BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of Beaverton School District	))))	FINDINGS OF FACT, CONCLUSIONS, AND FINAL ORDER Case No. 26-054-040

I. BACKGROUND

On March 23, 2026, the Oregon Department of Education (the Department) received a written request for a special education complaint (Complaint) from the parents (Parents) of a student (Student) residing in the Beaverton School District (District). The Parents 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 Parents and the District agree to the extension to engage in mediation or local resolution or for exceptional circumstances related to the complaint.[2]

On April 1, 2026, the Department's Complaint Investigator sent a *Request for Response (RFR)* to the District identifying specific allegations in the Complaint to be investigated. The parties agreed to pause the complaint timeline for mediation. On July 29, 2026, the parties informed the Department that mediation was not successful. This established a new *Response* due date of August 13, 2026.

On August 13, 2026, the District submitted a *Response*, disputing the allegations described in the Complaint. The District submitted the following relevant items:

1. District Response
2. Notice of Team Meeting, 5/14/2025
3. Student IEP, 5/30/2025
4. IEP Team Meeting Minutes, 5/30/2025
5. Special Education Placement Determination, 5/30/2025
6. Prior Notice and Consent for Initial Provision of Special Education Services, 5/30/2025
7. Notice of Team Meeting, 9/23/2025
8. Parent/Guardian Consent for Individual Evaluation, 10/1/2025

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

9. Student Deescalation Plan
10. Meeting Minutes, 10/1/2025
11. Prior Written Notice, 10/1/2025
12. Prior Written Notice, 10/20/2025
13. Text message between Parent and District, 10/16/2025
14. Notice of Team Meeting, 1/9/2026
15. Written Agreements Between the Parent & the District, 1/20/2026
16. Student Behavior Support Plan, 11/18/2025
17. Student Deescalation Plan
18. Functional Behavioral Assessment, 1/21/2026
19. Student IEP, 1/21/2026
20. IEP Team Meeting Minutes, 1/21/2026
21. Notice of Team Meeting, 1/21/2026
22. Special Education Placement Determination, 1/21/2026
23. Prior Notice for IEP, 1/21/2026
24. Notice of Team Meeting, 2/9/2026
25. Student medical records, 2/9/2026
26. Student IEP Amendment, 1/21/2026
27. IEP Team Meeting Minutes, 2/18/2026
28. Notice of Team Meeting, 2/18/2026
29. Prior Written Notice for IEP, 2/18/2026
30. Student Behavior Support Plan, 3/4/2026
31. Student IEP Amendment, 1/21/2026
32. Manifestation Determination and Review, 3/4/2026
33. Prior Written Notice for IEP, 3/4/2026
34. Notice of Team Meeting, 4/17/2026
35. Notice of Team Meeting, 4/27/2026
36. Student IEP, 1/21/2026
37. IEP Team Meeting Minutes, 4/28/2026
38. Prior Written Notice for IEP, 4/28/2026
39. Notice of Team Meeting, 5/29/2026
40. Manifestation Determination and Review, 6/5/2026
41. Meeting Minutes, 5/5/2026
42. Prior Written Notice, 6/5/2026
43. Student Attendance Profile, 2025-26
44. 2025-26 Elementary Progress Report
45. Email: Guidance, 10/17/2026
46. Email: Incorrect Suspension Paperwork, 3/5/2026
47. Email: FW: Thanks for filling out this form…, 3/31/2026
48. Email: Re: [External] time to connect?, 3/30/2026
49. Email: FW: Thanks for filling out this form…, 3/17/2026
50. Email: [Student's] day, 3/13/2026
51. Email: Thanks for filling out this form…, 3/13/2026
52. Email: Re: a few questions before our next meeting, 2/11/2026

