**BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION**

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| In the Matter of Beaverton School District 48J | ) | FINDINGS OF FACT, |
| | ) | CONCLUSIONS, |
| | ) | AND FINAL ORDER |
| | ) | Case No. 25-054-057 |

## I. BACKGROUND

On August 28, 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.[1] 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.[2]

On September 3, 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 September 17, 2025.

The District submitted a *Response* on September 17, 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 9/17/25
2. Notice of Team Meeting, 08/26/25
3. Part B: Oregon Standard Individualized Education Program (IEP), 11/21/24
4. Special Education Placement Determination, 11/21/24
5. Annual Academic and Functional Goals and Objectives Progress Report, 01/27/25-06/13/25
6. Prior Written Notice, 08/28/25
7. Period Attendance, 08/27/25-09/09/25
8. Relevant Emails between the parties, 6/19/25-9/03/25

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

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

1. Parent's *Reply* to the District's *Response* to *RFR*, 09/8/25

The Complaint Investigator interviewed the Parent and District personnel on October 1, 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 Parent's allegations and the Department's conclusions are set out in the chart below. The conclusions are based on the Findings of Fact in Section III and the Discussion in Section IV. This Complaint covers the one-year period from August 29, 2024, to the filing of this Complaint on August 28, 2025.

| Allegations | Conclusions |
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| **Review and Revision of the IEP**<br><br>The Complaint alleged the District violated the IDEA when, on June 19, 2025, the Parent "submitted an emergency request for an IEP meeting … and consideration of an out-of-district therapeutic placement" and a meeting had not been scheduled. The Parent made a second request for an IEP meeting on August 20, 2025.<br><br>(OAR 581-015-2225; 34 CFR § 300.324) | **Not Substantiated**<br><br>The District did schedule an IEP meeting at the Parent's request. |
| **Reevaluation**<br><br>The Complaint alleged the District violated the IDEA by not conducting new evaluations, including a functional behavior assessment (FBA).<br><br>(OAR 581-015-2105(4)(b)(B); 34 CFR § 300.303(a)(2)) | **Not Substantiated**<br><br>The District agreed to consider the Parent's request for an FBA at an IEP meeting; however, the Parent did not attend the scheduled IEP meeting. |
| **Allegations** | **Conclusions** |
| **Prior Written Notice (PWN)**<br><br>The Complaint alleged the District violated the IDEA when, in late August 2025, the District denied [special education] | **Not Substantiated** |

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| services, "but the district has not issued the required … PWN."<br><br>(OAR 581-015-2310(2); 34 CFR § 300.503(a)) | The District did issue a PWN responding to the Parent's request. |
| **Free Appropriate Public Education (FAPE)**<br><br>The Complaint alleged the District violated the IDEA when "[t]he [D]istrict's inaction and refusal to follow proper procedures has denied [the Student] a … (FAPE)."<br><br>(OAR 581-015-2040; 34 CFR § 300.101) | **Not Substantiated**<br><br>The District offered the Student comparable services and did not deprive the Student of a FAPE, based on the most recent IEP. |

| **REQUESTED CORRECTIVE ACTION** |
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| ● "Immediate IEP team meeting."<br>● "Comprehensive re-evaluation, including psychological testing and a new [FBA] and Behavior Intervention Plan [BIP]."<br>● "Consideration of placement in an appropriate therapeutic day school (Serendipity, Trillium, or equivalent)."<br>● "Compensatory services to make up for services denied since June 2025." |

## 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 August 29, 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 14 years old and was enrolled at a middle school in the District. The Student is eligible for special education services with an eligibility of Autism Spectrum Disorder (ASD). The Student is interested in art, dragons, and edgy creative writing and is a strong reader.

