BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of Beaverton School District 48J	)	FINDINGS OF FACT,
	)	CONCLUSIONS,
	)	AND CORRECTED FINAL ORDER[1]
	)	Case No. 25-054-039

I. BACKGROUND

On June 2, 2025, the Oregon Department of Education (Department) received a written request for a special education complaint investigation from the parent (Parent) of a student (Student) residing in the Beaverton School District 48J (District). The Parent 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.[2] 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.[3]

On June 6, 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 June 23, 2025.

The District submitted a *Response* on June 23, 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, dated 06/06/25
2. Student Discipline Profile, 03/14/17 - 05/22/25
3. Meeting Minutes, 05/19/25
4. Notice of Meeting, 05/16/25
5. Prior Written Notice (PWN), 05/08/25
6. Meeting Minutes, 05/12/25
7. Notice of Team Meeting, 05/09/25
8. Statement of Eligibility for Special Education, 05/08/25

[1] On August 1, 2025, the Department issued a final order in this matter. On August 4, it was discovered that there were inconsistencies between the conclusions on pp. 2 and 3 and the conclusions in the discussion section of the final order. These have been reconciled.
[2] OAR 581-015-2030(12) and 34 CFR § 300.152(a)
[3] OAR 581-015-2030(12) and 34 CFR § 300.152(b)

9. Statement of Eligibility for Special Education, 05/08/25
10. Statement of Eligibility for Special Education, 05/08/25
11. Psychoeducational Evaluation, 04/24/25
12. Meeting Minutes, 05/08/25
13. Notice of Team Meeting, 05/02/25
14. PWN, 04/02/25
15. Meeting Minutes, 04/02/25
16. Notice of Team Meeting, 03/21/25
17. Meeting Minutes, 10/07/24
18. 504 Accommodation Plan, 10/28/24
19. 504 Eligibility, 10/22/24
20. Demographics, 2024-25
21. Individualized Education Program (IEP), Draft 05/12/25
22. PWN, 05/12/25
23. Special Education Placement Determination, 05/12/25
24. Emails between the Parties, 09/16/24 - 05/30/25

The Parent submitted a *Reply* on June 30, 2025, providing an explanation and rebuttal and documents in support of the Parents' position, as well as additional documents submitted on June 30, 2025. The Parent submitted the following relevant items:

1. Parents' *Reply* to the District's *Response* to *RFR*, 06/30/25
2. Emails between the Parties, various dates 2018-25

The Complaint Investigator interviewed the Parent on July 11, 2025. From July 7 to July 10, 2025, the Complaint Investigator interviewed District personnel. The Complaint Investigator reviewed and considered all of these documents, interviews, and exhibits in reaching the findings of fact and conclusions of law contained in this order. This order is timely.

II. ALLEGATIONS AND CONCLUSIONS

The Department has jurisdiction to resolve this Complaint under 34 CFR §§ 300.151-153 and OAR 581-015-2030. The Parent 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 June 3, 2024, to the filing of this Complaint on June 2, 2025.

Allegations	Conclusions
Least Restrictive Environment The Parent alleged the District violated the IDEA by not following the requirements for the educational placement of a child in the least restrictive environment.	**Substantiated** The District did not follow the requirements for educational placement of a child in the least

Allegations	Conclusions
(OAR 581-015-2240, OAR 581-015-2250; 34 CFR § 300.116)	restrictive environment. Specifically, the placement team used voting as a means of decision-making.
Parent Participation The Parent alleged they were not offered an opportunity to participate in the decision about educational placement for the Student. (OAR 581-015-2190(1); 34 CFR § 300.327)	**Substantiated** The District used voting as a means of determining the Student's placement rather than allowing for a full exchange of ideas during the meeting.
When IEPs Must Be in Effect The Parent alleged the Student's Behavior Support Plan (BSP) was not implemented. (OAR 581-015-2220; 34 CFR § 300.323)	**Not Substantiated** The BSP was not a part of the IEP, therefore there is no basis to substantiate a claim that the District failed to implement the BSP as part of the IEP.

REQUESTED CORRECTIVE ACTION
The Parent requested the following corrective action: ● "[S]taff are trained on how to implement the BSP and for [the Student] to receive special instruction in [their] current setting, allow [the Student] ample time to make progress toward [their] academic and behavioral goals, collect data, and make placement changes only if education and progress cannot be achieved, despite use of supplementary aids and services."

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 June 3, 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.

1. The Student is a rising 10th grade student at a high school in the District and on May 5, 2025 was found eligible for special education in the categories of Emotional Behavior Disability (EBD), Specific Learning Disability (SLD), and Other Health Impairment (OHI).

2. The Student is described as "enthusiastic in the art of film making, with a desire to entertain." The Student also "possesses a remarkable talent for crafting original music, skillfully using audio editing software to create sophisticated beats and enhance [their] video productions." The Student "enjoys sharing [their] artistic work with others."

3. A July 16, 2024 printout of unofficial student records printed by the Parent from the District's registration portal indicated the Student had been tested for and participated in special services or programs, did not have a current 504 plan or IEP, but had previously received special education.

4. On July 16, 2024, the District requested documents from the Online School for academic year 2023-24, and "no IEP or reference to special education was included in the documents the District received."

5. On August 26, 2024 the Student began the school year without a current IEP.

6. On September 16, 2024, an email was sent to the Learning Specialist from the Special Education Facilitator that highlighted the Student was "inappropriately placed" and should be "referred for [special education] services".

7. In mid-September 2024, the School reached out to Parents to schedule an IEP meeting after contacting the previous school and realizing the Student had an expired IEP. The Parent did not initially respond. On September 23, 2025, the Special Education Facilitator stated, "I called and left messages for both [redacted] and [the Student] and have heard crickets from both families." The IEP meeting was scheduled for October 7, 2024.

8. In the October 7, 2024 Meeting Minutes from an IEP meeting, it was noted that the Special Education Facilitator stated, "We are meeting today as a team and determining next steps for [the Student]. When we last spoke on the phone- you were interested in a 504 [plan] and accommodations, but were also concerned about what was happening at school." The Parent stated they did not want a new IEP based on accommodations on the old IEP. The Special Education Facilitator responded that the team would reinstate a new IEP so they could "go off of [the Student's] most recent needs, and then meet to update based on current concerns."

