BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of Beaverton School District 48J	)	FINDINGS OF FACT,
	)	CONCLUSIONS,
	)	AND FINAL ORDER
	)	Case No. 25-054-076

I. BACKGROUND

On October 29, 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 November 4, 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 November 18, 2025.

The District submitted a *Response* on November 18, 2025, denying the allegations, providing an explanation, and submitting documents supporting the District's position. The District submitted additional materials on December 5 and 9, 2025. The District submitted the following relevant items:

1. District's Written *Response* to Complaint, dated 11/18/25
2. Prior Written Notice (PWN), 09/25/25
3. Daily Attendance Totals, 08/26/25-11/06/25
4. Student Discipline Profile, 09/04/25-09/10/25
5. Continuous Monitoring Form, 03/05/25
6. Individualized Education Program (IEP), amendment date 01/31/25
7. PWN, 01/13/25
8. IEP, amendment date 01/13/25
9. PWN, 12/18/24
10. IEP, amendment date 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)

11. Safety Plan, revised 12/17/24
12. IEP, 12/03/24
13. Behavior Support Plan (BSP) Summary, 09/18/24
14. Emails from December 5, 2025 through December 9, 2025

The Complainant submitted a *Reply* on November 22, 2025 and documents in support of their position. The Complainant submitted additional materials on November 24, 2025. The Complainant submitted the following relevant items:

1. Complainant's *Reply* to the District's *Response* to *RFR*, 11/22/25
2. Safety Plan, revised 12/17/24
3. Escalation Cycle with Notes, 09/18/24
4. Suspension Letter, 09/04/25
5. Suspension Letter, 09/10/25
6. Emails from September 2, 2025 through September 11, 2025

The Complaint Investigator interviewed the Complainant on December 3, 2025 and District personnel on December 9 and 10, 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 October 30, 2024, to the filing of this Complaint on October 29, 2025.

Allegations	Conclusions
When IEPs Must Be In Effect The Complaint alleged two violations of the IDEA: first, that the District failed to provide special education and related services on September 4, 8, and 10, 2025, as required by the Student's IEP, escalation plan, and safety plan; and second, that the IEP was not properly disseminated to general education staff. (OAR 581-015-2220; 34 CFR § 300.323)	**Not Substantiated** The District provided special education and related services, and ensured staff access to the Student's IEP, BSP, and safety plans on September 4, 8, and 10, 2025.
Free Appropriate Public Education (FAPE) The Complaint alleged the District violated the IDEA by not providing special education services on September 4, 8,	**Not Substantiated** The District provided the Student with a FAPE by

Allegations	Conclusions
and 10, 2025, which resulted in the Student's suspension and a denial of a FAPE. (OAR 581-015-2040; 34 CFR §300.101)	delivering special education and related services and ensuring staff had access to and implemented the Student's various plans on September 4, 8, and 10, 2025.

REQUESTED CORRECTIVE ACTION

Investigate the District's failure to adhere to corrective actions ordered in Case No 25-054-005:

- Regulations regarding the implementation of the IEP, accurate and timely documentation, and communication with the Complainant.
- Ensure that there is no unreasonable delay in either providing the Independent Educational Evaluation (IEE) at public expense or initiating due process.

Investigate the District's failure to adhere to corrective actions ordered in Case No 25-054:

- The District must provide the Student with Compensatory Education to make up for Specially Designed Instruction (SDI) not provided pursuant to the Student's IEP. Compensatory education to be offered to the Complainant shall include at least 1 hour of SDI in functional skills.
- Withhold federal or state funds for corrective actions not completed as mandated.
- Reimbursement for all educational material used for homeschooling.
- Require the District to rescind the suspension letters issued on September 4th and September 10th, 2025.
- Require the District to issue a District-wide letter explaining their failure to implement IEPs.
- Require specialized oversight: a state-level agency to train all special education staff on IEP implementation and proper documentation in a timely manner.

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 October 30, 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 is currently homeschooled, but was enrolled in the District until September 25, 2025. The Student is eligible under the IDEA as a Student with an Other Health Impairment (OHI). The Student is very creative, charismatic, and thoughtful. The Student enjoys being active, talking about their family, and drawing.