2. An IEP dated November 21, 2024, indicated the following:
   a. The Student's next reevaluation was due October 23, 2026.
   b. No Special Factors were marked as "yes."
   c. The Parents described academic and functional concerns.
   d. Goals were written in the areas of math, behavior - social/emotional, social skills, and communication.
   e. Specially Designed Instruction (SDI) for social skills, behavior - social/emotional, math, and speech/language therapy as a related service were described as occurring monthly, for 120 minutes in the virtual classroom from November 22, 2024 to November 20, 2025, provided by the Local Educational Agency (LEA).

f. Supplementary Aids/Services/Accommodations were described and included alternate methods to demonstrate mastery of the material, breaking up larger projects, extra time, graphic organizers, notes on tests and quizzes, comprehension checks, text-to-speech/speech-to-text, visual/verbal cueing, modeling and expansion of utterances, and access to a calculator.
g. No modifications were listed.
h. Supports for School Personnel listed consultation with the Parent and staff by a case manager for 30 minutes per semester from November 22, 2024 to November 20, 2025.
i. The Non-Participation Justification indicated the Student would be removed from the regular education classroom for 360 minutes per month.
j. The Student did not require ESY services.
k. The placement option selected by the team, which included the Parents, was the "General education classroom for 80% of the day or greater with less than 20% of [the] day removed from [the] general education classroom to access Special Education services."

3. An Annual Progress Report dated November 21, 2024, listed the following dates and comments regarding the Student's progress toward meeting their goals:
   a. Math: "Progressing" on January 27, 2025 and June 3, 2025.
   b. Behavior - Social/Emotional: "Progressing" on January 24, 2025 and June 13, 2025.
   c. Social Skills: "Progressing" on January 27, 2025 and June 13, 2025.
   d. Communication: Goal removed on April 4, 2025.

4. The following email exchanges occurred from June 19, 2025 through July 28, 2025 regarding the IEP process:
   a. June 19, 2025: The Parent emailed the Executive Administrator and wrote, "I am requesting an emergency IEP meeting for … [the Student]." The Parent shared information about the Student's academic progress and behavioral concerns. The Parent formally requested the following:
      i. "A complete re-evaluation of [the Student's] IEP."
      ii. "A new FBA and [BIP]."
      iii. "An out-of-district placement such as [the Center] or [Day Treatment]."
      iv. "A setting with high academic expectations, therapeutic support, and structured peer grouping."
   b. June 24, 2025: The Executive Administrator responded and inquired as to whether the Student had been enrolled, if the Parent had a copy of the Student's current IEP, and wrote, "Once we receive the current information, I can work with the IEP team on the next steps." The Parent responded with the Student's previous school name and indicated the Student had an IEP from that school.
   c. June 25, 2025: The Executive Administrator emailed the Parent, "At this time, [the Student] is not yet enrolled with [the District]. Once that's done, they will begin the process of obtaining [the Student's] educational records (including [the Student's] special education records. The special education team will review the records and schedule an IEP meeting when they return in August. At that IEP meeting, [the Student's] current IEP will be reviewed, any needed updates or necessary evaluations will be discussed, and then the team will determine the most appropriate supports and services [the Student] might

need in [their] new setting. As you know, placement decisions are based on individual student needs and data collected in the current setting. I'm currently out of the office and will return on Monday. Let me know what your neighborhood middle school is, and I'll have the special education administrator who oversees that region give you a call to answer any questions you have."

5. On August 20, 2025, the Parent emailed the Executive Administrator to share that they had registered the Student at the School and indicated "We are ready to move forward with scheduling an IEP meeting and ensuring [the Student] receives the support [the Student] needs … ." The Parent shared the Student's strengths and challenges and wrote, "To ensure [the Student] has an appropriate placement and support plan, I am formally requesting: A complete re-evaluation of [the Student's] IEP, A new [FBA] and [BIP], Consideration of an out-of-district therapeutic placement such as [the Center] or [Day Treatment] if [the Student's] needs cannot be met within [the District], a placement that combines high academic expectations with therapeutic support and structured peer grouping."

6. On August 20, 2025, the following internal emails were exchanged regarding the Student's enrollment in the School:
   a. 12:23 p.m.: The Registrar wrote, "I have enrollment paperwork for [the Student]. Parents said they have been in conversation with you [the Executive Administrator] regarding possible placement."
   b. 1:23 p.m.: The Executive Administrator responded, "[The Parent] reached out to me during the summer - but did not tell me what [their] neighborhood school was. I asked for a copy of [the Student's] IEP, but never received it. Once it arrives, please make sure the facilitator gets it ASAP, as it sounds like [the Student] has complex needs. I did let [the Parent] know that typically, the school team is required to follow [the Student's] current IEP until a new one is written."
   c. 2:44 p.m.: The Registrar emailed the Executive Assistant to indicate the Student was now enrolled in the School, and a request for records was sent to the Previous School.

