BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of Beaverton School District 48J	)	FINDINGS OF FACT, CONCLUSIONS, AND FINAL ORDER Case No. 25-054-049

I. BACKGROUND

On July 7, 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 48J (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.[1] This timeline may be extended if the Complainant and the District agree to the extension in order to engage in mediation or local resolution, or for exceptional circumstances related to the complaint.[2]

On July 9, 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 July 24, 2025.

The District submitted a *Response* on July 24, 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 07/24/25
2. Physical Restraint and/or Seclusion Incident and Debriefing Report[s], 02/24/25, 03/05/25, 04/16/25, 05/29/25
3. Behavior Support Plan Summary Updated, 04/24/25
4. Prior Notice about Evaluation/ Consent for Evaluation, 03/17/25
5. IEP, Amended IEP, 01/31/25
6. Inclusion Plan, 01/31/25
7. Meeting Minutes, 01/31/25
8. IEP, Amended IEP, 01/13/25
9. Prior Notice of Special Education Action, 09/18/24, 12/05/24, 12/05/24, 12/18/24

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

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

10. IEP Amended IEP, 12/18/24
11. Safety Plan Revised, 12/17/24
12. IEP, 12/03/24
13. Special Education Progress Notes, 01/23/25
14. Meeting Minutes, 12/03/24
15. IEP, Amended IEP, 09/18/24
16. Safety Plan Revised, 09/12/24
17. Functional Behavior Assessment Updated, 09/17/24
18. Behavior Support Plan Summary, 09/18/24
19. Meeting Minutes, 09/18/24
20. Abuse Investigation Report, 03/05/25

The Complainant submitted a *Reply* on July 10, 2025, providing an explanation and rebuttal and documents in support of the Complainant's position, as well as additional documents submitted on July 28, 2025. The Complainant submitted the following relevant documents:

1. Daily Behavior Summary, 03/03/25
2. Physical Restraint and/or Seclusion Incident and Debriefing Report, 03/05/25
3. Escalation Cycle Infographic, 09/18/24
4. Email, re: Rebuttal for ODE 25-054-049, 7/28/25

The Complaint Investigator interviewed the Complainant and District personnel on August 11, 2025. 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 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 July 8, 2024, to the filing of this Complaint on July 7, 2025.

Allegations	Conclusions
When Individualized Education Programs (IEPs) Must Be In Effect The Complaint alleged the District violated the IDEA by not following the Student's escalation plan, nor implementing de-escalation techniques in accordance with the Student's IEP. (OAR 581-015-2220; 34 CFR §300.323)	**Substantiated** The District did not follow the Student's escalation plan, nor did it implement de-escalation techniques in accordance with the Student's IEP.

REQUESTED CORRECTIVE ACTION

The Complainant requested the following corrective action:

- "Enhanced IEP Training: ... This training must go beyond basic compliance and focus on practical application, effective communication, and conflict resolution strategies specifically tailored to the unique challenges faced by students with disabilities. The training should emphasize understanding and implementing behavioral interventions, ie [*sic*] Escalation [*sic*] plan as outlined in the IEP, and proactively addressing potential triggers and challenging behaviors. Furthermore, the training needs to stress the importance of properly filling out Physical Restraint and/or Seclusion incident and Debriefing Report, as well as notifying parents in a timely manner as required by law."
- "Accountability and Remedial Action: The IEP team members who violated IDEA should be subject to formal disciplinary action. A simple letter of reprimand is insufficient to address the severity of the violations that led to [the Student's] mistreatment. A thorough investigation should be conducted to determine the extent of the failures and to implement appropriate corrective measures, including retraining and/or disciplinary actions commensurate with the severity of the infractions."
- "Provide all new hired paraprofessionals a day of training prior to commencing interactions with students in a classroom setting. This should be at the expense of [the District]."

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 July 8, 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 in the 5th grade and attends an elementary school in the District. The Student is eligible under the category of Other Health Impairment (OHI). The Student is very creative, charismatic, and thoughtful. The Student enjoys being active and running around with their friends, talking about their family, and drawing.

2. On September 12, 2024, the Student's Safety Plan was revised to include the following relevant supports:
   a. "[The Student] will have scheduled breaks throughout the day to check in about daily behavior and goals."
   b. "[The Student] will have additional adult supervision at recess."

c. "[The Student] will have an assigned seat in the cafeteria and will not approach Student A at any time."
d. "[The Student] will be given one opportunity for redirection after a short reset break."
e. "If [the Student] is physical with another student at recess, [the Student] will be escorted inside for the remainder of recess."
f. "[The Student] will have a designated spot in line and on the carpet during classroom instruction and specials."
g. "All substitutes who interact with [the Student] will be given a copy of this plan."

3. On September 17, 2024, the Student's Functional Behavioral Assessment (FBA) was updated to include the following relevant information:
   a. Triggers were updated to include when the Student is "Asked to stop doing something disruptive by anyone" and "When [the Student] doesn't get [their] way."
   b. "[The Student] works best when one-on-one with an adult, whether during pull-out supports or with other staff and teachers."
   c. "[The Student] is not yet able to manage that impulsivity with much consistency, lacking the executive functioning skills required to anticipate the likely outcome of those behaviors and make a better choice, and the emotional regulation necessary to control [their] responses"

4. On September 18, 2024, the May 14, 2024 IEP was amended. According to the amendment, the Student was "... demonstrating unsafe physical behaviors and disrespectful behavior at school, across multiple school settings." Based on this new data, the team made the following changes:
   a. A Behavior Support Plan (BSP) was created and implemented.
   b. The Safety Plan had been revised twice since the start of the school year.
   c. An escalation plan was added as an accommodation.
   d. Additional relevant accommodations that were added as part of the amendment included:
      i. Visuals for expected behavior.
      ii. Access to snacks.
      iii. Non-verbal feedback/communication about the Student's behavior.
      iv. Escalation plan.
   e. The team selected a placement in general education with special education support.