2. On September 18, 2024, the District developed a BSP for the Student that included the following relevant details:
    a. Challenging behaviors:
        i. Blurting, impulsivity, refusing to follow directions, and boundary issues.
    b. Triggers:
        i. Peer provocation, boredom with tasks, being asked to stop, experiencing peer rejection, and not getting what they want.
    c. Preventative strategies:
        i. A safety plan, visual schedule, scheduled breaks, additional adult supervision during recess, and a behavior incentive plan for specials and recess.
        ii. A designated spot in line, in the classroom, in the cafeteria, and on the playground.
        iii. Scheduled breaks and snacks throughout the day.
        iv. Consultation with specialists for behavior management strategies.
        v. Build positive relationships with staff members.
        vi. "FBA."
    d. Response Strategies:
        i. For good choices: praise and rewards.
        ii. For challenging behavior: escort to the resource room to regulate, breaks, opportunity to process with an adult.
        iii. For unsafe behavior: removal from challenging situations, communication home, and restorative conversations with staff.

3. On December 3, 2024, an annual IEP meeting was held, and the following relevant items were listed in the IEP:
    a. The Student exhibited behaviors that impeded their learning and the learning of others.
    b. Impact of the Student's disability: "[The Student's] disability impacts reasonable and meaningful progress in the general education curriculum and learning environment. [The Student] often misses out on participating in the Gen Ed curriculum/activities due to time out of class to regulate. [The Student] is offered accommodations in the classroom[,] but [they were] often unable to access these accommodations due to dysregulation."
    c. SDI was listed from December 9, 2024 through December 2, 2025, provided by the Location Educational Agency (LEA) and monitored by the special education teacher and/or provider in the provider's space, for the following areas:
        i. Social/Emotional Skills for 360 minutes per month;
        ii. Self-direction for 240 minutes per month; and
        iii. Behavior for 360 per month.
    d. Relevant related services included:
        i. "Scheduled movement breaks, access to break space";
        ii. "Frequent check-ins/redirections/reminders with teacher";
        iii. "Shortened assignments" and "Explicit directions and rules stated";
        iv. "Alternate seating options" and "Use of single stall restroom";
        v. "Safety plan" and "Visual schedule";
        vi. "Behavior support plan (BSP)";
        vii. "Behavior reinforcement system for specials and recess";
        viii. "Visuals for expected behavior" and "Access to snacks";

ix. "Additional adult supervision during recess and specials";
x. "Non-verbal feedback/communication about [their] behavior"; and
xi. "Escalation plan" and "Transition warnings".

e. Relevant program modifications/supports for school personnel included:
i. "Consultation with a behavior specialist for 60 minutes per year."

f. Nonparticipation justification: "[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."

4. The Safety Plan, which was part of the Student's IEP, also included a document titled "Escalation Cycle" dated September 18, 2024, which described the Student's observable behaviors and staff responses:
a. "Triggers: hood up, head down, increased blinking, blurting out, increased verbal ticks [*sic*]."
i. "Staff response: offer a break, use a calming strategy, offer an alternate space, praise others who follow directions."

b. "Agitation: hood up over head and covering face, yells, whines, slams fists, rips up paper, calls out rude or refusing language."
i. "Staff response: ignore low-level behavior, model a calming strategy, check-in and offer [a] break in [the] designated break space, let [the Student] draw, offer a fidget or snack, call for help."

c. "Acceleration: hood up over head and covering face, yelling 'stop talking,' 'I'm not doing it,' ignoring staff prompts, kicking furniture, whining."
i. "Staff response: avoid power struggle, give space, get students to a safe, quiet location away from peers, offer a snack."

d. "Peak: hood up over head and covering face, walking around and toppling items, hitting/kicking walls and/or furniture, yelling and/or crying loudly, throwing objects."
i. "Staff response: keep eyes on student and staff safety, if needed, clear room, respond with quiet stillness, minimal engagement."

e. "Deescalation: quieter, crying, takes big breaths, will answer verbal questions, still body, increased vocal ticks [*sic*]."
i. "Staff response: offer calming tools 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 [the] incident."

5. On December 17, 2024, the Student's Safety Plan was revised and included the following relevant supports:
a. "Scheduled breaks" to check in about behavior.
b. "[The Student] is permitted to participate in all recess activities with the exception of Gaga Ball, with consistent supervision within a 10-15 foot radius … to allow for a sense of proximity and for [the Student] to be clearly seen and heard."
c. "Additional adult support during recess."
d. Give "one opportunity for redirection after a short reset break."

e. "If there is a physical altercation involving [the Student] and another student(s), all students will be escorted inside, given an opportunity to regulate their bodies and minds, before the incident is debriefed with adults."
f. "All substitutes who interact with [the Student] will be given a copy of this plan."

6. The IEP dated December 3, 2024, was amended on the following dates:
   a. December 18, 2024: "... 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 added to the Student's IEP.
   b. January 13, 2025: "... 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 to include the following relevant supports:
      i. "Scheduled movement breaks" and "access to a break space";
      ii. "Frequent check-ins/redirections/reminders with the teacher";
      iii. "Alternate seating options" and a "safety plan";
      iv. "Fidgets/putty," a "visual schedule," and a "BSP."
   c. January 31, 2025: The single-stall bathroom accommodation was removed. 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]."