7. On August 25, 2025, the following internal email exchanges occurred regarding scheduling an IEP meeting for the Student:
   a. 3:15 p.m.: A District employee shared a Facebook message posted by the Parent in an email to the Executive Administrator, "I am writing to urgently request assistance regarding [the Student], and [their] enrollment at [the School]. In July, I requested an emergency IEP meeting. I was advised by [the Executive Administrator] that I needed to register [the Student] with [the District] before support could be provided. I registered [the Student] on August 20th, exactly on the day we were told to register. We have done everything as directed and as quickly as possible. Since then, however, I have received no communication about [the Student's] start date, [the Student's] enrollment status, or [their] IEP. Because no one has contacted me, I cannot say what—if anything—has been put in place for [the Student]. I have attempted to follow up with [the Executive Administrator] by email, and I have tried calling every phone number for the school, district, and attendance line. All currently report as unavailable. With school beginning in just a few days, [the Student] still does not know when to start, and I have not been able

to confirm whether [the Student's] IEP meeting has been scheduled or whether accommodations are ready for [the Student]. I am requesting immediate clarification on: 1. When [the Student] is expected to begin attending [the School]. 2. When [the Student's] IEP team will be meeting to ensure [the Student] has the support [the Student] needs. 3. Who at the district level is overseeing [the Student's] enrollment and IEP process, so I can follow up directly if needed." At 3:18 p.m., the same message was sent to the District via a School Contact Form.

b. 4:32 p.m.: The Executive Administrator emailed the Assistant Administrator and the Special Education Facilitator and requested they reach out to the family.
c. 4:51 p.m.: The Special Education Facilitator emailed members of the School team, "We need to schedule a meeting asap for this student and [their] family. IEP looks expired[,] though eligibility (ASD) might be current. This student moved in last year from [out-of-state]." The Special Education Facilitator indicated the Student attended several schools in the State and indicated there was a "Consent to Evaluate" for the State from June 2024.
d. 5:52 p.m.: The School Psychologist responded the Student had been assigned a case manager, records had been shared with the Case Manager, and the School Psychologist would be "reaching out to [the Assessment Specialist] tomorrow to manage the move-in paperwork and schedule an IEP (and likely eval planning) meeting." The School Psychologist reported a counselor "... emailed the student's [parent] earlier today to report that [the Student] has been assigned to a Learning Strategies class. [The Student] was most recently in online school and, previous to that, in [another state]. We have based this placement on the older documents from [the Student's] most recent in-building IEP since we don't have anything from the online school anyway."

8. On August 25, 2025, the following email exchanges occurred between the District and the Parent regarding the Student's placement:
   a. 4:09 p.m.: The Counselor emailed the Parent to introduce themself and alert the Parent the District was "... still waiting on [the Student's] most recent IEP from [their] most recent educational placement. … Until we receive [the Student's] most recent information, I built [the Student] a current … schedule at [the School] with a Learning Strategies Course (Special Education) to start. I hope we get more information soon. This information will drive [the Student's] supports and any additional meetings. [The Student's] anticipated start date is with all the other … [students] at [the School]. We are expecting [the Student] to start on Wednesday, August 27th [2025]."
   b. 4:20 p.m.: The Parent emailed the Counselor to share details regarding the Student's educational history and wrote, "... I do not believe it is in [the Student's] best interest to wait on records that may or may not arrive in time. Public school is not a good option for [the Student] without the supports [the Student] needs. I am formally requesting an emergency IEP meeting immediately so that [the Student] can be assessed and provided the appropriate supports right away. [The Student] cannot sit at home doing nothing while waiting for paperwork. Please confirm the earliest possible time this meeting can be scheduled."
   c. 4:33 p.m.: In an email to the Counselor, the Parent shared the Student's struggles and indicated the Student "... requires consistent, daily support that has not been reliably provided. [The Student] has been going to online school for years, and [the Student] will

