulation. Overall, the District's position was that the Student had access to peers in all school settings as outlined in the IEP.

While the Complainant claimed the Student was isolated, the District maintains that the Student had access to peers in all settings, with limitations on recess activities for safety reasons. The Student also utilized self-selected breaks and sometimes ate lunch separately, either by request or due to behavior. Evidence suggested the Student was not isolated but had access to peers, albeit with some restrictions. The use of breaks and separate lunch arrangements appears to have been implemented based on the student's needs and behavior, not with the intent to isolate the Student.

The Department does not substantiate this allegation.

### **Additional Findings**

During the course of the investigation, the Complaint Investigator noted the following additional findings:



## **Review and Revision of IEPs**

In making changes to a child's IEP between annual IEP Team meetings, the parent of a child with a disability and the school district may agree not to hold an IEP Team meeting to make these changes, and instead may develop a written document to amend or modify the child's current IEP. Changes to the IEP may be made either by the entire IEP team at an IEP team meeting, or as provided in subsection (2) by amending the IEP rather than by redrafting the entire IEP.<sup>11</sup>

In this case, the District's staff made numerous revisions to the safety plan that was incorporated into the Student's IEP. The Parent was not consulted on the revisions, an IEP meeting was not scheduled to consider the need for revisions, nor was there a written agreement to amend the Student's IEP between annual IEP meetings.

## **Independent Educational Evaluation**

A parent of a child with a disability or suspected disability has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the school district. If a parent requests an independent educational evaluation at public expense, the school district must provide information to parents about where an independent educational evaluation may be obtained, and the school district criteria applicable for independent educational evaluations. Upon request of an independent educational evaluation, the school district must either ensure that an independent educational evaluation is provided at public expense (unless the school district demonstrates in a hearing that the evaluation obtained by the parent did not meet school district criteria) or initiate a due process hearing to show that its evaluation is appropriate. The school district may ask why the parent disagrees with the public evaluation and the parent may, but is not required, to provide an explanation. The school district may not unreasonably delay either providing the independent education evaluation at public expense or initiating a due process hearing to defend the public evaluation. A parent is entitled to only one independent educational evaluation at public expense each time the public agency conducts an evaluation with which the parent disagrees.<sup>12</sup>

If an independent educational evaluation (IEE) is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation, the qualifications of the examiner, and cost, must be the same as the criteria the school district uses when it initiates an evaluation, to the extent those criteria are consistent with the parent's right to an independent educational evaluation. Furthermore, if the school district initiates a hearing and the final decision is that the school district's evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at public expense.<sup>13</sup>

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<sup>11</sup> OAR 581-015-2225(2)(a)(3)(a)

<sup>12</sup> OAR 581-015-2305(1-2)(4)(6 (9); 34 CFR § 300.502

<sup>13</sup> OAR 581-015-2305(3)(5); 34 CFR § 300.502

During a December 3, 2024 IEP meeting, it was noted that the Complainant and the Parent shared a written list of requests, which included an IEE. The District refused this request via PWN dated December 5, 2024. They stated, “An Independent Educational Evaluation will not be funded to change [the Student’s] eligibility category.” The District's reasoning is not a valid basis for denying an IEE. The purpose of the IEE is to provide an independent evaluation when the Parent disagrees with the District’s evaluation, and the results of that evaluation may very well change the Student’s eligibility category. Therefore, the District failed to adhere to its obligations regarding the Parent’s request for an IEE.

**V. CORRECTIVE ACTION<sup>14</sup>**  
*In the Matter of Beaverton School District 48J*  
*Case No. 025-054-005*

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

Action Required	Submissions	As Soon As Possible But No Later Than Due Date
<p>1. The District must provide staff with training on:</p> <ul style="list-style-type: none"> <li>● Regulations regarding implementation of IEPs including accommodations;</li> <li>● Requirements of PWN;</li> <li>● Specific policies and procedures for safety and other support plan revisions when listed as IEP accommodations;</li> <li>● Accurate and timely documentation and communication with parents, including issuance of PWNs.</li> </ul>	<p>The District shall submit the following:  Completed plan and any accompanying materials for delivery of training on IEP implementation, including accommodations; PWN requirements; policies and procedures related to safety and other support plan revisions; regulations, policies and procedures related to FERPA and confidentiality of student information; and accurate and timely documentation and parent communication.</p>	<p><b>May 1, 2025</b></p>

<sup>14</sup> The Department's order shall include any necessary corrective action as well as documentation to ensure that the corrective action has been completed (OAR 581-015-2030(13)). The Department expects and requires the timely completion of corrective action and will verify that the corrective action has been completed as specified in any final order (OAR 581-015-2030(15)). The Department may initiate remedies against a party who refuses to voluntarily comply with a plan of correction (OAR 581-015-2030(17) & (18)).

	Evidence documenting staff attendance at the training.	
<p>2. The District must review and revise its existing policies and procedures to explicitly address:</p> <ul style="list-style-type: none"> <li>• PWN regarding changes made to a student's safety plan or other support plans when they are listed as IEP accommodations;</li> <li>• Detailed procedures for safety plan revisions, including scenarios where the safety plan is listed as an IEP accommodation and changes are made outside of formal IEP meetings.</li> </ul>	<p>The District shall submit the following:</p> <p>Updated, written policies that explicitly address PWN requirements for changes to student safety plans and other support plans that are part of IEP accommodations.</p> <p>Detailed safety and other support plan revision procedures as related to IEP accommodations.</p>	<b>May 1, 2025</b>
<p>3. The District must issue a corrective PWN to the Parent retroactively documenting the changes made to the Student's safety plan outside of the already documented formal IEP meetings.</p>	<p>The District shall submit copies of the corrective PWN documents and documentation of their delivery to the Parent.</p>	<b>April 30, 2025</b>
<p>4. The District must:</p> <ul style="list-style-type: none"> <li>• Immediately rescind the PWN that denied the IEE based on the invalid reason of "not funding to change [the Student's] eligibility category."</li> <li>• Issue a new PWN that acknowledges the Parent's request for an IEE and outlines the District's next steps. This PWN should clearly state that the previous denial was incorrect.</li> <li>• Provide the Parent with a comprehensive list of qualified independent evaluators in the relevant areas of concern.</li> <li>• Provide the Parent with a clear and detailed explanation of the district's criteria for IEEs.</li> </ul>	<p>Copy of new PWN to ODE District Support Specialist.</p>	<b>April 15, 2025</b>

<ul style="list-style-type: none"> <li>• Clearly outline for the Parent, the steps involved in obtaining an IEE at public expense.</li> <li>• Offer to fund the IEE for the Student according to its established criteria or initiate a due process hearing if the district believes its own evaluation is appropriate and disputes the need for an IEE at public expense.</li> <li>• Ensure that there is no unreasonable delay in either providing the IEE at public expense or initiating due process.</li> </ul>		
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Dated: this 24th Day of March 2025

*Ramonda Olaloye*

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Ramonda Olaloye  
Assistant Superintendent  
Office of Enhancing Student Opportunities

E-mailing Date: March 24th, 2025

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).)