7. On September 3, 2025, the Complainant emailed the Assistant Principal and the Executive Administrator for Student Services to inquire about the Former Classroom Teacher's absence and to detail their concerns regarding "disrupted learning" and confusion with the Student. The Assistant Principal emailed the Complainant stating they had received the Former Classroom Teacher's resignation, had placed familiar staff with the Student, and had a consistent substitute for the week.

8. On September 4, 2025, the Complainant emailed the Assistant Principal the self-regulation strategies the Student learned in therapy. The Complainant clarified the Student had used "flight" the previous year, which resulted in elopements, and shared that if the Student believed they would be restrained, they chose to "fight.". Strategies listed included "white knuckles," "ice pack," and "setting goals vs expectations."

   The Assistant Principal emailed the Complainant, acknowledged receipt of the strategies, and then shared a report from Paraeducator 2 of behavioral activities the Student engaged in during recess.
   a. The Student had been "escalating" frequently earlier in the day.
      i. Staff responded by giving [the Student] "extra space and fewer demands."
   b. The Student poked a classmate on the playground after lunch.
      i. Another paraeducator redirected the Student and their classmate to another location on the playground.

c. The Student was later seen holding a classmate in a headlock and punching them in the ribs.
    i. Paraeducator 2 put their hand on the Student's bicep to stop the Student from "landing the next punch."
d. The Student left laughing with their friends and was later witnessed hitting students with a hula hoop.
    i. Paraeducator 2 indicated they were typing an email on their phone when they witnessed the Student with the hula hoop, and they put their free hand between the hula hoop and the students to prevent them from getting hit. Paraeducator 2 asked the Student to stop.
e. The Student asked Paraeducator 2 what they were doing on their phone, and when Paraeducator 2 showed the Student their phone, the Student hit Paraeducator 2 with the hula hoop. Paraeducator 2 said they "blacked out" for several seconds.
    i. A different staff member "took over" so Paraeducator 2 could take a break.
f. The District sent a letter to the Complainant stating the Student was suspended for assault for 1.50 days.

9. On September 5, 2025, the Complainant emailed the Assistant Principal to provide the Student's account of the events on the playground. The Student stated Paraeducator 2 grabbed the hula hoop, and the Student said, "Don't touch me," at which time, the Student hit Paraeducator 2 with the hula hoop. The Complainant also questioned the necessity of Paraeducator 2 putting their hands on the Student to prevent a physical fight when the Student left with their friends, laughing. On the same day, the Complainant requested further clarifications:
    a. The Complainant asked why other de-escalation strategies were not used besides "giving space" when the Student had escalated "a lot" that day.
        i. The Assistant Principal shared they used "giving space, choice, breaking down tasks into increments with breaks," and added the paraeducators asked the Student why they were upset.
    b. The Complainant asked if staff questioned the Student about why they poked their peer and if they were redirected.
        i. The Assistant Principal stated the Student was redirected and went off to play.
    c. The Complainant asked if there were any verbal prompts prior to Paraeducator 2 using physical restraint on the Student.
        i. Paraeducator 2 recalled saying "stop" before hearing the punch land.
    d. The Complainant asked why the staff approached the Student when the Student was speaking to other students.
        i. Paraeducator 2 said they saw the Student wrap the hula hoop around the other students' necks and attempted to stop that behavior as they would have for any student.
    e. The Complainant noted that the Student recalled playing with the students and using the hula hoops to "trap them" as play.
        i. The Assistant Principal confirmed this was the intent of the Student's play, however, Paraeducator 2 saw the hula hoop around the other students' neck~~s~~.

f. The Complainant asked if the other students had asked the Student to stop or try to run away.
    i. The Assistant Principal indicated Paraeducator 2 was not close enough to hear the students~~,~~ but stopped the behavior because it was considered "unsafe."
g. The Complainant asked if Paraeducator 2 used any de-escalation strategies before physically intervening.
    i. The Assistant Principal said Paraeducator 2 later recalled saying, "Stop, hey, that's not safe."
h. The Complainant questioned Paraeducator 2 using their phone to write an email before the Student's escalation.
    i. The Assistant Principal stated Paraeducator 2 was debriefed about what was more important. They added there were two paraeducators on the playground, and support was called immediately, with two additional staff arriving.
i. The Complainant asked why the Student was allowed to go to recess if they were dysregulated.
    i. The Assistant Principal stated the Student was regulated when recess began, and they wanted to give the Student the "benefit of the doubt."