continue in online school until [the Student] is placed in an environment where [the Student] can succeed. Public School does not work for [the Student]. … I am not going to send [the Student] back into a public school setting where [the Student] can quietly fall through the cracks … . Additionally, the Parent wrote, "We cannot wait indefinitely for records or vague communications. [The Student] needs accommodations and services in place from day one. I respectfully request an emergency IEP meeting to assess [the Student's] current needs and put supports in place immediately or before [the Student's] start date."

9. On August 26, 2025, the following email exchanges occurred between the District and the Parent regarding the IEP process:
   a. 9:08 a.m.: The Counselor emailed the Parent informing them the School Psychologist was trying to obtain more information regarding the Student and would be "reaching out to you later today to set up a time for a meeting."
   b. 12:47 p.m.: The Special Education Facilitator asked the Parent to call them and indicated, "It sounds like there are questions regarding the IEP process when a student re-enrolls in our district and placement."
   c. 12:53 p.m.: The Parent responded to the Special Education Facilitator, described their availability, and wrote, "I also understand there are questions regarding the IEP process and placement. I'd like to connect soon to clarify next steps and make sure [the Student's] support is in place as [the Student] re-enrolls."
   d. 1:51 p.m.: The Assessment Specialist emailed the Parent, "Thank you for the phone conversation today. I reached out to the team and would like to offer a meeting at 1:00 on Friday [August 29, 2025] at [the School] to continue our conversation to create a plan to support [the Student]."

10. On August 26, 2025, the Previous School sent the Student's digital special education file and educational records to the District. On the same day, a Notice of Team Meeting was created for a meeting on August 29, 2025, to determine, as a transfer from in or out-of-state, "comparable services until a full IEP/placement can be developed, adopted[,] and implemented."

11. On August 27, 2025, the Parent emailed the District regarding the Student's placement, "[The Student] cannot be placed in online school or homeschool. We have attempted those placements for years, and [the Student] refuses to engage, becomes aggressive, and threatens us when we try to enforce it. This is unsafe for our family and has already failed. Public school in a standard setting is also inappropriate due to [the Student's] history of bullying, isolation, refusal to comply with arbitrary rules, and resulting mental health decline. … At this point, the only appropriate option is an out-of-home, structured program with therapeutic and behavioral support. I am requesting … An immediate IEP/placement meeting to consider day[-]school or therapeutic program options … Interim services beginning now, as [the Student] is not in school and this is a denial of FAPE … a [FBA] and [BIP] to ensure [the Student's] oppositional and aggressive behaviors are addressed by trained professionals."

The Executive Administrator responded the same day, "As I shared in June, our first step will be to hold an IEP meeting to review [the Student's] current plan and ensure it reflects the supports and services needed as [the Student] transitions into our district. Because [the Student] has not been attending school in our district and has most recently participated in an online program, we will begin by implementing appropriate supports in a comprehensive school environment, while also collecting data on [the Student's] responses. We are ready to begin providing services for [the Student] immediately. A [FBA] is certainly a relevant and appropriate consideration. That will be discussed at the IEP meeting, and if the team agrees, we can begin the FBA process right away with your consent. The FBA would include observations, interviews (including with you), and recommendations to inform a behavior support plan tailored to [the Student's] needs. … While I understand your strong interest in a therapeutic placement for [the Student], that decision must be made by the IEP team based on data. At this time, [the Student's] current IEP does not indicate that level of support as [their] least restrictive environment [LRE]. In alignment with IDEA requirements, the team must first implement supports and interventions in a comprehensive school setting and collect data on [the Student's] response. A more restrictive placement is not off the table, but we aren't in a position to make that determination without first understanding how [the Student] functions in a school environment with the right supports in place. That's exactly what we'll begin to evaluate once [the Student] starts in our district."