   It was noted the Parent asked to have their input read to the team. The input was read and included concerns about the old IEP being utilized to make significant changes to the Student's education, including placement. The Parent also wrote they had not received communication from the School since the Student had started school, until September 30, 2024 when "I received an email from [Day Treatment Program]," and additionally a manager at [the Previous School] inquired about a referral to set up an initial intake with the Student. "I am concerned that the almost most [*sic*] restrictive school environment was an option for [the Student]

without having a team discussion and without the Parent being notified in writing of a proposal to change placement."

It was noted that the Parent stated they had previously requested the Student attend [the Previous School] because they were struggling. Eventually, the Student tried homeschooling. The Special Education Facilitator responded, "The online schooling didn't provide [special education] services and it was a completely different setting than being with other students in a classroom. The information we do have last [*sic*] is from [the Student's] previous placement. We want to give [the Student] all the protection we can based on [their] last school experience. We can collect data and based on that data, we can have a discussion around placement again. Is this placement appropriate? Do we need to consider a more least [*sic*] restrictive placement? Do we need to do any additional assessments? We don't want to put [the Student] in a situation without the support [they] deserve, based on previous placement. We don't have data to say that [they] will be successful in a public school setting that is not a specialized program or an outside placement. We do have the data from [the] last placement that supports that [the Student] needed a higher level of support and with that support [they were] making progress."

The Parent responded by saying they disagreed with the Student returning to their Previous School, that putting the Student "in the most restrictive environment" will not "get [the Student] ready," and the Parent thinks the Student can be in the least restrictive environment, which they believe is the School that the Student was currently enrolled in. The Special Education Facilitator then stated, "I hear what you're saying, but because we don't have new information- if you want [the Student] to receive special education services, we would offer [the Previous School] as a placement to receive [their] services to see what the data shows." They went on to say they wanted the best for the Student, but didn't have the data to place the Student in special education and would need a placement to collect data. The Special Education Facilitator said the 504 plan isn't special education services, but they offered special education to honor where the Student previously was at.

The Parent said, "I would like a 504 plan." The Special Education Facilitator responded with, "If you want to move forward with a 504 [plan]- [the Student] would stay at [the School] if [they] qualified for a 504 [plan]. [The Student] would not receive Specially Designed Instruction (SDI). [They] would be provided with accommodations. If you want to pursue special education later, we can absolutely do that." The agreements and future actions documented in the Meeting Minutes included that the Parent would provide a diagnosis by Friday or the Parent would revoke special education services and the District would offer a 504 plan.

9. In an October 7, 2024 email to the Counselor/504 Case Manager, the Learning Specialist provided information regarding a meeting that was held with the Parent where they learned the Student was coming from a previous year at the Online School. It stated special education services were not mentioned at the beginning of the school year, so they were not activated. It stated there was an existing eligibility, but the Parent did not want special education services so they would not return to the previous placement. The Parent wanted to consider 504 plan accommodations and would make a final decision on the following Friday. The District stated if they did not hear back from the Parent, special education services would be dropped.

10. On October 10, 2024, the Parent sent an email to the District stating they wanted to revoke services and consider a 504 plan with accommodations.

11. On October 22, 2024, a 504 plan Eligibility Determination Report listed the Student's educational history and present educational placement status as being at a middle school in the district, in 6th grade, with an IEP; and 7th grade concurrent enrollment at [the Previous School]. The Parents revoked special education services upon enrolling at the School. The sources of evaluation information include meeting with the Parent, teachers, and the Student; a file review; academic records; quarterly attendance and grades; and notes from the IEP. In addition, the Student was receiving special education services through a regional Education Service District (ESD).

12. An October 22, 2024 memo from the Counselor/504 Case Manager stated the Parent had waived special education services and was pursuing 504 plan accommodations for the Student's Attention-Deficit/Hyperactivity Disorder (ADHD). A 504 plan was developed on October 24, 2024.

13. The 504 plan to be implemented on October 28, 2024 noted a basis for the plan as, "The Student has Attention Deficit Hyperactive Disorder [*sic*] (ADHD), which significantly impairs concentration, learning, and staying on task (impulsivity). [The Parent] is trying different medications." The accommodations and modifications included frequent checks for understanding and tech use, frequent check-ins, shortened assignments, use of a calculator, and teacher notes for lessons. Other comments and notes included, "This is at teacher discretion and when feasible to see that [the Student] is on-task." In the "other" section of the 504 plan were, "Weekly Progress Checks. [The Parent] may email teachers at the end of the week to receive a brief summary of [the Student's] progress via return email with [their] academic behaviors and assignments. This is expected for the first four weeks of the 2nd quarter only. Counselor Check-ins. [The Student] and the Counselor will meet weekly to check in on how school is going for the first 4 weeks of the 2nd quarter."

14. On December 6, 2024 the Counselor/504 Case Manager sent an email to the Student's teachers and recapped the 504 plan accommodations for the Student.

15. On a March 21, 2025 Notice of Team Meeting, the boxes were checked for the purpose of the meeting to be "Review existing information about your child and decide whether your child should be evaluated for special education eligibility [and] decide whether additional testing is needed." The meeting was scheduled for April 2, 2025.

16. On April 3, 2025, the Parent signed a Prior Notice about Evaluation/Consent for Evaluation dated April 2, 2025 and also consented to an initial evaluation to determine if the Student had a disability and required special education. This was the result of the Parent wanting the Student to be considered for special education services after revoking their consent in the fall of 2024.

17. In an April 18, 2025 email from the School Psychologist, they stated the Student responded well when given candy, spoke to in an appropriate tone, and given breaks in a one-on-one setting.

18. An April 24, 2025 Psychoeducational Evaluation indicated the Student was referred due to "a marked increase in behavioral challenges throughout the course of this year." The evaluation noted that concerns had been shared by the Parent and teachers regarding the Student exhibiting "significant impulsivity, irritability, interruption of others, appears rude and defiant," along with concerns with the Student's self-direction skills, sustained effort, and responsible behavior. Tests for the evaluation rated the Student's overall behaviors at school in the "clinically significant range for Adaptive Skills, School Problems, Overall Behavioral Symptoms, and the [in the] at-risk range for Externalizing Problems."