5. A document, titled "Escalation Cycle … 9/18/24," outlined the following phases of the Student's behavioral escalation cycle:
   a. Phase 1: Calm
      i. "What does [the Student] look like? Enjoy doing?"
         (1) "Engaged in class activity," "Sitting quietly," "Talking calmly in normal vocal tone," "Math," "Playing at recess," "one[-]on one adult attention," and "physical mov[e]ment."
      ii. Staff response: "Supervise, clear expectations, praise compliance," and "Use of visual schedule, transition warnings, adult check-ins."
   b. Phase 2: Triggers

i. “What does [the Student] look like? What are identifiable triggers?”
(1) “Hood up over head, head down, increased blinking, looks downward, blurts out, increased vocal ticks,” “Wants to engage a peer, Peer says something provoking [the Student], Becomes bored with directed task after participating for a while, doesn't get [their] way.”
ii. Staff response: “offer a break, prompted to use a calming strategy, offer an alternate space or activity, praise others who follow directions.”

c. Phase 3: Agitation
i. “What does [the Student] look like?”
(1) “Hood up over head and covering face, Yells, whines, slams fists, rips up paper, calls out rude or refusing language.”

d. Staff response: "Ignore low[-]level behavior, model a calming strategy, check-in and offer break in designated break space, offer to let [the Student] draw, offer a fidget or snack, call for help from another staff member.”

e. Phase 4: Acceleration
i. “What does [the Student] look like?”
(1) “Hood up over head and covering face, Yelling, ‘Stop talking!’ ‘I’m not doing it.’ and ignoring staff prompts. Kicking furniture, whining.”
ii. Staff response: “Avoid power struggle. Give space, get [the] student to a safe, quiet location away from peers, offer a snack.”

f. Phase 5: Peak
i. “Crisis behaviors?”
(1) “Hood up over head and covering face, walking around and toppling items, hitting/kicking walls or furniture, yelling and/or crying loudly, and throwing objects.”
ii. Staff response: “Keep eyes on student and staff safety. If needed, clear room. Respond with quiet, stillness, minimal engagement.”

g. Phase 6: De-escalation
i. “What does [the Student] look like? Soothers?”
(1) “Quieter crying, takes big breaths, will answer verbal questions, still body, increased vocal ticks.”
ii. Staff response: “offer calming tools (yoga ball, offer snacks, paper to draw on) to calm down under supervision, Avoid talking or asking questions, Provide with task *[sic]* that is easy to do to regain focus, allow space and time, Document incident.”

h. Phase 7: Recovery
i. “What does [the Student] look like? Soothers?”
(1) “Engaged in a preferred activity,” “Snacks,” “drawing, any physical activity.”
ii. Staff response: “Briefly acknowledge cooperative and appropriate behavior,” “If conversation is too triggering, consider a non-verbal activity and giving more space and time,” “Review daily schedule before joining the class.”

6. On September 18, 2024, the BSP was developed.
a. The plan described the Student’s challenging behaviors, which included:
i. Blurting.

ii. Impulsivity "... (pushing, grabbing, kicking, running into), and responding negatively (verbally) to provocation by peers."
iii. Refusing to follow directions.
iv. Repeated boundary issues.

b. The plan listed the following triggers:
i. "Peer says something to [them]."
ii. "Becomes bored with directed task after participating for a while."
iii. "Asked to stop doing something disruptive by anyone."
iv. "Having peer overtures rebuffed."
v. "Not getting [their] way or what [they] want."

c. The safety plan identified a behavior goal which stated, "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: 1 / 3 opportunities)." Relevant preventative strategies/interventions included:
i. "Safety Plan."
ii. "Visual Schedule."
iii. "Scheduled breaks."
iv. "Designated spot in the classroom."
v. "Snacks allowed throughout the day."
vi. "Consultation with the learning specialist and school Psychologist for behavior management strategies."
vii. "Build positive relationships with staff members."
viii. "FBA."

d. Response strategies indicated:
i. "When [the Student] is making good choices, staff should give positive praise and give compliments. In addition, [the Student] would earn rewards at home and at school."
ii. "When [the Student] has challenging behavior, staff strategies are to escort [the Student] to the resource room to regulate, provide regulating breaks, or given an opportunity to discuss/process what happened with an adult."
iii. "When [the Student] has unsafe behavior, staff responses were listed as: removing [the Student] from challenging situations, communication home, and will have a restorative conversation with school administration or supportive staff."

e. The BSP also included behavior data. Relevant data indicated the Student demonstrated physical aggression toward peers, threats, defiance/disrespect, and off-task behavior.