12. A PWN document dated August 28, 2025, described the following:
    a. An IEP meeting was offered for August 29, 2025 to "... review and accept the student's IEP and eligibility following [their] enrollment at [the School] from [the Previous District]." A notice of the meeting and procedural safeguards were sent on August 26, 2025. The PWN indicated the Parent "requested that [the Student] be placed in a therapeutic setting. [The Student's] current IEP, however, does not indicate a therapeutic placement as [the Student's] least restrictive environment. In accordance with IDEA requirements, the IEP team must first implement supports and interventions within the [S]tudent's current placement and collect data on [the Student's] response. This process allows the team to determine [the Student's] needs for special education and/or related services in light of [the Student's] unique circumstances for determining a change in placement. As a result, the District is denying the request to place the [S]tudent in a therapeutic setting at this time."
    b. The action was described as a refusal to change the Student's placement or the provision of a FAPE. The team determined the School was the least restrictive educational setting and determined the implementation of the IEP and the collection of data were needed to evaluate the Student's response to supports. The action was based on an IEP from the previous district, evaluations, Parent conversations, and emails.
    c. The team considered the Student's placement in a therapeutic setting, but indicated the Student's IEP did not reflect that level of support. The therapeutic setting option was rejected as the previous IEP team determination of a "general education classroom for 80% of [the] day or greater with less than 20% of [the] day removed from [the] general education classroom to access Special Education Services" was documented in the IEP.
    d. A factor considered was the Parent's request for an FBA. The PWN indicated, "This request will still be considered by the IEP team at an IEP meeting. If the team agrees and

we receive your consent, the District can begin conducting observations, interviews, and developing recommendations to inform a Behavior Support Plan [BSP] to meet the [S]tudent's individualized needs."

e. Additionally, "... [The Parent] verbally communicated to the District on Wednesday, August 27, 2025, that [the Parent] does not agree with the [S]tudent's current placement and that [the Parent] did not plan to attend or reschedule the IEP meeting on Friday, August 29, 2025. The District stands ready to provide services to the [S]tudent at [the School] in accordance with the IEP and will continue to implement supports and interventions in the least restrictive educational setting."
f. On August 28, 2025, the Special Education Facilitator sent the PWN to the Parent.

13. On August 29, 2025, the Parent emailed the District to object to "the continued reporting of [the Student] … as absent from the [School]." The Parent wrote, "From the very beginning of this process, I made it explicitly clear to [the District] that [the Student] was not intended to attend [the School]. The only reason [the Student] was registered there was because I was told it was an administrative prerequisite in order to pursue a therapeutic/day school placement. District staff, including Student Services administrators, have been aware of this for months." Additionally, the Parent wrote, "Please ensure that [the Student's] absences at [the School] are not logged against [the Student], and that [the Student's] record reflects the reality of [the Student's] situation: [the Student] has not been placed, and [the Student] has not been expected to attend [the School]. Until a proper day school placement is finalized, attendance reporting at [the School] should be suspended or corrected." According to the Period Attendance report, the Student was marked "AUn" (absence unexcused) on August 27 and August 28, 2025.

14. On August 29, 2025, the Parent emailed the District to acknowledge receipt of the August 28, 2025 PWN and wrote, "I do not agree that placement in a resource setting at [the School] is appropriate for [the Student] and I disagree with the refusal of therapeutic placement." The Parent referenced the IDEA and requested, "Please schedule an IEP/placement meeting with all required members this week and include therapeutic options on the continuum." Additionally, the Parent wrote, "I hereby consent to a [FBA] and request that [the District] begin immediately … ." The Parent also requested, "Please identify in writing the exact services you will implement now that are comparable to [the Student's] prior IEP and when they begin." The Parent requested the District provide a written data collection plan, dates for a facilitated IEP or mediation, and wrote, "I dispute any implication that I declined to participate. Parent participation is required and I remain available; please offer three concrete dates/times within the next five school days."

    The Special Education Facilitator replied on September 3, 2025, "During our phone conversation on [August 27, 2025], you indicated that you would not be able to attend the IEP meeting scheduled for [August 29, 2025] and confirmed that you were declining to participate. That is reflected in the PWN."