19. On a May 2, 2025 Notice of Team Meeting, the boxes were checked for the purpose of the meeting to be **"**Review existing information about your child and decide whether your child is eligible for or continues to be eligible for special education**"** and to **"**Develop or review an IEP and placement for your child.**"** The meeting was scheduled for May 8, 2025.

20. In the May 2, 2025 Meeting Minutes from an IEP meeting, the purpose of the meeting was listed as "Eligibility." In this meeting, the Parent indicated a preference for a 504 meeting to strengthen the accommodations which would ultimately be included in the Student's IEP, if eligible. The Special Education Facilitator described the difference between an IEP and a 504 plan, and discussed the Student's history at the School and placement history from their previous IEP. Then, the Special Education Facilitator outlined three possible placement options and asked if the Parent had questions. The notes indicated the Parent did not have questions about the process but asked for another 504 plan meeting to strengthen those accommodations and to put those into the IEP. The Special Education Facilitator confirmed who the Parent could contact to schedule a 504 meeting. The meeting concluded without an eligibility determination being made.

21. On May 5, 2025, an email from the School Psychologist to the Case Manager stated the Student's BSP was in their file folder.

22. A BSP for the Student was last updated on May 6, 2025. This document noted the Student's ADHD and 504 plan. The "Proactive Strategies" listed were both instructional accommodations including "frequent check-ins for understanding" and "using simple if/then structured reinforcement."

23. On a May 8, 2025 Prior Notice of Special Education Action, there was a proposal to initiate the Student's provision of a FAPE to include an IEP. This action was proposed because the Student "met criteria for special education eligibility."

24. On a May 8, 2025 Statement of Eligibility for Special Education for Other Health Impairment (OHI), the Parent signed and checked "agree" under "The team agrees that [the Student] does qualify for special education services with an eligibility of OHI**."**

This Statement of Eligibility included dates of two behavioral assessments conducted on April 16 and 17, 2025, along with the Functional Behavior Assessment (FBA) conducted on April 17, 2025.

25. On a May 8, 2025 Statement of Eligibility for Special Education for SLD, the Parent electronically signed and checked "agree" under "The team determined that this student does qualify for special education services with an eligibility of SLD."

26. On a May 8, 2025 Statement of Eligibility for Special Education for Emotional Behavior Disability (EBD), the Parent signed and checked "disagree" under "The team agrees that this student does qualify for special education services with an eligibility of Emotional Behavior Disability."

    Under "Eligibility Criteria," and "The team has determined that the student has exhibited one or more of the following characteristics over a long period of time and to a marked degree," the box for "Yes" is checked next to "Inappropriate types of behavior or feelings under normal circumstances" and "A tendency to develop physical symptoms of fears associated with personal or school problems."

27. Meeting Minutes dated May 8, 2025 listed the purpose of the meeting as "Eligibility #1 of 2." The Meeting Minutes noted the Parent stating, "[the Student] has been in school this entire year with no support. This makes sense that [they are] behind on everything. [They] have not had any behavior support. [They] got a lot of reaction to [their] behaviors instead of being supported. We have tried a couple of different medications, which [the Student] had adverse reactions to." The Meeting Minutes indicated the School Psychologist pointing out "we are dealing with off task behaviors, eloping, inappropriate language, especially in unstructured environments. [The Student] struggles with following adult directions and escalates when behaviors are redirected. We understand the triggers as highlighted in [the Student's] FBA."

28. In a May 8, 2025 email to the Parent regarding the eligibility meeting, the Learning Specialist stated that the Parent's input would be added to the IEP.

29. On a May 9, 2025 Notice of Team Meeting, the boxes were checked for the purpose of the meeting to be "Review existing information about your child and decide whether your child is eligible for or continues to be eligible for special education" and to "Develop or review an IEP and placement for your child." The meeting was scheduled for May 12, 2025.

30. In a May 12, 2025 email to the Learning Specialist, the Parent stated they were attaching the Parent input letter for review.

31. Meeting Minutes dated May 12, 2025 listed the purpose of the meeting as both "Eligibility #2 of 3" and "IEP." In attendance were the Parent, the Special Education Facilitator, the Case Manager, the School Psychologist, the Assistant Principal, the Learning Specialist, and the General Education Teacher. The team discussed parent input into the IEP and their desire to focus on behavioral goals first. The behavioral goals in the IEP were updated based on IEP team input, including the Parent's input.

The Parent brought up the Student's fine motor challenges and organization, to which the team responded with suggestions for accommodations and/or further consultation with an Occupational Therapist. The Team discussed the amount of SDI on the IEP in response to the Parent's request that the Student be pulled out of the general education classroom for the minimum amount of time. The discussion then continued to clarify a "Provider's Space" for the Parent and regarding behaviors of concern exhibited by the student, including "eloping, getting to class late, theft, [and] prolonged time out of class." The Assistant Principal mentioned they are using adults now to get the Student to class.

According to the Meeting Minutes, dated May 12, 2025, discussion then turned to placement. The team reviewed three options for the Student's Placement, with the Special Education Facilitator describing characteristics of each of the options. Following the description of the Emotional Growth Center (EGC), the Team was asked if that placement would be appropriate for the Student. Team members responded to the question based on their experience with the Student. The Parent responded that the Student is not getting the support they need and "we should put [them] in a resource [room]." The Special Education Facilitator emphasized that the Student's prior special education placements were an EGC, an Emotional Learning Center (ELC), or a private separate placement. Following a discussion of possible placement options, the Team selected the EGC as the Student's educational placement. The parent disagreed with the determination and the District offered to include a parent statement about that disagreement along with the placement determination in the Student's records.

32. The Meeting Minutes from the May 12, 2025 IEP meeting included the Parent's input with a request to add to page 4 of the IEP under the "input from parents in the area of academic achievement and functional performance." The concerns noted were the "excessive number of Meeting Minutes" for SDI, which pulled the Student from their general education classrooms and "placement options are being discussed without regard to the LRE Rule (OAR 581-015-2240 to 581-015-2255)." The remedies noted were to adjust IEP behavioral goals and to support the Student in their neighborhood school and allow sufficient time for them to make progress.