7. According to the Prior Written Notice of Special Education Action (PWN), dated September 18, 2024, "An IEP meeting was held. The team reviewed and updated the functional behavior assessment (FBA), created a behavior support plan (BSP), and increased the specially designed instruction [SDI] on [the Student's] IEP dated 05/14/2024. The team also reviewed the updated safety plan and added additional accommodations to [the Student's] IEP." The team explained, "[The Student] is demonstrating an increase of undesired behaviors at school. The team increased the specially designed instruction provided in Behavior, Self-Direction, and Psychological Services to provide more support to [the Student]."

8. On September 18, 2024, the Meeting Minutes for the IEP amendment meeting recounted the following relevant statements:
    a. The Parent stated they were "Concerned about student incidents, safety plan concerns, concerns about info given to [the Student]. Safety Plan: specifically questions about recess and [the Student] being isolated."
    b. The Emotional Growth Center (EGC) Teacher stated, "FBA update. The FBA was done last year. I revised it and highlighted the updates. Went over the FBA with the team. Asked [the Parent] about any medication updates."
    c. The Learning Specialist stated, "[The Student] has had increased supervision since last year. There have been times when [the Student] doesn't listen to the adult and increases [their] behaviors regardless. Went over [their] behavior goal and the objectives."
    d. The EGC Teacher stated, "We're going to take data with these increased supports on [their] current behavior and set up another meeting a month from now with the data results."

9. On December 3, 2024, an annual IEP meeting was held, and the following items were discussed:
    a. The Complainant stated they were "Concerned about the number of informal exclusions [the Student] has at school. ... [The Student] likes to have the steps laid out and then [they] can follow the steps. [The Student] sometimes needs a break in between, but [the Student] really enjoys the 1:1 attention. [The Student] thrives in the smaller setting rather than the larger setting. [The Student] does prefer 1:1, needs consistency in rules, structure, and staff responses."
    b. The team reviewed the Student's progress, and the Student's academic scores indicated the Student was performing at grade level; however, it was noted the Student was often off-task during academic instruction.
    c. Behavior scores were listed from the May 2023 evaluation. The present levels stated, "[The Student] has 17 documented incidences of physical aggression, defiance/disrespect, and 1 threat toward a peer. … [The Student] yells or cries when situations aren't as [the Student] expects or when [the Student] is asked to complete a non-preferred task. [The Student] can accurately account when an event happens, however, [the Student] struggles to describe the 'why' of the event. When [the Student] is dysregulated and experiencing a 'rage attack,' [the Student] is not able to problem solve and is not able to accept responsibility for [their] part of the problem during that moment. After [the Student] is regulated, [the Student] is able to more clearly see the problem and take responsibility for [their] actions."
    d. Successful strategies that were included in the present levels of functional performance included:
        i. "One-on-one attention from an adult, for academic work, positive attention/praise, and assistance with emotional regulation."
        ii. "Punch card for expected behavior, 10 punches = a self-selected reward."
        iii. "Green, yellow, red card visuals for non-verbal communication of behaviors."
        iv. "Safety plan."
        v. "Designated seat in the cafeteria, designated areas on the playground, designated work space, and a desk in the classroom."

vi. "Scheduled breaks."
vii. "Allowed to draw to regulate."
viii. "Access to snacks throughout the day."
ix. "Non-verbal feedback."
x. "Explicit directions and instructions given."
xi. "Increased movement breaks outside on the playground with a staff member due to the Student's increased activity level in the resource room, to the point that safety was a concern."

e. Relevant IEP accommodations included:
   i. "Scheduled movement breaks, access to break space."
   ii. "Alternate seating options."
   iii. "Safety Plan."
   iv. "Fidgets/putty."
   v. "Visual schedule."
   vi. "BSP."
   vii. "Visuals for expected behavior."
   viii. "Non-verbal feedback/communication about their behavior."
   ix. "Escalation plan."
f. Relevant program modifications/supports for school personnel included:
   i. "Consultation with a behavior specialist for 60 minutes per year."
g. In the nonparticipation justification section, the IEP stated, "[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."

10. On December 3, 2024, the IEP Meeting Minutes indicated the IEP team and the Complainant discussed the use of scheduled breaks. The notes stated, "Before 9:45, [the Student] has sometimes requested 2 breaks by then. It seems like at least once per hour - we set timer *[sic]* for about 10 minutes. ... After recess, [the Student] requests a break. [The Student] requests breaks after every return to the classroom. After morning recess (during read aloud), coming back from Specials, etc. ... that's why we scheduled in breaks at those times. ... [The Student] goes to Resource, sometimes just chills out, and sometimes uses the trampoline."

11. On December 5, 2024, a PWN was created to address the changes proposed on the Student's annual IEP. Relevant changes included:
    a. "The annual IEP date was moved to December 3, 2024, to consolidate prior amendments into a clear, streamlined plan." "A district-level behavior specialist will consult with the team to address the intersection of Tourette's Syndrome and Attention Deficit/Hyperactivity Disorder (ADHD) in [the Student's] behavior."
    b. "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."
    c. The team noted, "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 [their] current placement can meet [their] needs effectively."

12. On December 5, 2024, a PWN was provided to the Complainant and the Parent to address the District's response to their requests during the IEP meeting on December 3, 2024.
    a. The Complainant requested that a one-to-one aide be assigned to the Student for instruction, behavior, and physical support. The team did not assign a one-to-one aide.
    b. The Complainant requested that the District, "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." The District stated it would not conduct a new FBA.
    c. The Complainant requested, "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." The District responded, "Scheduled and self-selected breaks will remain as an accommodation in [the Student's] IEP."