15. On August 28, 2025, the Parent filed this Complaint.

16. On October 1, 2025, in an interview with the Complaint Investigator, the Parent described the reason they emailed the District requesting an IEP meeting. “I expected [the District] to evaluate [the Student] to see if [they] could start school in [the Day Program].”

17. The Parent indicated the Student had previously been enrolled in an online program where they had more “specialty classes” than regular classes. They added the Student had extra time and didn’t have to “get a hundred percent of [their] stuff done,” and the Student was “supported completely.”

18. The Parent reported the Student’s needs changed and they started becoming “resistant, … stubborn, and a little bit violent.” The Student had “panic attacks, anxiety attacks, [and] meltdowns. [The Student] cries all the time, [they are] isolated, [they] won’t leave the house,” and their grades reflect they need support. The Parent added that the Student “hides under a hood,” doesn’t do the work, doesn’t understand their teachers, and doesn’t read nonverbal cues. “[The Student] feels stupid” and “feels like [they are] behind.” The Parent also reported kids have picked on, and physically attacked, the Student.

19. Parent 2 stated the last time the Student was in a “brick and mortar” school was in 2023. The Student did not finish the school year at the in-person school given family circumstances. Instead, they were enrolled in an online school for seventh grade.

20. The Parent recalled they wanted to enroll the Student in the Day Program, “but they couldn’t afford the tuition and we were looking for a public, a federally funded option,” which was why they submitted the request to the District. “[The District] said that [the Student] had to be registered in order to be evaluated [for special education services]. … I think it was a delay tactic.” They enrolled the Student at the end of August and “immediately renewed our request for an emergency IEP and immediate evaluations and placement in a supportive environment.” The Parent stated they never told the District they planned to homeschool or have the Student attend a private school.

21. The Parent had difficulty registering the Student online and had to go to the School to register the Student. They recalled the Registrar was confused because the Parent informed them they were registering the Student, but the Student was not going to attend that school.

22. The Parent indicated the District made a decision about placement based on an IEP from out-of-state and added “they refused to consider [the Student’s] most recent IEP” from the Previous School. Parent 2 stated, “[The District] refused to evaluate [the Student],” because the Student needed to be “present in the school” to be evaluated. The Parent recalled, “I had to ask several times and send two demand letters for [the District] to send me the form where I can consent to evaluations.”

23. The Parent recalled a phone conversation with the Special Education Facilitator on August 27, 2025, and stated they scheduled an IEP after that. “[The District] tried to schedule a couple [meetings] before, without telling us when they would be,” and without checking

both Parents' schedules. Parent 2 added, "They would just schedule it for a day and time and expect us to be available. And we weren't."

24. The Parent recalled during the IEP meeting, the District "reiterated everything they'd already said. They wanted [the Student] to go to public school, and they wanted [the Student] to be in one special education class." The Parent expressed concern to the District about the Student having access to the internet at school because the Student would not "do any school at all" and would "watch YouTube all day long."

25. The Parent requested an FBA be conducted for the Student. They asked the District to consider parent, psychiatrist, and psychologist interviews and to have the Student evaluated "academically, as well as psychologically." The Parent added, "[The District] said that they were going to schedule another IEP meeting," and confirmed they signed a consent to evaluate for the FBA.

26. Parent 2 confirmed the District said they could not evaluate the Student "without [the Student] physically being present in the school," which the Parent believed to be untrue. The Parent added, "[The District was] saying that they didn't decline to do the evaluations. They just said that an IEP meeting would have to occur first," which the Parent believed to be untrue.

27. The Parent recalled the IEP meeting, "[The District] just said, we want [the Student] to go to public school. … We never said [the Student] was going to attend that school. [The District] knew full well [the Student] wasn't going to attend that school."

28. On October 1, 2025, the Special Education Facilitator for District 3 participated in an interview with the Complaint Investigator, along with the Assistant Administrator for Special Education and Legal Counsel for the District. The Special Education Facilitator stated they became aware of the Student in late August and helped facilitate meetings with the Parents.