33. The May 12, 2025 IEP documented that the Student's behaviors impeded their learning and that of others. The Student had completed 1.5 credits during the 2024-25 school year.
    a. Concerns from the Parent were listed as specified in the Meeting Minutes.
    b. The present levels of the Student included that the Student's "Social/Emotional/Behavioral needs were assessed using the Behavioral Assessment System for Children-3 (BASC-3)." The BASC-3 uses rating scales for the Student, the Parent, and Teachers. Ratings from the BASC-3 result in scores across four composites: Externalizing Problems, Internalizing Problems, Behavioral Symptoms Index (BSI), School Problems, and Adaptive Skills. Within each of these composites, students can be rated average, at-risk, or clinically significant. All ratings (Student, Parent, and Teachers) resulted in an average rating for the Student on Internalizing Problems, as did the Parent's rating scales for Externalizing Problems, BSI, and Adaptive Skills. Teacher Rating Scales resulted in a rating of "At-Risk (60-69) to Clinically Significant (70 and Above)" for External Problems, BSI, School Problems, and Adaptive Skills. The Student self-report resulted in an At-Risk rating for "Attitude to Teachers, Sensation Seeking, and Somatization."
    c. The FBA done on April 24, 2025 detailed the Student's challenging behaviors:

i. They "are reinforced by both negative reinforcement (behaviors made to avoid particular results, such as non preferred tasks, staff confrontation, or accountability) and positive reinforcement (both environmental and automatic) of accessing attention and sensory regulation (such as gaining peer/staff attention, accessing preferred areas and objects)."
ii. "[The Student's] pattern of challenging behaviors, specifically with elopement, theft, and misuse of school materials, continue[s] to occur daily. It appears that attention and sensory seeking continue to be powerful reinforcers for [them] as well as avoiding uncomfortable tasks, redirection, accountability."
iii. "Within small or one-on-one settings, [the Student] is kind, respectful and willing to engage in on[-]task activities."
iv. Under "social/emotional/behavioral needs" it was noted "[the Student] demonstrates significant challenges in the area of social/emotional/behavioral functioning, which impact [their] ability to access instruction and maintain appropriate behavior across school settings."
v. "These behaviors are persistent, occur across multiple settings, and significantly interfere with [the Student's] ability to engage meaningfully in academic instruction, peer interactions, and the classroom environment. [The Student] requires targeted behavioral supports (check in/check out system before/after class), and skill-building interventions to increase [their] ability to regulate behavior, respond appropriately to adult direction, and engage in learning activities."
vi. The impact of the Student's involvement and progress in the general education environment included, "[The Student's] challenges in social/emotional/behavioral functioning significantly impact [their] ability to participate in and benefit from the general education curriculum. [The Student's] difficulties in maintaining appropriate behavior across larger, more structured settings limits [their] ability to engage fully with instruction content and with [their] peers. [The Student's] off task motor and verbal behaviors lead to missed instructional time and limit [their] ability to engage in meaningful academic tasks as well as significantly hinders [their] ability to interact positively with both peers and staff. Additionally, [the Student's] misuse of school materials creates an unsafe classroom environment and impacts [their] own learning and the learning of others."
vii. In the present level section, information on the Student's self-direction included, "[The Student] demonstrates the ability to complete tasks—even those that are not preferred—within smaller, more structured environments. [The Student] experiences difficulty with self-direction in larger, less structured classroom settings. [The Student] requires significant support with task initiation, sustaining attention, and demonstrating responsible behavior."

d. The Student's service summary detailed the amount of service minutes per month. They include:
   i. 300 Minutes for behavior.
   ii. 200 Minutes each of math, writing, and self-direction.
   iii. 60 Minutes of consultation from the school psychologist, per year.
e. The Non-Participation Justification stated, "[The Student] is removed from non-disabled peers to participate in a special education classroom to focus on the following areas: 300 Meeting Minutes per month [on] behavior, 200 Meeting Minutes per month of math, 200

Meeting Minutes per month of writing and 200 Meeting Minutes per month of self-direction and 90 Meeting Minutes per month of psychological services. [The Student] requires SDI with focus on behavior management and academic supports in a classroom setting that can provide [them] with more adult support and an environment conducive to building self-management skills."

34. The May 12, 2025 PWN and consent for provision of special education services stated the Student was found eligible for special education services on May 8, 2025 under the categories of OHI, EBD, and SLD for math and writing. The IEP was drafted on May 12, 2025 and May 19, 2025 to include goals on self-regulation, self-direction, math, and writing. The PWN outlined that the special education services were based on the following evaluations, tests, procedures, records, and reports:
    a. "Medical statement [and] Standardized assessments: Wechsler Individual Achievement Test–Fourth Edition (WIAT-4) Wechsler Intelligence Scale for Children–Fifth Edition (WISC-V)."
    b. "Educational file review and teacher observations."
    c. "Comprehensive Test of Phonological Processing–Second Edition (CTOPP-2) Adaptive Behavior Assessment System–Third Edition (ABAS-3)."
    d. "Behavioral Assessment System for Children–Third Edition (BASC-3)."
    e. "FBA, which included teacher and parent interviews, direct observations, and data collection, current classroom performance, including report card grades and teacher comments."
    f. "Disciplinary history from the 2024–2025 school year, which includes documented incidents involving sexual harassment, vandalism, defiance of authority, and theft."
    g. "This comprehensive review provided the basis for determining the Student's eligibility for special education services and the appropriateness of [the Student's] placement within the EGC setting."

35. The May 12, 2025 Placement Determination page from the IEP described the placement options considered to be: "general education with resource support," which was marked as "rejected"; "Special class with focus on academics, behavior, emotional regulation and social/emotional skills," which was marked as "selected"; and "public separate school, focus on behavior management and mental health support," which was marked as "rejected."