13. On December 17, 2024, the Student's Safety Plan was revised. The relevant school safety supports addressed in this plan included:
    a. "[The Student] will have scheduled breaks throughout the day to check in about daily behavior and goals."
    b. "[The Student] will be given one opportunity for re-direction after a short reset break."
    c. "[The Student] will have a designated spot in line and on the carpet during classroom instruction and specials."
    d. "All substitutes who interact with [the Student] will be given a copy of this plan."

14. On December 18, 2024, the December 3, 2024 IEP was amended, "... to add the accommodation of additional adult assistance … A written agreement was signed to revise the IEP without a meeting." On the same day, a PWN was created and described the accommodation of additional adult assistance to the Student's IEP.

15. On January 13, 2025, the December 3, 2024 IEP was amended to, "... remove the accommodation of additional adult assistance … and to change the student's least restrictive environment to a special class with a focus on social-emotional/behavioral skills, and with … support in academics. A written agreement was signed to revise the IEP without a meeting." On the same day, the Student's Inclusion Plan was revised. The documentation shows the following relevant supports:
    a. "Scheduled movement breaks."
    b. "Access to a break space."
    c. "Frequent check-ins/redirections/reminders with the teacher."
    d. "Alternate seating options."
    e. "Safety plan."
    f. "Fidgets/putty."
    g. "Visual schedule."
    h. "BSP."

16. On January 31, 2025, the December 3, 2024 IEP was amended to remove the accommodation of using a single stall bathroom. In addition, the team met to review the IEP, BSP, and safety plans. This meeting occurred "… to help facilitate a smooth transition from [the Elementary School] general education/resource room to [the Center]."

17. On January 31, 2025, the IEP Meeting Minutes indicated the Complainant requested a new FBA. The team discussed the Student's current behaviors. The Complainant questioned the decision to change the Student's placement and stated the Complainant wanted "to make sure this is the right placement for [the Student]." The team discussed the Student's use of the break room, having the Student work with the same staff every day, and keeping the schedule as consistent as possible. The Complainant requested a copy of the FBA, and it was printed and emailed to the Parent and the Complainant at the meeting.

18. On February 24, 2025, a Physical Restraint and/or Seclusion and Debriefing Report was completed. According to the report, the Student was placed in seclusion for six minutes.
    a. The Student's behaviors that prompted the use of seclusion included:
        i. "Physical aggression toward another student."
        ii. "Elopement."
        iii. "Physical aggression towards staff."
        iv. "Threat of physical aggression to another student."
        v. "Inappropriate language."
        vi. "Damage to property."
    b. Interventions used to try to deescalate the Student before the use of seclusion included:
        i. "Offered options."
        ii. "Changed environment."
        iii. "Offered a quiet space."
        iv. "Offered sensory tools/calming techniques."
        v. "Offered/went for a walk."
        vi. "Reduced demands."
        vii. "Talked 1 to 1."
        viii. "Used verbal redirection."
    c. During the seclusion, the Student exhibited the following behaviors:
        i. "Yelling, screaming, and kicking."
        ii. "Crying, screaming, 'I'm going to kill you'. At the end, asked for water, staff got [the Student] a cup of water."
    d. The seclusion ended when staff determined the Student was no longer a risk to self or others.
    e. The Parent and the Complainant were notified through written notice/email at 3:15 p.m. on February 24, 2025.
    f. Debriefing minutes indicated the team would provide a structured recess schedule.
    g. According to the debrief minutes, the events that led to the seclusion were described. "[The Student] was banging on the recess door and yelling to get in. The 4th[-]grade teachers were on their way back down to get their class. [The Student] was flipping them off and yelling at them. [A Fourth-Grade Teacher] was able to get the student to take

some deep breaths before [the EGC Teacher] let them in. On the way in, [a Fourth-Grade Teacher] let [the Student] know that it was disrespectful/inappropriate. [The Student] continued to escalate by yelling at [a fourth-grade teacher], calling them names. [The Student] eloped upstairs to the 5th[-]grade pod. [The Student] was knocking things over, clearing tables, and trying to get into the classrooms and yelling 'I am going to kill you.'"