53. Email: Re: will you please proof read this for me?, 2/9/2026
54. Email: Re: Restarting Care Coordination Meetings for [Student], 12/11/2025
55. Email: Re: [External] quick question, 12/3/2025
56. Email: Re: Re: Restarting Care Coordination Meetings for [Student], 12/1/2025
57. Email: Re: Guidance, 10/21/2025
58. Email: Re: Restarting Care Coordination Meetings for [Student], 10/2/2025
59. Email: Re: [Student's] IEP progress notes, 6/12/2026
60. Email: IEP Meeting on the 30th, 5/22/2026
61. Email: Re: special education eligibility meeting for [Student], 5/7/2026
62. Email: Re: New Work Schedule, 3/18/2026
63. Email: [Student] Questionnaire, 3/12/2026
64. Email: Re: [External] time to connect?, 3/12/2026
65. Email: Re: Incorrect Suspension Paperwork, 3/5/2026
66. Email: [Student] Teacher Form, 2/26/2026
67. Email: [Student's] Day, 2/24/2026
68. Email: Re: [External] Introduction and invitation, 2/18/2026
69. Email: Debrief, 2/13/2026
70. Email: Today's Meeting Update & Transition to Level D Services, 2/12/2026
71. Email: Re: Submission…Received for BSD Unified Complaint Form, 2/12/2026
72. Email: Re: Time to talk, 2/11/2026
73. Email: Re: additional information about [Student], 2/10/2026
74. Email: Re: Time to talk, 2/10/2026
75. Email: Re: will you please proof read this for me?, 2/9/2026
76. Email: Submission…Received for BSD Unified Complaint Form, 2/6/2026
77. Email: re: wrap acceptance letter…, 2/4/2026
78. Email: Wraparound Screening, 2/2/2026
79. Email: Fw: Parent input requested – [Student], 2/20/2026
80. Email: Resources from Care Oregon, 1/13/2026
81. Email: Re: Restarting Care Coordination Meetings for [Student], 12/11/2025
82. Email: Re: Parent input requested – [Student], 10/27/2025
83. Email: Re: Guidance, 10/21/2025
84. Email: Re: Restarting Care Coordination Meetings for [Student], 10/2/2025
85. Email: Re: Care Coordinating Meeting for [Student] – Today at 2pm, 5/7/2025
86. Email: Cancel Today – Care Coordination Meeting for [Student], 4/16/2025
87. Email: favor, 3/5/2025
88. Email: Re: a few questions before our next meeting, 2/12/2026
89. Email: Today's Meeting Update & Transition to Level D Services, 2/12/2026
90. Care Coordination Meeting for [Student] (12/1/2025)
91. Letter from County to Parent, 2/4/2026
92. Parent Guardian Information Form, 10/26/2025
93. Email: 2/22/2026

The Parents submitted the following items on June 27, and August 6, 2026:

1. Text messages between Parents and School
2. Student Attendance Profile
3. Health Room Log

On September 10, 2026, the Department's Complaint Investigator interviewed the District's Behavior Specialist, School Counselor and Case Manager regarding this matter. On September 21, 2026, the District submitted additional documentation arising out of the interviews. The Complaint Investigator reviewed and considered all 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 Parents' 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 March 22, 2025, to the filing of this Complaint on March 23, 2026.

Allegations	Conclusions
When IEPs Must Be In Effect It was alleged that the District violated the IDEA when it did not implement the Behavior Intervention Plan (BIP) in the Student's IEP. It is alleged that the District's failure to implement the Student's BIP results in a series of escalations in the Student's Behavior, resulting in exclusions from the learning environment. It is further alleged that the District's failure to implement the Student's BIP on January 20, 2026, resulted in a confrontation between the Student and District staff. (OAR 581-015-2220; 34 CFR § 300.323 & 300.324)	**Not Substantiated** There is insufficient information in the record to determine the District's actions to the events of January 20, 2026.
Parent Participation—General It was alleged that the District violated the IDEA, when it did not provide the Parents with information stemming from its investigation of the January 20, 2026, behavior incident with the Student. It was alleged that the District's failure to share this information with the Parents, denied them a meaningful opportunity to participate in the	**Substantiated** The record does not include any information regarding what interventions were attempted, in response to what behaviors, in what settings, or the Student's response to