36. On a May 16, 2025 Notice of Team Meeting, the boxes were checked for the purpose of the meeting to be "develop or review an IEP and placement" and "meeting to finalize IEP and placement from [May 12, 2025] meeting." The "Conduct a Manifestation Determination meeting" box was also checked. The meeting was scheduled for May 19, 2025.

37. In a May 16, 2025 email to the Parent, the District sent information regarding documents and listed the documents they were sending that included a meeting invitation, a PWN for May 8, 2025, a PWN for May 12, 2025, and the parent rights that were given at IEP and eligibility meetings.

38. The May 19, 2025 Meeting Minutes listed the purpose of the meeting as both a "Manifestation Determination" and "Finalizing Placement Decisions."

39. During the manifestation determination portion of the May 19, 2025 meeting, the team determined the Student's behaviors were "all due to [their] disability" and the Student was "at [their] limit for suspensions this year."

40. During the placement decision portion of the May 19, 2025 meeting, the options for placement presented were "resource," "EGC," or "private separate." The Special Education Facilitator asked if "there are any questions about each placement." "Everyone shakes their head 'no' to questions. Including [the Parent]." The team was then asked to hold their thumbs up in agreement with each of the placement options. For "resource," the Parent held their thumb up; for "EGC," the remaining team members (excluding the Parent) held their thumbs up; and for "Private Separate," no team members held their thumb up. It was then noted that the team had determined the LRE for the Student was EGC.

    The Special Education Facilitator asked the team if there were any questions. The Parent responded, "No. Just requesting the PWN explaining that this is the school's decision." The Special Education Facilitator and the Case Manager indicated that it would send a PWN and it was noted the Parent stated there is "no data to support that [the Student] needs a specialized placement as there is no data of [the Student] needing this level of support since [they haven't] received any supports this entire year." The Special Education Facilitator responded, "I am hearing your concerns" and noted they would make sure to document this in both the Meeting Minutes and on the IEP parent input section. The Special Education Facilitator stated, "If you are moving forward with special education, we are offering that EGC will begin on [May 27, 2025]."

41. In a May 22, 2025 email to team members, the Learning Specialist stated, "Thanks for checking on this. I sent the Consent for Initial Provision at 11:50 [a.m.] today when I heard back from you. I explained that this was the consent for the Eligibility and I invited [the Parent] to reach out with questions."

42. In a May 22, 2025 email to team members, the Special Education Facilitator stated, "IEP/placement information, indicating agreement with the proposed EGC placement if the parent signs the form." It also included, "The Initial Provisions Form is sent to [the] Parent to explain what special education and related services are being proposed for their child as part of the initial IEP process." It goes on to say that once the consent is signed, it allows the IEP to be implemented.

43. On May 22, 2025, documents were sent to the Parent from the Eligibility Meeting, including PWN. The District also sent the Parent the Consent for Initial Provision of Special Education Services and sought their consent.

44. In a May 22, 2025 email titled "parent input," the Special Education Facilitator directed team members to include parent letters into the "parent input section" of the IEP. The email also requested clarification from the School Psychologist regarding "related service and consult." It also stated that additional information was added to the provisions area of the PWN. The email

then mentioned that the related services were accurate, while the BSP will need regular updates.

45. On May 23, 2025 the School Psychologist sent an email to the Student's teachers with their BSP to "review and provide feedback."

46. On May 23, 2025, to the District sent the Parent PWN of Consent for Initial Provision, again seeking the Parent's consent for initial services to begin.

47. In a May 27, 2025 email from the School Psychologist to the Student's teachers regarding the BSP, they asked teachers if the Student had checked in for quantitative or qualitative data, the BSP goal for the week was reviewed, and the School Psychologist asked for feedback on the BSP.

48. A May 27, 2025 email to the Student's teachers listed the Student's BSP goals for the week. Included was their tracking sheet, getting support, action steps, data collection, and data organization.

49. A May 28, 2025 email from the Special Education Facilitator to the Parent informed them of the District's offer for placement in the EGC as their special education placement, which was discussed on May 12 and 19, 2025. The email requested that the "PWN and Consent for Initial Provision of Special Education Services [form] be signed and returned" by the Parent by May 30, 2025.

50. In a May 28, 2025 email from the District to the Parent regarding follow-up questions, the District stated special education services and an IEP cannot be provided until permission is signed. It further detailed the Meeting Minutes of services the Student would receive, along with the area of specialized instruction in behavior management. The email also answered the Parent's additional questions.

    The Parent asked, "I wanted to ask again, besides the Nonparticipation Justification part of the IEP, are there any services that cannot be implemented at [the School], in a resource room?" The District responded, "We are not offering [the Student's] special education services in a resource room placement. The Special Education Team determined the EGC at [another school in the district] would be the least restrictive placement based on data and formal evaluations. Please see the forms attached."

51. A May 28, 2025 email from the Parent to the District requested clarification regarding the Student and the IEP. They listed four items, notably that they disagreed with "the Nonparticipation Justification, and [the Student] requires a public separate setting." The Parent also stated, "I had a conversation with [the School Psychologist] via messages and I was glad to hear that a self-monitoring tracker started being implemented with [the Student] and my hope is that all [their] teachers are aware of it, and they will fill it out each period. I talked to [the School Psychologist] about an incentive at home to help motivate [the Student]. Since [the Student] is not receiving special services yet, can the BSP be added to the 504 Accommodation Plan? Are teachers aware that [the Student] has a BSP?" The District

responded, “I would address this question with the school counselor who is currently handling [the Student’s] 504 [plan].”

52. In a May 30, 2025 email from the Case Manager to the School Psychologist, it was noted that the Student was working with the Learning Specialist on some days, during 5th and 6th periods.

53. In a May 30, 2025 email from the School Psychologist to the Student’s teachers, it was requested staff share if the student shared [the Student’s] self-monitoring sheet with them so that the information could be given to the Parent.

54. On June 2, 2025, the Parent filed this Complaint.

55. A June 6, 2025 Student Discipline Profile for the 2024-25 school year documented one incident of “Disorderly or Disruptive Conduct,” six incidences of “Defiance of Authority,” four incidences of “Theft,” two incidences of “Vandalism,” one incident of “Sexual Harassment,” and one incident of “Bullying/Harassment.” In a June 6, 2025 Student Discipline Profile for the 2024-25 school year, it is noted that the Student had 73.64% year-to-date (YTD) attendance and 9.5 exclusion days YTD.