10. Unattributed notes from the Student's behavior on September 8, 2025 included the following:
    a. "During game time at P.E., [the Student] got angry playing [the] game and threw a bowling pin at another student. When [the] teacher removed [the Student] from the game, [the Student] got mad again. [The Student] struck the same [child] [the Student] pushed during [their] lap again[,] so I got between them. I asked [the Student] to walk away with me[,] and instead of doing so, [the Student] struck me several times with [their] fist. As [the Student] was walking away [the Student] threw a cone at me. I let [the Student] walk it off[,] but [the Student] caused a commotion upstairs above the library, throwing chairs, slamming doors[,] and pulling posters off the wall. Then [the Student] went outside, ran around for a while and ended up de-escalated [*sic*]."
    b. The second behavior notation included, "Distracting students, cursing, moaning, ripping paper, banging/hitting [the] wall so [they] needed to leave mainstream."
    c. The final notation included: "At 12:30 [p.m.] took [the Student] to mainstream. [The Student] stayed there for 10 minutes, then left to try to go to [Another Teacher's] class. When told … [the Student] [was] not allowed to interrupt [Another Teacher's] class, [the Student] slammed the cabinet doors and tore the posters off the wall. Then [the Student] ran through another classroom and out the back door. [The Student] eventually came back to the upper classroom on [their] own."

11. On September 8, 2025, the Complainant emailed the Principal to request the suspension for the incidents on September 4, 2025 be rescinded because the Student demonstrated mitigating factors such as "self-defense, provocation, inability to reason, and their disability." The Complainant added the Student felt they were assaulted when they were touched. They stated the escalation plan describes avoiding a power struggle, giving space, getting the Student to a safe, quiet location away from peers, and offering a snack. The Complainant reported the Student was allowed to roam the playground while in an agitated state and

added Paraeducator 2 should have immediately implemented de-escalation strategies to prevent a second act of aggression~~,~~ but instead sent an email on their phone.

The Complainant sent an additional email, which questioned the Assistant Principal's responses to the Complainant's questions. In addition, the Complainant reported there "was no effort to de-escalate" the Student, only to redirect. The Complainant expressed their belief the escalation plan had not been followed and listed strategies Paraeducator 2 could have used to de-escalate, including "avoiding a power struggle, giving the Student space, getting the Student to a safe, quiet location away from peers, or offer[ing] a snack."

12. On September 9, 2025, the Complainant emailed the Principal to state their opposition to the decision to "uphold" the Student's suspension. The Complainant cited the Student's diagnosis of Post-Traumatic Stress Disorder (PTSD) as a mitigating factor and suggested the District disregarded the "established protocols" designed to prevent "this type of escalation." The Complainant continued to describe the District's "violations" of the Student's IEP and claimed they provided "support" but did not "implement the escalation plan."

    The Principal emailed the Complainant to say they would not be "rescinding the suspension letter," stating it was an accurate account of the "suspension rationale and consequence." They added the staff attempted a restorative conversation with the Student the following Monday morning, but the Student was "not in the head space [*sic*] to talk with them."

13. On September 9, 2025, the Assistant Principal emailed the Complainant to confirm the Complainant's questions about the September 4, 2025, incidents:
    a. At recess, "...no other de-escalation methods were used" other than giving space and breaking down tasks.
    b. Regarding the "poking" incident, "... redirection was the only method because it was determined … [the Student] was just play[ing] rough and not escalated."
    c. The Complainant wrote, "For the physical altercation, just to confirm no de-escalation methods were used. Only 'stop' and reminders that if they play rough someone will get hurt [*sic*][?]" The Assistant Principal wrote, "Yes, that is correct."
    d. The Student was not hitting the other students; the Student was wrapping the hula hoop around their necks.
    e. Paraeducator 2 did not hear the Student say, "Don't touch me."

14. On September 10, 2025, the Principal emailed the Complainant documentation of the Student's day leading to the suspension.
    a. The Student stated they were trying to work on "limiting offensive language."
    b. The Student told the teachers to "shut the fuck up" during their [Emotional Growth Center] EGC math class, broke a clipboard by slamming it down during specials, and took a walk and spat down into the library below.
    c. The Student refused to do work, left the classroom, and went downstairs to play piano.
    d. The Student threw acorns at another student. The other student said to stop. The Student ran outside, and upon the Student's return, the other student threw acorns back at the

Student. The Student "physically attacked" the other student, "put [the other Student] in a headlock and delivered several body blows."

e. Staff responded by stepping between the two students, and Paraeducator 3 helped to guide the Student out of the room.

The District sent a letter to the Complainant stating the Student was suspended for a half day for assault.