29. The Special Education Facilitator indicated when they receive an out-of-district IEP, they send it to other district staff, they review it together to determine placement, and they don't necessarily need to have an IEP meeting. The IEP for this Student was current, so they accepted the eligibility and the existing IEP. In this case, it was 80% or more in general education, as written by the Previous School. When asked if there was anything in the Previous School's documents, including notes, that indicated the Student needed a therapeutic setting, they said "No." They added they did not believe anyone from the District spoke to the Previous School about the Student and their needs.

30. The Special Education Facilitator described their phone conversation on August 27, 2025, stating the Parent needed someone to reach out because the Parent had questions. The Special Education Facilitator recalled they discussed the placement of 80% or more in general education and added they were ready to schedule the Student's classes. The Parent informed them they wanted a "therapeutic, more restrictive setting" for the Student. The

Special Education Facilitator told the Parent they had a meeting scheduled and could discuss concerns at that meeting. The Parent told the Special Education Facilitator if the Student would not be in a more restrictive setting, they would not be coming to the meeting. The Special Education Facilitator indicated the meeting was scheduled for August 29, 2025, and the Parent did not attend the meeting.

31. The Special Education Facilitator confirmed the Parent expressed their concerns for the Student, which included anxiety, depression, and mental health.

32. When asked about the District's purpose of scheduling the August 29, 2025 meeting, the Special Education Facilitator stated, "Parent concerns. [The Parent] had emailed and so we just wanted to address [their] concerns in person with a meeting."

33. The Special Education Facilitator confirmed the Student was enrolled with the School in mid-August.

## IV. DISCUSSION

**Review and Revision of the IEP**

The Complaint alleged the District violated the IDEA when, on June 19, 2025, the Parent "submitted an emergency request for an IEP meeting … and consideration of an out-of-district therapeutic placement" and a meeting had not been scheduled. The Parent made a second request for an IEP meeting on August 20, 2025.

Each school district must ensure the IEP Team reviews the child's IEP periodically, but at least once every 365 days, to determine whether the annual goals for the child are being achieved and revise the IEP as appropriate. Revisions may address any lack of expected progress toward the annual goals described in OAR 581-015-2200 (and in the general education curriculum, if appropriate) and the results of any reevaluation conducted under OAR 581-015-2105. Revisions should also address information about the child provided by the parents.[3]

The initial request for an IEP meeting came to the District on June 19, 2025 and the District responded on June 25, 2025 deferring the meeting because the Student was "not yet enrolled." This deferral was a reasonable administrative step, as the District's obligation under the IDEA, particularly for transfer students, typically vests upon confirmed enrollment. Furthermore, the plan to schedule the meeting upon the special education team's return in August was not an unreasonable delay, given the timing of the request during summer break. The timeline for compliance officially began with the Parent's formal second request on August 20, 2025, which coincided with the Student's official enrollment in the District. Following this confirmed enrollment and request, the District acted promptly, with the Special Education Facilitator internally noting the urgency on August 25, 2025 and, on August 26, 2025, officially offering a meeting for August 29, 2025. Scheduling the meeting within nine calendar days of the formal

[3]OAR 581-015-2225; 34 CFR § 300.324

request and enrollment satisfies the requirement to act within a "reasonable period of time," and is well within the 30-day timeline suggested by regulations for transfer students to establish comparable services.[4] Additionally, the District procedurally addressed the Parent's request for consideration of an out-of-district therapeutic placement by issuing a PWN dated August 28, 2025. Therefore, based on the timely scheduling of the IEP meeting and the procedural written response to the placement request, the evidence indicates the District did not violate IDEA.

The Department does not substantiate this allegation.

**Reevaluation**

The Complaint alleged the District violated the IDEA by not conducting new evaluations, including an FBA.