19. On March 2, 2025, data was collected by the EGC teacher and paraeducators during 18 stages of the Student's school day on the following behaviors: remaining on task, self-regulation, following directions, and ticks. Of the 54 opportunities available for documenting the Student's behavior, 47 of those opportunities were recorded as "3's," which described that the Student performed "independently," or "2's," which described the Student requiring "1-2 reminders, prompts, redirections."
    a. There were no instances during the school day that resulted in the observer documenting a score of "0," which indicated "unsafe levels, direct adult intervention needed."
    b. A score of "1," indicating the Student needed three or more reminders, prompts, or redirections, was observed during "Read aloud EGC" for remaining on task, self-regulation, and following directions. Comments indicated the Student was "Frustrated because [the Student] couldn't get [their] shoes untied after the wellness break." General notes described "I offered help with [the Student's] shoes, [the Student] wasn't hearing me. [The Student] was yelling, slamming fist and shoes on the table, and threw [a] water bottle at the dry[-]erase board, and yelled at a classmate "stop staring at me [obscenity]" … I took [the Student's] shoes to help. [The Student] had very intense tics. I told [the Student] I noticed [their] tics and [they] needed a break. [The Student] went outside, started hitting windows with a stick. Stopped quickly. I brought [them] inside for snack time and a drawing break, and a snack to regulate. [The Student] was able to attend the read aloud and orally participated in a 5th[-] grade reading lesson and our whole group grammar work. [The Student] didn't complete the packet, but orally responded to show [they] understood."
    c. A score of "1" was observed during "Recess" for the behaviors of remaining on task, self-regulation, and following directions. Comments indicated the Student "Stole a classmate's shoe and was running around the playground as the student was trying to get it back. Only dropped once [Unknown Person] ran after [the Student] to get it back. When another classmate asked why [the Student] did it and let [the Student] know it was unkind, [the Student] said it was because of a previous confrontation." General notes indicated "The previous confrontation arose after [the Student] was throwing things (paper, pencils, food) at the classmate. [The Student] sat behind them at the time. This was a period of time when [the Student] was not taking [their] medication, and I was absent. The classmate asked [the Student] to stop repeatedly, as did the staff. This event triggered the student and sent them into a red zone. Seats have since been changed to where this isn't an issue anymore."
    d. A score of "1" was observed during "math" in self-regulation. General notes indicated "[The Student] was completing some math problems I had given [them]. [They] became frustrated at a problem. A substitute para[professional] approached to try to help [the Student]. [The Student] attempted to leave the classroom (the sub[stitute] para[professional] was not a familiar face to [the Student]. [The Student] responds really

well to trusted adults, as you know.) The sub[stitute] attempted to redirect [the Student] to stay inside the classroom by touching/holding the arm of [the Student's] sweatshirt. This brought up feelings/memories from [the Previous School]. [The Student] was really triggered by this. But [they] remained calm, sat on a bench outside. [The Student] confided in me, our student success coach, and [the Principal]. The sub[stitute] was asked to leave the classroom."

20. On March 5, 2025, a Physical Restraint and/or Seclusion Incident and Debriefing Report documented a restraint incident involving the Student, which was the second occurrence in the 2024-25 school year. The report indicated the Student had both a behavior plan and an IEP. The restraint took place in the hall and lasted for zero minutes. The Student's behavior that led to the restraint was described as "elopement." Efforts to deescalate the situation and alternatives to restraint that were attempted were listed as "unknown." According to the report, the restraint ended when the Student Success Coach took the Student for a walk and provided them with a snack. The report indicated the Substitute Paraprofessional involved in the incident was certified to administer restraints and the Complainant was contacted by phone.

    The incident was debriefed on the following day with the Principal, the Parent, and the Complainant. According to the report, the Student "... was stuck on a math problem in DreamBox and got frustrated and threw [their] computer to the ground. [The Student] then got up and tried to leave the room when the restraint happened." During the debrief meeting, the Principal indicated the Substitute Paraprofessional "grabbed [the Student] by the wrist" and by the hood, which reminded the Student of a previous school experience. The Student also reportedly threw a book due to frustration with a math problem. According to the Principal, the Student spoke with the Principal and the Student Success Coach and said they were "okay with a snack" and agreed to return to class. The Complainant inquired about the Student threatening another student and throwing a chair, and expressed concern about not receiving communication from the School immediately. According to the debriefing notes, the following conversation occurred:

    a. The Complainant: "The log says has *[sic]* different information. [The Student] attempted to leave - [the Student] will be allowed to leave and followed *[sic]* so [the Student] doesn't leave. This was not relayed to the [the Substitute Paraprofessional]. Was [the Substitute Paraprofessional] given the escalation plan where you don't restrain?"
    b. The Parent: "I understand [the Student] threw the chromebook. … On here, it is very minimized. I didn't get a phone call yesterday. We should have gotten a phone call right away. [The Substitute Paraprofessional] grabbed [the Student] by the hoodie and could've strangled [the Student]."
    c. The Complainant: "[The Student] also threatened … [an Unknown Student]. Is there a threat assessment? … [The Student] appeared to be hugging and appeared to be calm. That call should have been made to us."
    d. The Principal: "I was saying, if [the Student] got to the point of being dysregulated and needed to go home, I would call you to have you come to help [the Student]."
    e. The Complainant: "The issue was that [the Student] wasn't safe. [The Student] is not physically showing the symptoms. [The Student] is traumatized mentally. [The Student's]

saying [the Student] was traumatized by a previous incident, should have warranted a phone call. [The Student] verbalized [the Student] wanted to kill [someone]."

f. The Principal: "[I] did not hear this information."
g. The Complainant: "... [The Student] could be regulated and we don't know what i[s] going on in [the Student's] head. [The Student] said this is bringing back [their] memory. [The Student] took it out on others (shared information from the log)."
h. The Principal: "I understood that you had wanted me to talk things through with [the Student]. If this is what you would like to happen, we can have you pick [them] up. I tried to do the best I could with the knowledge I had."
i. The Parent: "I understand you kept [the Student] here because [the Student] looked regulated. But there was no phone call home."

Toward the end of the debrief, it was noted the Principal said, "I am sorry. The Substitute Paraprofessional made the mistake. I was trusting when [the Student] said [the Student] was okay."