15. In an email to the Complainant on September 11, 2025, the Principal indicated a paraeducator and the PE teacher confirmed no restraints were used with the Student on September 8, 2025. On the same day, the Complainant emailed the Principal to cancel the meeting they had scheduled for the Student's reentry, indicating they would withdraw the Student from the School.

16. A PWN dated September 25, 2025, indicated the Student was unenrolled from the District and enrolled in a homeschool program. The District stood ready to "implement all components of [the Student's] IEP upon re-enrollment in [the District]. The [District] is ready to meet and discuss the results of the FBA completed on May 12, 2025. The [District] is ready to review the results of the Independent Educational Evaluation results once completed."

17. A Daily Attendance Profile for the 2025-26 school year detailed three excused absences, one unexcused absence, and two out-of-school suspensions.

18. A Student Discipline Profile for the 2025-26 school year listed two infractions with the following relevant information:
    a. September 4, 2025
        i. Description: "[Student] was at recess and hitting a group of girls with a hoola [*sic*] hoop. When a staff member intervened, [they] hit that staff member on the bridge of [their] nose with the hoop/hand that was holding the hoop resulting in injury."
            (1) Violation: Assault.
                (a) Suspension - out of school.
    b. September 10, 2025
        i. Description: "This [Student] was throwing acorns at another student in [their] class. It went from a friendly exchange to this [Student] getting mad and hitting the other student repeatedly in the torso."
            (1) Violation: assault.
                (a) Suspension - out-of-school.

19. On December 9, 2025, the Attorney for the District forwarded an email from the Assistant Administrator for Special Education describing mainstream teachers' training on students with special needs, "All of our staff who are mainstream teachers have had access and training around BSPs for sp[ecial] ed[ucation] students in their classes at the beginning of the year. In the case of this student, they had already had the Tourette's Syndrome [*sic*] training last year as the student often spent time in the 5th[-]grade pod. This year, we talked to the 5th[-]grade staff and support personnel during the preservice week which was

August 19th-22nd. All IEPs for students who are mainstreamed are shared with their mainstream teachers and staff provide clarification ongoing as needed."

20. During an interview with the Complaint Investigator, the Complainant shared their understanding of specifics from the Student's BSP: if there was an altercation, both students should be brought into the office, separated, given time to regulate, and then debriefed. The Complainant believed the directions in the Student's escalation plan and safety plan were not followed, as School staff did not separate the Student from their peers when necessary, as stipulated in the safety plan. The Complainant further shared a belief that the Student's accommodations were not implemented.

21. The Complainant stated the Assistant Principal emailed to explain the steps in the Student's escalation plan and safety plan were not working.

22. The Complainant indicated none of the incident reports demonstrated the School followed the safety plan because they did not detail that the appropriate steps were taken, such as talking to the students involved in the incidents. The Complainant explained the School's reports indicated the staff said "stop" to the students involved in an incident and then let the Student "roam the playground," which resulted in the Student getting into two more altercations. They stated that during the incident, a paraprofessional reached in and grabbed the hula hoop, "hustled" for it with the Student, the Student hit the paraprofessional, and was suspended. The Complainant explained this created a power struggle, which the escalation plan directed staff not to do.

23. The Complainant explained that on September 4, 2025, a paraprofessional stated the Student hit other students, but in a later email response, the Principal shared the Student did not hit the other students. The Complainant explained the incident report contradicted the Principal's statements because it stated the Student hit other students and was suspended.

    During the incident on September 4, 2025, the Complainant stated the School indicated they tried de-escalation techniques and offered the Student breaks, but offered no examples of their actions. The Complainant explained there had been three incidents within the recess period, which was 20-30 minutes, and indicated an email showed the School knew the Student was escalated. The Complainant believed the School did not offer the Student a break, did not check in, did not offer a fidget or a snack, or call for help from another staff member. The Complainant stated School staff should have tried to avoid a power struggle, given the Student space, and attempted to get them to a safe, quiet location away from their peers. The Complainant shared their view that the paraprofessional began the altercation on September 4, 2025 by grabbing the Student.

24. The Complainant explained that, during the incident on September 4, 2025, the paraprofessional claimed other students were in imminent danger because the Student was hitting them. They shared that, when they asked the District for clarification, the District stated no de-escalation methods were used other than to tell the Student "to stop and

redirect them." The Complainant said, "... they did two things out of the possible 15 things they could have done." The Complainant stated the District claimed there was extra adult supervision at the time, but also that the District claimed staff had lost sight of the Student.

25. The Complainant indicated they learned about what the District did or did not do by reading the antecedent notes the District sent, and by talking to the Student and then emailing School staff. The Complainant perceived the District would often "end up changing their story."