56. The June 23, 2025 District *Response* to the Complaint stated, “The District has yet to receive a signed consent for special education services from the Parent. As a result, the Student is not currently receiving special education services through an IEP. The Student continued to receive support under [their] existing 504 plan through the end of the 2024-2025 school year. Initial consent was sent to [the] Parent [electronically] on May 22, 2025 and again on May 28, 2025.” (D3) The *Response* included a statement that the District implemented the behavior support plan from April 25, 2025 to the end of the school year.

57. During an interview with the Complaint Investigator, the Assistant Administrator for Special Education explained that the discussion around the Student’s placement started in October 2024 as the first meeting was planned. At that time, emails circulated regarding the EGC being the Student’s prior placement. The Parent revoked consent for special education services shortly after. During the May 12, 2025 meeting, placement was not discussed due to the IEP not being finished at that time.

58. The Assistant Administrator for Special Education in an interview with the Complaint Investigator, stated the School Registrar requested records multiple times from the Online School. After looking online for an updated email address, the School received records.

59. The Assistant Administrator for Special Education explained that data was being collected through the Counselor/504 Case Manager, both through behavioral discipline data and through anecdotal data.

60. During an interview with the Complaint Investigator, when asked about the origin of the 504 plan and Behavior Plan, the Assistant Administrator of Special Education stated the 504 plan came about after the Parent revoked services. The Behavior Intervention Plan happened after

the Parent requested Special Education services later in the school year, and the Behavior Intervention Plan was part of the IEP process.

61. In an interview with the Complaint Investigator, the Assistant Administrator of Special Education explained they have no knowledge of the Parent communicating concerns with the School at the start of the school year.

62. When asked to share about the EGC, the Assistant Administrator for Special Education stated it is a "specialized program" for K-12 grade students. It focuses on building lagging skills in the area of social emotional behavior. The Student had attended the EGC for a period of time, which is a program centered around social emotional behavior skills. They explained this type of program was not offered at all school sites. When this placement was discussed, the Assistant Administrator of Special Education was told the Parent had shared concerns about placement being far from the School, where they lived. Because of this, the IEP team looked for a school close to their location, that placement being at the Other School. From what they understood, the whole IEP team was on board with the EGC offering, yet the Parent had not signed the initial provision, and continued to share that the Student wanted to attend the School.

63. The Assistant Administrator of Special Education recalled the consent for Special Education services being sent out to the Parent several times via email. The Parent did not sign it and, " … it is still unsigned at this time."

64. When asked about what they recall of the placement offerings, the Assistant Administrator of Special Education stated, from what they can recall about the Fall offering was, " ... it got brought up that maybe the [EGC] was being considered and the Parent was a hard no on that and felt it was predetermining." The discussion in May was done, "... cautiously and carefully … " by the Special Education Facilitator. They recalled the Special Education Facilitator leading the discussion and taking in the Parent's concerns but stood, " … firm with what the District felt is the most appropriate placement option offer, which was the EGC given the Student's behavior displayed over the course of the school year that were aligned with previous years. Yes, the Parent wanted the Student to have a say in where the Student went to school and kept talking about LRE." They shared they believed the Parent's perception of LRE and an appropriate placement for the Student would be Resource. If the EGC offering was at the School, they do not know how the Parent would have felt.

65. When asked about the PWN, the Assistant Administrator of Special Education stated they believed the Special Education Facilitator was writing them because they were running the meetings. They explained the PWN are a way for the District to record what has been offered. They hold key pieces of information from the meeting, capture parent input, and then are sent home to families via email, in a suitable manner before services start. The date the PWNs are sent out is documented prior to them being uploaded into the IEP system.

66. The Assistant Administrator of Special Education stated they believed the Special Education Facilitator did their best to listen to the Parent's concerns, took them into consideration, and

held a discussion around them. They feel the District's placement offering is correct, as the Student continues to display a lack of social, emotional, and behavior skills.

67. The Special Education Facilitator stated their role was to assist the teams and navigate following the IDEA regulations. They communicate and assist the School and the District.

68. When asked by the Complaint Investigator how they interacted with the Parent, the Special Education Facilitator explained the special education team at the School had contacted them to see if they would, "... help navigate and work with the team on the special ed[ucation] process."

69. The Special Education Facilitator started to work with the School team when they were trying to obtain the Student's records. The Special Education Facilitator explained they contacted the Parent once the school team shared they had an expired IEP for the Student with a public separate placement. They called the Parent to explain the situation and schedule an IEP meeting. The Parent confirmed the Student had previously had an IEP, and they were not actively working developing a new IEP.

70. The Special Education Facilitator stated the Parent had not shared any concerns at the start of the school year. They explained that the Parent shared that the Student, "... did have an IEP, but not one last year." The Special Education Facilitator stated, "… I don't remember if there was any revoking or anything like that … [the Student] did have an IEP that's expired …" and the team had no record of an IEP in place for the Student while they attended the Online School.

71. When asked about the Student's 504 Plan, the Special Education Facilitator explained that the Parent's concern was honoring the Student's desire to remain at the School and they had some knowledge around a 504 plan. The Parent believed a 504 plan might meet the Student's needs based on their previous school year. The Parent sent an email revoking services stating they wanted to try the School with a 504 plan. The Special Education Facilitator gave the Parent the counselor's contact information to start the 504 plan process.

72. When asked about the data collection for the Student, the Special Education Facilitator stated, "... [the Student] didn't have an IEP, so we didn't have IEP data over the course of the school year." For data, the team looked at progress notes and the last placement. They shared "... the data was just the IEP that had expired. We didn't have any collected data." Once the Parent had requested an IEP in February or March [2025], the team did a file review, "... but we didn't have any special education data."

    When asked about the May 12, 2025 meeting, the Special Education Facilitator explained the team determined the Student's eligibility, and collaboratively developed IEP goals based on needs and data. The team discussed the three placement options to consider: general education with resource room support, an EGC placement, and a public separate placement. The Special Education Facilitator stated that the Parent responded to the placement options by inquiring how the team could support the Student at the School.