21. In an interview with the Complaint Investigator, the Principal was unable to describe what type of behavior was expected to be addressed according to the de-escalation plan, but stated, " … there are a series of protocols that we should follow." The Principal stated they, "... know that the plan was followed." They added, "... I know for a fact that the plan was followed because I was in the room with the person who was helping [the Student] deescalate." The Principal stated it was toward the end of the escalation cycle when they arrived. The Principal stated they "... didn't observe anything until the time that [the Principal] was called to the room where our student success coach was working with [the Student]." According to the Principal, the accommodations that were being provided included "... offering [the Student] a snack, giving [them] a place to be quiet and by [themself], allowing [them] to move around and use fidgets." The Principal added the Student was allowed to "... leave the classroom and deescalate in a place where [they] feel safe with people that [they] feel safe." The Principal was unable to confirm what time the Substitute Paraprofessional arrived in the building on March 5, 2025. The Principal stated it was this Substitute Paraprofessional's first time working in their building, to their knowledge.

22. According to the Assistant Administrator, on March 5, 2025, the EGC Teacher directed the Substitute Paraprofessional to look over the BSP and IEP folder and told them where it was. They stated the Substitute Paraprofessional was told to look it over "first thing in the morning." They stated the Substitute Paraprofessional "... had a lot of down time in the morning while [the EGC Teacher] was teaching to look at it."

23. Regarding the investigation into this incident, the Principal stated they had interviewed the Student Success Coach, who was in the classroom next door when the incident took place. The Principal recalled the Student Success Coach had relayed that they had walked into the hall when the Substitute Paraprofessional grabbed the Student's sweatshirt and told the Student to get back in the hallway. The Student Success Coach told the Substitute Paraprofessional to let go of the Student and leave the situation. The Principal stated they

did not witness the incident. They recalled, “I didn’t come in until after the student was in the wellness room, so I didn’t see any of that.”

24. During an interview with the Complaint Investigator, the Complainant confirmed they received a communication log on March 5, 2025, describing the Student’s day. The notes stated the Student was grabbed by the hoodie and the arm or wrist. The Complainant stated they spoke to the Student regarding the incident and was told by the Student that the Student had become frustrated and the Substitute Paraprofessional grabbed them by the hoodie and the wrist. The Complainant stated the Principal told them the Substitute Paraprofessional performed an illegal restraint and was sent home. According to the Complainant, the Principal stated the Student was okay. Additionally, the Complainant alleged the Substitute Paraprofessional did not redirect the Student, try to de-escalate the Student, offer the Student a fidget, or offer the Student another space. The Complainant alleged the Student did not have opportunities to work on their goals, which they alleged is why another restraint occurred two weeks later.

25. The Complainant alleged there was a verbal agreement between the IEP team and the family that allowed the Student to “pick a bench outside, go outside and try to regulate [themself].” The Complainant stated this is what the Student was trying to do when the Student was restrained on March 5, 2025.

26. On March 5, 2025, a report was made to the Oregon Child Abuse Hotline, which was forwarded to the Office of Training, Investigations, and Safety (OTIS) the same day. OTIS assigned an investigator and completed their report on April 30, 2025. The report described the following:
    a. The Complainant stated the Student was on an IEP, Safety Plan, and De-escalation Plan that “... explicitly state[d] staff should not put hands on [the Student] unless they are safety trained.”
    b. According to a meeting with the School, “... the incident plan only stated the educator had touched [the Student's] sweatshirt; however, [the Complainant] was told the [Substitute Paraprofessional] had grabbed [the Student]. The Principal had confirmed the Substitute Paraprofessional had received and reviewed the IEP plan and de-escalation plans. It remains unclear why [the Substitute Para[professional] felt appropriate to grab [the Student]. [The Complainant] wanted to press charges; however, they were informed the incident did not constitute an offense under Oregon Revised Statutes.”
    c. The report provided additional information about the incident. It stated, “At the time of restraint, [the Student] was attempting to elope. [The Student] stated [the Student] was grabbed by [their] hoodie and wrist. [The Substitute Paraprofessional] shared [the Student] had thrown [their] book and was frustrated. [The Substitute Paraprofessional] admitted to grabbing at [the Student's] wrist and hoodie before [the Substitute Paraprofessional] was sent home. [The Complainant] informed the school of [the Substitute Paraprofessional] having grabbed [the Student] by the wrist and front of [their] hoodie after [they] had thrown a chair, threatened to kill [the Substitute Paraprofessional], and threw a chrome book prior to leaving the classroom.”

d. The Substitute Paraprofessional responded to the allegations, which stated, "When [the Substitute Paraprofessional] arrived late, no one gave them time to review any documents, nor did any of the two teachers provide them time to discuss specific needs. Then, another staff told [the Substitute Paraprofessional] [the Substitute Paraprofessional] was going to cover their lunch period which left [the Substitute Paraprofessional] alone with three high need students whom [the Substitute Paraprofessional] had no information on." [The Substitute Paraprofessional] also recounted the behaviors which led to the restraint. "Immediately, the three students began to act out which led to [the Student] breaking a chrome book, destroy several desks, yell and run out of the room. [The Substitute Paraprofessional] was fearful for [the Student's] safety, [their] own and the safety of other students. While [the Substitute Paraprofessional] is Safety Care trained, [the Substitute Paraprofessional] was only able to grab ahold of [the Student] by the wrist briefly before only being able to grab hold of [the Student's] hoodie sleeve. [The Substitute Paraprofessional] held onto [them] for less than a minute['s time while [the Substitute Paraprofessional] yelled for other staff to help. [The Substitute Paraprofessional] let go of [The Student's] hoodie. [The Student] then ran back into the classroom stating [the Student] was going to kill [the Substitute Paraprofessional] and raised a chair to throw at [the Substitute Paraprofessional] before another staff intervened."