26. The Complainant stated the Student and Paraeducator 1 got into an "altercation" on September 8, 2025. They described it as an "actual physical fight like fist[-]fighter." They shared the School did not tell them what happened, and they learned about it from the Student. The Complainant explained the Student told them they punched and struck Paraeducator 1 and did so because Paraeducator 1 grabbed the Student by the wrist. The Complainant indicated the School denied Paraeducator 1 grabbed the Student. They explained they read notes about the incident, and it was stated the Student struck Paraeducator 1 several times but did not include Paraeducator 1's actions. The Complainant stated the District claimed they allowed the Student to hit Paraeducator 1 as many times as the Student wanted, and then the Student was able to regulate themselves.

27. The Complainant explained the Student also got into a "verbal altercation" with Substitute Teacher 1 on September 8, 2025. They indicated Substitute Teacher 1 told the Student to "get out" and explained the Student "... accost[ed] [them] with F words … bad words … ." The Complainant stated that the "altercation" with Paraeducator 1 occurred when they went with the Student following the "verbal altercation" with Substitute Teacher 1. The Complainant perceived there were no de-escalation techniques involved.

28. According to the Complainant, on September 10, 2025, there was a fight between the Student and Student 2, who "don't like each other." The Complainant indicated the District was aware of this because there had been over 20 fights between the Student and Student 2 since January 2025. The Complainant shared they emailed the School at the beginning of the school year and asked the School staff to keep the two students separated, but that did not happen.

    When describing the incident, the Complainant explained the Student and Student 2 threw acorns at each other, and then it resulted in a physical fight where the Student attacked Student 2 and punched them. They stated the paraprofessionals stopped the fight, but the Complainant perceived the students should have already been separated because of their history. The Complainant indicated the District's response was, "It happened so fast. We didn't get a chance." The Complainant shared the Student was suspended and stated there was no mention or documentation that the School staff tried to separate the students or de-escalate the Student, per the safety plan.

29. When asked about the impact of the incidents on the Student, the Complainant stated that the Student had regressed and that they had withdrawn the Student from the district to

homeschool them. They added the Student had lost their learning ability since the beginning of January 2025 because they were not allowed to go into the general education classroom. They explained the Student had missed half of the fourth grade and half of the fifth grade and regressed socially. The Complainant believed the Student was missing out on their education. The Complainant stated the Student had not achieved any of their goals. They explained the School had removed the Student's recess time and their lunch period unless the Complainant was physically present.

30. The Complainant confirmed the Student received their transportation services on September 4, 8, and 10, 2025. The Complainant stated the Student did not receive additional time to complete assignments or frequent check-ins. The Complainant perceived that, if the School had checked in with the Student, they would have "... realized [the Student] [was] agitated … dysregulated." The Complainant stated the Student's safety plan and BSP were not followed, and they were not given a visual schedule. The Complainant also expressed uncertainty that the Student's teachers had access to their plans and accommodations. Further, the Complainant stated that the Student did not have access to audiobooks or speech-to-text because the Student had never received instruction on how to use them.

31. In an interview with the Complaint Investigator, the Assistant Principal stated the Student's IEP, BIP, and inclusion plan were available to all staff who worked with the Student, both electronically and in a binder. They stated the inclusion plan was a separate document from the IEP and BIP. They described a "quick sheet" for staff which referenced the Student's escalation cycle and included strategies for de-escalation.

32. The Assistant Principal described the Student's daily tracker as "pretty detailed" per the Complainant's request, in order to allow the Complainant to "properly communicate with outside providers." The Assistant Principal stated the tracker was primarily filled out by Paraeducator 1; however, they reported no specific staff member was assigned to the Student, and other aides may have filled out the tracker. The Assistant Principal shared the trackers were kept on a clipboard assigned to the Student, and they collected the data to send home regularly.

33. Regarding an email exchange with the Complainant on September 4, 2025, the Assistant Principal stated it was their first time communicating in the new school year, and the Complainant shared new strategies for interacting with the Student that the Complainant had learned over the summer. The Assistant Principal stated they also discussed the Student's suspension and supplied the incident report to the Complainant.

34. The Assistant Principal acknowledged the School did not have a full-time teacher in the classroom on the first day of school. They stated they used substitute teachers to fill the position. The Assistant Principal stated the substitute teachers had access to the Student's IEP and BSP but received no special training for working with the Student.

35. The Assistant Principal disagreed with the allegation that the Student's escalation and safety plans were not implemented on September 4, 8, and 10, 2025, "I think it was implemented, and I think … everybody was following everything that they possibly could, and the Student was still escalated to a point of harming others."