Development of the Student's IEP, and educational placement. (OAR 581-015-2190; 34 CFR § 300.500, 300.327, & 300.501(b))	intervention. The Student's IEP did not reflect the changing services and interventions, reported by Staff, that were attempted with the Student.
Placement of the Child It was alleged that the District violated the IDEA, when it determined the Student's placement without considering the potential harmful effects of the placement on the Student. (OAR 581-015-2250; 34 CFR § 300.116 & 300.327)	**Substantiated** The District failed to adequately consider and document the continuum of placement options for the Student given the continuing behavior concerns.
Functional Behavioral Assessments School Districts have 45 days from the date the Parents give consent to complete a Functional Behavior Assessment. (OAR 581-015-2181)	**Substantiated** The District did not complete the Student's FBA within the required time frame.
Review and Revision of IEPs Districts must ensure that the annual goals for the child are being achieved and review and revise the IEP, as appropriate. The IEP should be revised to address, any lack of expected progress toward goals. (OAR 581-015-2225; 34 CFR § 300.324(a)(4), (a)(5), (a)(6), &(b)(1)	**Substantiated** District staff reported having not updated the Student's BSP following its creation, despite attempting additional interventions or finding other interventions unsuccessful; nor did the District update the Student's IEP to reflect changes in the delivery of SDI.
Free Appropriate Public Education (Denial of FAPE) It was alleged that the District violated the IDEA when, it did not appropriately implement the Student's IEP, provide the Parent with appropriate information to provide the ability to meaningfully participate in the development of the Student's IEP, and placement decisions, and when the District did not consider the potential harmful effects on	**Substantiated in Part** Given the lack of information in the record regarding interventions attempted, successful, or changed by the District, the Parents were not provided sufficient information to monitor the implementation

the Student's educational placement. It is alleged that these actions denied the Student a FAPE. (OAR 581-015-2040; 34 CFR § 300.101)	of the Student's IEP or appropriately participate in its formulation. Despite the classroom change, the Student showed no improvement regarding their behavior concerns. The record evidences a lack of consideration of the continuum of placement options for the Student. The District waited more than the required 45 days to complete the Student's FBA, and develop their behavior support plan. The District made a variety of changes to the Student's IEP services without amending the Student's IEP or BSP to reflect those changes.

REQUESTED CORRECTIVE ACTION

The Parents request that the District:

- Provide a redacted summary of its January 20, 2026, incident investigation to the Parent;
- Assign a 1:1 paraeducator to the Student;
- Establish an Emotional Learning Classroom (ELC) at the Student's school;
- Train staff on ADHD/ASD; specific deescalation techniques;
- Prohibit "escape-maintained" reinforcement; and,
- Provide the Student with compensatory education of at least 100 hours of 1:1 specialized instruction to remedy the loss of FAPE from 10+ suspensions and the impact of an inappropriate placement for the Student during the 2025-26 school year.

III. FINDINGS OF FACT

1) The Student in this case is 8 years old. During the 2025-26 school year they attended the first grade in a District elementary school.

2) On May 7, 2025, the Student's Counselor sent an email to the Student's Community Mental Health Counselor, Parents, and IEP team members documenting eleven behavior incidents with the Student between April 8, 2025, and May 6, 2025. The incidents involved physical aggression, inappropriate touching, and disruptive behaviors. The email documented that the Student was then scheduled for a special education eligibility meeting on May 8, 2026.

3) On May 7, 2026, the District completed a Psychoeductional Report for the Student. The evaluation arose from the Parents request and ongoing behavioral difficulties observed in the school setting. The Parents reported medical diagnoses of Attention Deficit/Hyperactivity Disorder (ADHD) and Oppositional Defiance Disorder (ODD). The District determined to move forward with the special education evaluation due to these concerns and "extensive concerns from the classroom." Behaviors of concern at the time of the evaluation included, "arguing when denied [the Student's] own way, losing [their] temper too easily, hitting other children or annoying them on purpose, defying teachers, being easily distracted, trouble keeping hands and feet to self, and being negative or pessimistic about things." Additional behaviors observed included "failing to complete tasks, running or climbing when [the Student is] not supposed to, blurting out things that come to mind, interrupting others, acting before thinking, being generally impulsive, showing dramatic mood changes and escalations, and appearing tense or nervous."

4) On May 8, 2025, the District completed an Academic File Review for the Student. The review noted that the Student was suspended for one day due to physical aggression toward a classmate and had a safety plan in place to minimize interactions with that specific classmate.