27. On March 17, 2025, the District received a signed consent for evaluation from the Complainant to complete an FBA "... to provide the team with current information and ensure the behavior support plan reflects any new developments and aligns with [the Student's] current setting."

28. On April 16, 2025, a fourth seclusion was reported involving the Student. The total time of the seclusion was reported as 11 minutes.
    a. Behaviors that prompted the use of seclusion included:
        i. Physical aggression towards staff.
        ii. Threat of physical aggression to another student.
    b. Documented efforts used to de-escalate the situation included:
        i. Offered options.
        ii. Offered a quiet space.
        iii. Offered sensory tools/calming techniques.
        iv. Reduced demands.
        v. Used verbal redirection.
        vi. Room cleared first to get the triggered student out of the room.
    c. Documentation indicated that during the seclusion, the Student was yelling, screaming, head-banging, crying, hitting their head on the door, and sitting on the floor.
    d. The seclusion ended when "[The Student] was sitting in the corner crying. [The Student] was offered water, Legos, and for an adult to be with them. [The Student] refused all three. [The Student] sat in there for about 6 minutes and waited in the classroom for their [Parent] to pick them up."
    e. "[The Parent and the Complainant] were contacted by phone and by written notice or email on April 16, 2025, at 2:10 pm."

f. The seclusion incident debrief occurred on April 25, 2025.
    i. The minutes described ongoing issues between the Student and a classmate.
    ii. Preventative strategies included room clearing at the initial signs of agitation and increased staffing.
    iii. The Meeting Minutes referenced a meeting with the family on April 24, 2025.
    iv. The debrief recounted the following staff interventions before the seclusion: room clear, blocked the Student to prevent them from engaging with a classmate, locked doors to the classroom, and set a timer.

29. In an interview with the Complaint Investigator, the Assistant Administrator was unable to describe which positive supports were used with the Student, how scheduled breaks were documented, and where the Student's designated spot was located in the classroom. They were not able to indicate when consultation took place between the EGC Teacher and the District Behavior Specialist but stated the behavior specialists did not keep service logs. The Assistant Administrator did not know about the academic checklists, visuals for expected behaviors, or alternate seating options for the Student.

30. On August 26, 2025, the Assistant Administrator responded to previous interview questions regarding the Student's access to their accommodations in which they stated the following:
    a. "Breaks were typically scheduled every 15-20 minutes of work (direct instruction or physical assignment) for the whole class. Breaks were given upon student request too."
    b. "Breaks weren't officially documented." Breaks were sometimes noted in the communication logs.
    c. The break area was in the corner of the EGC Teacher's classroom "...by the corner windows."
    d. "Break cards were velcroed to student desks, visual schedule was on the board directly in front of [the Student's] desk. Coping/breaking visuals were also taped to [the Student's] desk."
    e. The Student had access to alternate seating options. According to the EGC teacher, the Student could "... work in alternative spots like the break area, under [their] desk, on the floor, etc."
    f. The Behavior Specialist met with the EGC teacher on 27 different dates throughout the school year beginning on October 14, [2024] and ending on May 21, [2025]. Two of those dates specifically mention topics related to Tourettes.

31. On April 24, 2025, the BSP Summary was updated to include the Student's current challenging behaviors, triggers, goals, and interventions.
    a. The social/emotional skills goal stated, "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."
    b. The behavior goal stated, "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."

c. The following relevant preventative strategies /interventions included:
    i. "Visual schedule."
    ii. "Scheduled breaks."
    iii. "Safety Plan."
    iv. "Positive reinforcement with classroom incentives (school store)."
    v. "Scheduled breaks."
    vi. "Walking breaks are available throughout the day."
    vii. "Snacks are allowed throughout the school day."
    viii. "Increased individual adult attention throughout the day."
    ix. "FBA (currently being updated for a new setting)."
    x. "Collaboration with outside providers."
d. Relevant response strategies included:
    i. "Calm and neutral responses."
    ii. "Decrease language when the Student is elevated."
    iii. "Keep directives short and simple."
    iv. "Offer a walking break (with a designated route) or a break in a quiet setting."
    v. "Eyes on supervision, do not attempt to block the Student from leaving."
    vi. "Offer limited choices."
    vii. "Remove [the Student] from challenging situations/ settings whenever possible."
    viii. "Room clear other students, if possible, from the space."
    ix. "Communication home."
    x. "Refrain from restraints if possible due to previous physical trauma."
    xi. "Seclusion if necessary."
    xii. "[The Student] will not re-enter the classroom space following a behavior infraction until there is an opportunity for repair."