36. In an interview with the Complaint Investigator, the Principal stated IEPs and BIPs were confidential documents and disseminated on a need-to-know basis. However, they confirmed all staff working with an individual student had both electronic and physical access to relevant documents. The Principal stated the staff participated in professional development before the beginning of the school year, where they examined each document for the students they serve. They also stated knowledgeable staff were regularly available to answer questions about specific students' plans.

37. The Principal stated the Student's inclusion plan was part of their IEP but could not recall if it was specially referenced in the IEP document. They shared it was intended to be a guiding document for supporting the Student during mainstream instruction and interaction with non-disabled peers. The Principal recalled the Student would be "taken to mainstream classrooms at every opportunity that [they were] willing to go … [and] was regulated enough … and usually [the Student] would … let us know either through some sort of explosive behavior or using [their] words saying, 'I can't do this.' So then [the Student] would be removed … to the EGC so that [they] could rejoin [their] class there." The Principal reported the inclusion plan was available in the same manner as the IEP.

38. Regarding the escalation cycle reference sheet, the Principal reported it was also part of the IEP and available in the EGC classroom binder.

39. Regarding the behavior incidents on September 4, 8, and 10, 2025, the Principal expressed confidence the Student's BSP was implemented and de-escalation strategies were used by staff. They reported a debrief was held after each of those incidents to discuss what strategies were used and how to improve de-escalation responses to avoid future incidents.

40. The Principal reported the special education staff, including special education teachers and paraeducators, regularly debriefed the events of each day at the end of the school day. They stated substitutes and general education teachers were generally not present at these debrief sessions. The Principal acknowledged they did not regularly attend the debrief sessions.

41. In an interview with the Complaint Investigator, Paraeducator 1 confirmed they had physical and digital access to the Student's IEP, BIP, inclusion plan, and escalation cycle documents. They explained they received general training on staff development days~~,~~ and had received training specific to the Student during the 2024-25 school year. Paraeducator 1 confirmed that they and other paraeducators filled out the data tracking sheets for the 2025-26 school year. Paraeducator 1 described the 2025-26 sheets as more detailed than the previous year because the Complainant requested more information about the Student's daily activities and demeanor.

42. Paraeducator 1 shared that while the Student's IEP did not specify one-on-one adult support, the School recognized the Student needed to be with an adult at all times. They stated an adult was never more than 20 feet from the Student in a classroom, and there was always one paraeducator with the Student individually. Paraeducator 1 also stated no one specific aide was assigned to the Student; however, Paraeducator 1 was usually with the Student because the Student performed better with male staff. The Student told Paraeducator 1, "I hate women," and Paraeducator 1 reported the Student routinely targeted female classmates and staff with aggression.

43. Paraeducator 1 stated they did not witness the incident on September 4, 2025. They reported Paraeducator 2 was working with the Student at the time and sustained injuries from the incident. Paraeducator 1 noted the Student was "being aggressive to some young women on the playground" and recalled the Student was suspended for the incident.

44. Regarding the incident on September 8, 2025, Paraeducator 1 confirmed they were with the Student during PE class when the Student escalated. Paraeducator 1 described the Student shoving a classmate and throwing rocks before entering the gym. Inside the gym, the Student became frustrated at the activity and threw a bowling pin across the gym, nearly hitting a classmate. Paraeducator 1 reported that Substitute Teacher 1 asked the Student to "please go to the end of the line to sit out for a while," and Paraeducator 1 affirmed the direction. The Student walked to the end of the line, then back up to the front, at which point the Student grabbed and pushed a classmate. Paraeducator 1 put themselves between the Student and the classmate, attempting to direct the Student out of class. The Student began punching Paraeducator 1, who used a blocking technique and did not touch the Student. The Student threw a plastic cone at Paraeducator 1 before they went upstairs and "started throwing stuff around, ripping things off the wall [in] the hallway."

    Paraeducator 1 stated they used the "wait" strategy, backed off the Student, and called for help. They attempted to verbally redirect the Student several times. Paraeducator 1 recalled following the Student upstairs to maintain support until other staff could relieve them. They described the Student using foul language and phrases while upstairs. When other staff arrived, the adults were able to calm the Student and escort them back to class. Paraeducator 1 acknowledged the Student was not suspended for the September 8, 2025 incident.

45. Regarding September 10, 2025, Paraeducator 1 stated the Student became escalated in music class and calmed down after taking a walk. Upon returning to the EGC classroom, the Student joined in a scavenger hunt by "picking up acorns and branches" in the courtyard outside the classroom. The Student began tossing acorns at Student 2, who asked the Student to stop. Paraeducator 3 redirected the Student back into the classroom. When the Student came back outside, Student 2 tossed an acorn at them, at which point the Student "grabbed [Student 2] in a headlock … and started giving [them] body blows[.]" Paraeducator 1 stepped between the Student and Student 2 and removed Student 2 from the headlock. Paraeducator 3 directed the Student away from the courtyard and the classroom.