73. The Special Education Facilitator explained the team selected the EGC placement due to the Student's impulsive behaviors and tendency to hide, recognizing a need for immediate adult support and skill-building that a resource room couldn't provide. The EGC offered highly trained staff with more direct support for the Student's dysregulation and impulsivity, enabling problem-solving in the moment. This placement also allowed the Student to remain in a traditional school setting, aligning with their and the Parent's wishes for inclusion while providing crucial in-the-moment support and a regulation space. The public separate placement was deemed too restrictive as the Student needed opportunities to practice skills with typically developing peers, balanced with immediate adult intervention. The New School was the recommended EGC placement due to its proximity to the Student's home school and available space. The team never came to an agreement over placement and it was their understanding the Parent did not disagree with the placement. They shared, "... 'Let's start. Let's get the services going … .'

74. The Special Education Facilitator stated that there is no signed consent for initial services.

75. In an interview with the Complaint Investigator, when asked about the October 7, 2024 meeting, the Parent explained that no IEP was presented, and the meeting was solely about placement. Teachers noted the Student's disengagement but no major behavioral issues. The District offered placement at the [EGC], which the Parent disagreed with due to the Student's development over two years, leading them to revoke services and pursue a 504 plan for a less restrictive environment.

76. The Parent explained they received a phone call from the Special Education Facilitator about the offer of placement being the [EGC]. They expressed a desire to speak with the School directly and requested a meeting to discuss the matter further. Before this meeting could take place, they received the email on either September 29, 2024 or September 30, 2024. They stated, "... that was done even before we had a meeting as an IEP team." The Parent explained that the [EGC] is a separate school for students with varying disabilities with behaviors.

77. The Parent described pursuing a 504 plan after revoking special education services on October 10, 2024. They intended to provide the Student with specific interventions but felt the ones put in place were "general" and the 504 plan was "pretty generic". The Parent then requested another meeting to attempt to fortify the 504 plan, feeling like it was not specialized enough for the Student. They explained the 504 plan was implemented with significant communication between them and the staff as the Student's behavior increased.

78. The Parent described the IEP meeting on May 12, 2025 as an opportunity to review the draft IEP. They received the draft of the IEP around May 7, 2025. During this meeting, concerns arose regarding the proposed amount of time the Student would be removed from general education. A calculation error was identified and corrected, adjusting the pull-out time to 900 minutes per month. They felt that the placement was already decided, and despite asking for clear reasons why the Student's current school couldn't implement the IEP, received only vague responses, leading to a disagreement over the proposed placement. A follow-up meeting occurred on May 19, 2025 to finalize the placement, but they didn't receive a corrected draft IEP, reflecting the May 12, 2025 discussions, until May 22, 2025 after specifically requesting it.

79. When asked about the self-monitoring tracker, the Parent explained it was part of the BSP, developed by the School Psychologist. They inquired about monitoring, and the School Psychologist clarified that the counselor would be responsible since the Student wasn't yet receiving special education services. After the first day, the Parent received no further updates from teachers, and this tracker was the only documented intervention. Furthermore, when the Assistant Principal called about challenging behaviors and the Parent asked about completed interventions from the BSP, they received no answer.

80. The Parent explained the timeline of events for all the meetings. They stated that in October 2024, the Student was placed on a 504 plan. Then the Student received out of school suspensions in December of 2024, followed by more before a February 15, 2025 meeting. This meeting was with the School Psychologist and the Assistant Principal to discuss behavior and to initiate an evaluation for special education. Consent for the special education evaluation was signed in April with the initial special education meeting taking place on May 8, 2025.

81. When asked about the final determination regarding placement for the Student, the Parent stated discussions were held at the May 19, 2025 IEP meeting. The placement option proposed was for EGC at the New School. They disagreed with the placement and then questioned why a resource placement wasn't an option. They were told by the Special Education Facilitator that, "... this is what we have to offer … we're not here to offer a resource room placement." They explained that despite not having a written IEP, the Special Education Facilitator insisted on the New School placement. The Parent requested a PWN about the disagreement and was told the Special Education Facilitator, "... was not ready to give them one … ." Within the week the Parent received the notice along with the provision of FAPE. The Parent explained they were not "comfortable" signing it due to agreeing with the IEP but disagreement over the placement. They explained the District continued to send them emails to sign the provision form along with the PWN nearly every day and stated the District emails said, "... they will continue to send it until [the Parent] either sign[s] it or [the Parent] request[s] not to send it anymore." Then emails stopped being sent every day, and they decided to write a complaint.

82. The Parent explained the Student completed the school year at the School and that the Student's placement next year will be at the School due to them not signing the consent for initial provision.

83. The Parent shared they observed a consistent district culture of predetermined placements, exemplified when the initial District call focused directly on the Student's placement, not their individual needs. This predetermined outcome was reinforced in the October and February meetings, where they were explicitly told that despite any evaluations, the Student's placement would undeniably be the EGC. This was not experienced by them in years' past. The Parent also shared that changes to the IEP were made outside of the formal meetings, a point of concern alongside a district claim of offering two school options, the Other School and the New School. The Parent asserts that the District's claim that it offered two school options was inaccurate regarding the Other School. Lastly, they highlighted the District's inconsistency, as they deemed their questions via email "outside of a meeting," yet changes were made to the IEP document

outside of formal meetings, such as the Learning Specialist updating the transition page with the Student.

IV. DISCUSSION

Least Restrictive Environment (LRE)

The Parent alleged the District violated the IDEA by not following the requirements for the educational placement of a child in the least restrictive environment.