32. On May 29, 2025, a seclusion was reported. This was documented as the fifth occurrence of the school year. According to this report, "Including the current incident in this report, after every five (5) incidents, a meeting including the parent must be held to draft a behavior plan or review and revise the student's existing behavior plan, and to ensure the provision of any necessary behavioral supports."
    a. The total time of the seclusion was reported as 14 minutes.
    b. Behaviors that prompted the use of seclusion included:
        i. "Self-injury."
        ii. "Elopement."
        iii. "Physical aggression."
        iv. "Damage to property."
        v. "[The Student] was slamming their closed fist on a glass case very hard. There was significant risk that the glass would shatter and risk injury to [the Student], staff, and students. A brief one[-]person Safety Care hold was implemented, about 1 minute, before a second adult could transport [the Student] upstairs."
    c. Documented efforts used to deescalate the situation included:

i. "Offered options."
ii. "Offered a quiet space."
iii. "Offered sensory tools /calming techniques."
iv. "Reduced demands."
v. "Talked 1:1."
vi. "Preferred activity/staff member."
vii. "Room cleared first, and had preferred adults with [the Student]."

d. During the seclusion, the Student was "Attempting to bite and wrap their legs around staff legs during transport to seclusion room."
e. The restraint and/or seclusion ended when the Student was offered and accepted a snack and water.
f. The Parent and the Complainant were contacted via phone on May 29, 2025, at 10:45 a.m.
g. The debrief took place on June 2, 2025.
    i. The Complainant asked about the procedures once five restraints/seclusions were reached.
    ii. The notes stated the team would "... talk about and revise the BSP as a result of both the FBA results and the 5 restraints/seclusions."
    iii. The debrief recounted the following staff interventions used before the seclusion/restraint, including: ignored the behavior of throwing objects, cleared the classroom of students except the Student, blocked the Student from exiting classroom through doorway, followed the Student to ensure safety, encouraged the Student to go to a different location, and used a Safety Care graduated guide.
    iv. According to the debrief, the Student "... aggressively slammed on a glass case with a closed fist several times," after which the Student was placed in a one-person hold while the staff member called for help.
    v. "Two staff members came down to assist. A two[-]person transport was used. [The Student] was brought to the seclusion room via the elevator. Two people were doing the transport while a third rode the elevator to ensure safety. During the transition, [the Student] attempted to bite and wrap their legs around the paras to trip them."

33. On July 7, 2025, the Complainant filed this Complaint.

IV. DISCUSSION

When IEPs Must Be in Effect

The Complaint alleged the District violated the IDEA by not following the Student's escalation plan, nor implementing de-escalation techniques in accordance with the Student's IEP.

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. Additionally, districts

must ensure the IEP is accessible to each regular education teacher, special education teacher, related service providers, and other service providers who are responsible for its implementation. Each teacher and provider 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 as outlined in the IEP.[3]

There is no expectation that IEPs be implemented with perfection under the IDEA. "[A] district does not violate the IDEA unless it is shown to have materially failed to implement the child's IEP. A material failure occurs when there is more than a minor discrepancy between the services provided… and those required by the IEP."[4] "[T]he materiality standard does not require that the child suffer demonstrable education harm…However, the child's educational progress, or lack of it, may be probative of whether there has been more than a minor shortfall in the services provided." If a child is not provided with instruction as required, a shortfall in achievement would indicate a material failure to implement the child's IEP. "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."[5]

Throughout the 2024-25 school year, the District made repeated attempts to address the Student's escalating behaviors through the revision of a Safety Plan, the development of a BSP, and amendments to the IEP. Despite these documented plans, the evidence revealed a consistent failure to implement the stated supports, particularly on March 5, 2025, and in subsequent incidents. On March 5, 2025, a substitute paraprofessional, who had not been provided time to review the Student's IEP and behavior plan, physically restrained the Student. The Student's plan explicitly stated staff should refrain from restraints if possible due to previous physical trauma. The Principal's debrief notes confirmed the substitute's error and the restraint was contrary to the Student's plan. The Assistant Administrator's interview corroborated the lack of consistent implementation, as they were unable to confirm the Student's accommodations had been followed. The District's reliance on physical interventions demonstrated that the proactive, preventative strategies in the Student's IEP were not being consistently applied and impacted the Student's ability to access their education.

The Department substantiates this allegation.

V. CORRECTIVE ACTION[6]

[3] OAR 581-015-2220; 34 CFR §300.323

[4] *Van Duyn v. Baker Sch. Dist. 5J*, 502 F3d 811, 815 (9th Cir. 2007).

[5] *Id.* at 822.

[6] 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)).

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

Action Required	**Submissions**	**As Soon As Possible But No Later Than Due Date**
1. The District must provide the Student with Compensatory Education to make up for SDI not provided pursuant to Student's IEP. The Compensatory Education to be offered to the Parent shall include at least: • 1 hour of SDI in functional skills; The District must hold an IEP meeting with the Parent to develop a plan to deliver this SDI.[7]	The District shall submit the following: Completed plan for delivery of Compensatory Education developed in IEP meeting with Parent; Evidence showing compensatory education was provided.	**October 1, 2025** **June 1, 2026**
2. The District must ensure that all District staff responsible for reviewing, revising, developing, and implementing IEPs for this Student receive training in each of the following areas: • IEP Implementation; and • Behavior Support Plans.	Training agenda/materials to ODE for review/approval. Sign-in sheet for training.	**January 15, 2026** **February 15, 2026**
3. The District must ensure that all District paraprofessionals and substitutes responsible for implementing IEPs receive training in each of the following areas: • IEP Accommodations; and • Behavior Support Plans.	Training agenda/materials to ODE for review/approval. Sign-in sheet for training.	**January 15, 2026** **February 15, 2026**

Dated: this 5 Day of September 2025

[7] The Department provides IEP Facilitation services when it is mutually desired by parents and school districts and is available to support the Student's IEP team in this meeting. If a Facilitated IEP meeting is desired, please email: ode.disputeresolution@ode.oregon.gov



Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing Date: September 5, 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).)