Paraeducator 1 stated, "... took me probably an hour to get [Student 2] … [to] calm down and detraumatize [*sic*]. This kid was shaken." They shared that Student 2 did not fight back. Paraeducator 1 described the blows as mixed martial arts (MMA) style. They expressed the entire situation was "pretty traumatic on the whole, not only on [Student 2], but the whole group of kids who kind of heard about it or saw about it. 'Like this kid is, oh, [the Student] is scary.'" Paraeducator 1 stated they were "five or six feet from [Student 2]" and Paraeducator 3 had been walking with the Student when the Student "burst" at Student 2.

46. Paraeducator 1 described the Student as often using "foul" language, including racial slurs. They recalled moving two students to a different classroom because the Student repeatedly directed racial slurs at them, including using a computer program to say racial slurs.

47. Paraeducator 1 expressed, "I just think that it's really important to know that everyone here gave everything they had … to take care of this kid." They shared "[the Student] did not want to be here and [they] didn't act like [they] wanted to be here." Paraeducator 1 believed the School did everything within its power to provide support to the Student.

48. On October 29, 2025, the Complainant filed this Complaint.

IV. DISCUSSION

When IEPs Must Be in Effect

The Complaint alleged two violations of the IDEA: first, that the District failed to provide special education and related services on September 4, 8, and 10, 2025, as required by the Student's IEP, escalation plan, and safety plan; and second, that the IEP was not properly disseminated to general education staff.

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.[3] Each school district must ensure that the IEP is accessible to each regular education teacher, special education teacher, related services provider, and other service provider who is responsible for its implementation, and inform each teacher and provider described of their specific responsibilities for implementing the child's IEP and the specific accommodations, modifications and supports that must be provided for or on behalf of the child in accordance with the IEP.[4]

District staff consistently implemented strategies required by the Student's IEP, Escalation Cycle, and BSP on September 4, 8, and 10, 2025. On September 4, 2025, staff utilized preventative strategies, including providing extra space, fewer demands, and redirection, all of which were strategies noted in the Student's plans. Paraeducator 2's subsequent interventions,

[3] OAR 581-015-2220(1)
[4] OAR 581-015-2220(1)(3)

touching the Student's bicep and grabbing the hula hoop, were necessary, in-the-moment responses to a safety risk, fulfilling the staff's obligation to ensure the safety of students when the Student escalated. On September 8, 2025, Paraeducator 1 utilized multiple response strategies, including waiting, giving space, redirection, and calling for assistance, until the Student de-escalated, all options referenced in the Student's various plans. On September 10, 2025, when the Student's behavior led to physical aggression toward another student, staff removed the Student from the challenging situation by stepping in between the students and guiding the Student out of the challenging situation.

Additionally, the District confirmed that the Student's IEP, BSP, and Inclusion Plan were available to staff both electronically and in physical binders. This access was supplemented by pre-service professional development, "quick sheets" detailing the escalation cycle, and daily debrief sessions used by staff to review strategies and refine implementation. According to District staff, substitute teachers had access to the Student's plans. Additionally, mainstream teachers and staff received training on the Students' BSPs during pre-service of the 2025-26 school year.

Across all three dates, staff utilized a range of prescribed strategies from the Student's various plans. The fact that the strategies did not always prevent physical aggression or suspension highlighted the severity of the Student's disability-related behaviors, not a failure of the District to implement the required supports. There was no indication the Student's plans were not properly disseminated to implementing staff.

The Department does not substantiate this allegation.

Free Appropriate Public Education (FAPE)

The Complaint alleged the District violated the IDEA by failing to provide special education services on September 4, 8, and 10, 2025, resulting in the Student's suspension and a denial of a FAPE.

School districts must provide a FAPE to all school-age children with disabilities for whom the district is responsible. "School-age children" are children who have reached five years of age but have not yet reached 21 years of age on or before September 1 of the current school year. The requirements of this rule also apply to children with disabilities who have been suspended or expelled from school.[5]

The evidence demonstrated that the District implemented the behavioral and educational supports outlined in the Student's various plans during the incidents on September 4, 8, and 10, 2025. By ensuring these plans were accessible and implemented by staff throughout these events, the District fulfilled its obligation to provide the Student with a FAPE.

The Department does not substantiate this allegation.

[5] OAR 581-15-2040(1)(3)

Dated: this 22 Day of December 2025



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Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing Date: December 22, 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).)