The District must conduct an evaluation process at the request of a parent and at least every three years and not more than every year, unless the parent and district agree that a reevaluation is unnecessary.[5]

The Student's existing IEP, dated November 21, 2024, establishes that the triennial re-evaluation is not legally due until October of 2026. Therefore, the District was not in violation of the periodic re-evaluation requirement. Upon the Parent's formal request on August 20, 2025, the District's obligation was to schedule an IEP meeting to review existing data and determine if conditions (such as a lack of expected progress or change in needs) warranted an earlier re-evaluation, a process the District planned to initiate at the August 29, 2025 meeting. Crucially, concerning the requested FBA/BIP, the District demonstrated compliance with the procedural requirement to address behavior concerns. The evidence shows the District recognized the Parent's concern about the Student's mental health and behavioral needs, which are also acknowledged in the existing IEP through goals and SDI. Furthermore, the PWN issued by the District on August 28, 2025, explicitly documented the District's plan to propose the "development of a FBA" at the August 29, 2025 IEP meeting. By proactively agreeing and planning to initiate the FBA process at the first scheduled meeting following the Student's enrollment, the District was actively engaged in fulfilling its procedural obligation to consider and address the Student's behavioral needs.

The Department does not substantiate this allegation.

**Prior Written Notice**

The Complaint alleged the District violated the IDEA when, in late August 2025, the District denied [special education] services, "but the district has not issued the required … PWN."

[4] OAR 581-015-2225; 34 CFR § 300.324
[5] OAR 581-015-2105(4)(b)(B); 34 CFR §300.303(a)(2)

Prior written notice must be given to the parent of a child within a reasonable time period before a school district proposes or refuses to initiate a change in the identification, evaluation, educational placement, or provision of a FAPE for the child.[6]

The District, upon receiving the Student's out-of-district IEP, determined that the services outlined in the existing IEP, which specified 80% or greater placement in general education, constituted a comparable offer of a FAPE for the Student. Therefore, the District's initial action was not a denial or refusal to provide services, but an adoption of comparable existing services and placement based on the Previous School's IEP, which is permissible for a transfer student pending the development of a new IEP. The only clear denial or refusal to initiate a change was in response to the Parent's request for an out-of-district therapeutic placement. The evidence confirms the District issued a PWN on August 28, 2025, which explicitly documented the District's refusal to agree to the Parent's proposal for an out-of-district placement and a change in the LRE. This PWN included the appropriate justification, such as the finding that the Student's existing IEP supported placement in a comprehensive setting and data collection in that setting was necessary before considering a more restrictive placement. Therefore, since the District provided a PWN that formally documented its refusal to adopt the Parent's requested changes and the timeline aligns with the late August period mentioned in the complaint, the District met its obligation and did not violate the IDEA by failing to issue a PWN for a denial of services in late August 2025.

The Department does not substantiate this allegation.

**Free Appropriate Public Education**

The Complaint alleged the District violated the IDEA when "[t]he [D]istrict's inaction and refusal to follow proper procedures has denied [the Student] a … (FAPE)."

School districts must provide a FAPE to all "school-age" children with disabilities for whom the district is responsible. "School-age" is defined as children who have reached the age of five but not yet reached the age of 21 on or before September 1 of the current school year.[7]

The evidence demonstrates the District was actively engaged in the procedural requirements necessary to implement a FAPE for the Student, who was a newly enrolled transfer. Specifically, the District received the Parent's requests for an IEP meeting and consideration of an out-of-district placement on June 19, 2025, and August 20, 2025. Upon the Student's enrollment in mid-August, the District acted promptly by scheduling an IEP meeting within a reasonable timeframe, demonstrating an intent to convene the IEP team to address the Parent's concerns, including the FBA and re-evaluation requests. Furthermore, the District fulfilled its obligation under transfer student rules by offering comparable services based on the existing, current IEP and issued a timely PWN formally refusing the request for a restrictive out-of-district placement. While the meeting ultimately did not occur because the Parent did not attend, the District's documented actions constitute timely procedural steps that contradict the claim of

[6]OAR 581-015-2310(2); 34 CFR § 300.503(a)
[7] OAR 581-015-2040; 34 CFR §300.101

"inaction and refusal to follow proper procedures." Therefore, the District did not violate the IDEA by denying FAPE to the Student through procedural inaction or refusal.

The Department does not substantiate this allegation.

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

## V. CORRECTIVE ACTION[8]

*In the Matter of Beaverton SD*
*Case No. 025-054-057*

The Department does not order corrective action in this case.

Dated: this 27 Day of October 2025



_____

Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing Date: October 27, 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).)

[8] 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)).