For children with disabilities, including children in public or private institutions or other care facilities, school districts must ensure to the maximum extent appropriate, children with disabilities are educated with children who do not have a disability. Special classes, separate schooling or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.[4]

School districts must ensure that the educational placement of a child with a disability is determined by a group of persons, including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options. The placement option must be made in conformity with the LRE, is based on the child's current IEP, is determined at least once every 365 days and is as close to the child's home as possible. Alternative placements are available to the extent necessary to implement the IEP for each child with a disability. Unless the child's IEP requires some other arrangement, the child is educated in the school that they would attend if not disabled. In selecting LRE, consideration is given to any potential harmful effect on the child or on the quality of services which they need. A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum.[5]

The District did not receive any special education records from the previous school and the Student started the School in August 2024 without a current IEP. By mid-September 2024, the School learned the Student's IEP had previously expired and the Special Education Facilitator believed the Student's placement was inappropriate and they should be considered for special education services. The District made contact with the Parent to discuss these concerns in October 2024. The Special Education Facilitator proposed reinstating a new IEP. The Parent, however, voiced concerns about the District's proposed placement, deeming it too restrictive, and disagreed with considering a specialized program without prior discussion or written notification.

The Parent believed the Student could succeed in a less restrictive high school environment. Following this, on October 10, 2024, the Parent formally declined special education services, opting instead for a 504 plan to provide accommodations for the Student's ADHD. This 504 plan

[4] OAR 581-015-2240(1)(2)
[5] OAR 581-015-2250

was finalized on October 22, 2024, and implemented on October 28, 2024, including accommodations such as frequent checks for understanding and shortened assignments.

The Parent consented to an initial evaluation for eligibility for special education on April 3, 2025. The Psychoeducational Evaluation noted the Student's behaviors were in the "clinically significant range" for Adaptive Skills, School Problems, and Overall Behavioral Symptoms. The Parent agreed to eligibility for OHI and SLD, but disagreed with EBD eligibility. During the May 8, 2025 eligibility meeting, the team discussed the Student's historical success in smaller settings and the data supporting the need for more support than a 504 plan could offer.

The evidence demonstrates the District made consistent efforts to identify the Student's special education needs. Near the beginning of the school year, the District recognized the Student's expired IEP and initiated attempts to convene a meeting. At that point, prior to an IEP meeting, the District indicated that placement would be based on the Student's most recent IEP, which was significantly out-of-date, and initiated a referral to the EGC. As a result, the Parent revoked consent for special education services and sought a 504 plan for the Student. The Student's behaviors of concern escalated as the school year progressed and, by April 2025, the Parent consented to an initial evaluation for special education eligibility. After the initial eligibility meeting on May 8, 2025, prior to the IEP being developed, on May 12, 2025, the District began the placement discussion. The District shared information about placement options, such as "Resource Room," "EGC", and a "public separate" program. Though the Assistant Administrator of Special Education noted that they did not make a placement determination on May 12, 2025, due to not having a completed IEP, the Special Education Facilitator noted that the team discussed placement options and the Parent indicated a desire for the student to remain in the current School.

When they came back on May 19, 2025 to discuss placement, the District did not have a team discussion and seek consensus on the placement. Rather, in this meeting, the District presented the Student's placement options as "resource," "EGC," or "private separate" and asked for questions about the placement options. When there were no questions about the placement, the Team was then instructed to "hold their thumbs up in agreement with each of the placement options". IEP Teams using voting as a means of decision-making is inconsistent with the requirements of the IDEA.[6] The IDEA contemplates decision-making by consensus, which the District did not allow to occur here. The Parent disagreed with the placement determination and requested a PWN due to a perceived lack of data supporting such a restrictive placement, which was provided.

The Department substantiates this allegation.

Parent Participation

The Parent alleged they were not offered an opportunity to participate in the decision about educational placement for the Student.

[6] *Letter to Richards*, 55 IDELR 107 (OSEP 2010)

Each school district must provide one or both parents with an opportunity to participate in meetings with respect to the identification, evaluation, IEP and educational placement of the child, and the provision of a free appropriate public education FAPE to the child.[7]

At the May 12, 2025 IEP meeting, the Parent participated in refining behavioral goals and advocated for a Resource Room placement. The District reconvened on May 19, 2025 to finalize a placement determination. However, the District did not hold a discussion about the placement. Rather, in this meeting, the District presented the Student's placement options and, when there were no questions about the placement, instructed the Team to "hold their thumbs up in agreement with each of the placement options". IEP Teams using voting as a means of decision-making is inconsistent with the requirements of the IDEA. The IDEA contemplates decision-making by consensus, which allows for the full exchange of ideas by members of the IEP team. The District did not allow that to occur here and, despite knowing the Parent had reservations about the placement, opted to move forward with it based on the Team's vote. The Parent disagreed, sought PWN, and ultimately filed this Complaint.

The Department substantiates this allegation.

When IEPs Must Be in Effect

The Parent alleged the Student's BSP was not implemented.

At the beginning of each school year, a school district must have in effect an IEP for each child with a disability within the district's jurisdiction. School districts must provide special education and related services to a child with a disability in accordance with an IEP. Each school district 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 IEP implementation. School districts must inform each teacher and provider 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.[8]

In this instance, the Student entered the School with an expired IEP, but this information was not disclosed to the District. When the District received the previous IEP, it showed that the Student was in a more restrictive setting than was available at the school. Rather than allow the District to reinstate the IEP, and thus a more restrictive setting, the Parent revoked consent for special education services. Over the course of the school year, the Student was again evaluated for special education and determined to be eligible under the categories of OHI, SLD, and EBD. The District sought the Parent's consent for initial provision of special education services, but the Parent declined to provide that consent.

School districts cannot initially provide special education to a child without the informed, written consent of their parent to do so.[9] Lacking this consent, there was no requirement for implementation of an IEP or Behavior Support Plan under the IDEA.

[7] OAR 581-015-2190(1)
[8] OAR 581-015-2220(1)(3)
[9] OAR 581-015-2090(4)(a); 34 CFR § 300.300(b)(1)

The Department does not substantiate this allegation.

V. CORRECTIVE ACTION[10]

In the Matter of Beaverton School District
Case No. 25-054-039

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

Action Required	Submissions	Due Date
1. The District must ensure that staff responsible for facilitating IEP meetings or Placement Determinations at the School are trained on: a. Educational Placement and LRE Requirements; and b. Parental Participation.	Training agenda/materials to ODE District Support Specialist for review/approval. Sign-in sheet for training.	November 15, 2025 December 1, 2025

Dated: this 1 Day of August 2025



_____

Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing Date: August 1, 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).)

[10] 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))