5) On May 8, 2025, the Student's IEP team met to discuss the outcome of the Student's evaluations. The team completed a Statement of Eligibility for Special Education for the Student documenting the Student's eligibility for special education in the category of Other Health Impairment.

6) On May 14, 2025, the District sent the Parents a notice of team meeting for an IEP team meeting scheduled for May 30, 2025. The purpose of the meeting was to develop or review an IEP for the Student.

7) On May 30, 2025, the Student's IEP team formulated an IEP for the Student. During the May 30, 2025, meeting the team discussed the that the Student did not require SDI in reading, writing, and math, and that the IEP would focus on the Student's needs arising from their ADHD, ODD, and needs observed by the IEP team members. During the meeting the Parents advocated for a smaller setting for the Student because they get overstimulated. The team discussed the impact of the IEP supports on the Student's safety plan. The Student's safety plan included a designated play space during recess.

8) The Student's May 30, 2025, IEP included annual measurable goals in behavior, social skills,

and self-direction. The IEP envisioned 120 minutes monthly of specially designed instruction (SDI) in Behavior, delivered by the special education teacher, in a special education environment. The IEP envisioned 120 minutes monthly of SDI in Social Skills, delivered by the special education teacher, in a special education environment. The IEP envisioned 120 minutes monthly of SDI in Self-Direction delivered by the special education teacher, in a special education environment.

The Student's Behavior goal envisioned that by, "May 2026, [the Student] will increase [their] ability to use coping strategies to regulate behaviors, maintain a safe body, and follow adult directions across all school settings on 4 out of 5 observed opportunities, as measured by staff observations and data collection. (baseline data 0/5 opportunities)…1. Given a verbal direction, [the Student] will follow through with the direction within 60 seconds in 4 out of 5 opportunities, with no more than 1 prompt, on 4 out of 5 opportunities. (baseline data 1/5 opportunities) 2. During a moment of frustration, [the Student] will use visuals and adult prompts to use a coping strategy to maintain a safe body on 4 out of 5 opportunities. (baseline data 0/5 opportunities) 3. Given specially designed instruction with problem solving and after a moment of dysregulation, [the Student] will verbally express how [they] felt in that moment, and express one way [they] can react differently if the situation occurs again on 4 out of 5 opportunities. (baseline data 0/0 opportunities)"

The Student's Social Skills goal envisioned that the Student "will improve [their] social skills by demonstrating expected behaviors around [their] peers and staff members (e.g., respecting personal space, following rules during group activities, and reducing impulsive behaviors) in structured and unstructured settings, with adult support and visual/social cues, on 4 out of 5 opportunities, as measured by data collection and staff observations. (baseline data: 0/5 opportunities)… 1. [the Student] will look in the direction of the person [they are] talking to on 4 out of 5 opportunities. (baseline data: 0/5 opportunities) 2. [The Student] will maintain appropriate personal space (e.g., staying at least one arm's length away unless permitted) during peer interactions in the classroom and other school settings in 4 out of 5 observed opportunities. (baseline data: 1/5 opportunities)".

The Student's Self-Direction envisioned that by May 2026, "[the Student] will increase [their] ability to independently begin and complete classroom tasks with minimal redirection by sustaining attention for up to 15 minutes with no more than 3 teacher prompts or redirections on 4 out of 5 opportunities as measured by staff observations and data collection. (baseline data: 0/5 opportunities)… 1. When presented with a non-preferred task, [the Student] will begin the task within 2 minutes of instruction, in 4 out of 5 opportunities, with no more than one prompt. (baseline data: 0/5 opportunities) 2. [The Student] will complete assigned independent work tasks (appropriate for [their] level) with at least 80% accuracy and no more than two adult prompts, in 4 out of 5 opportunities. (baseline data: 0/5 opportunities) 3. [The Student] will utilize a visual schedule or checklist to transition between activities independently in 4 out of 5 opportunities. (baseline data: 0/5 opportunities)

The Student's IEP did not include related services.

The Student's IEP included a variety of supplementary aids, services, and accommodations. Among these were: frequent teacher check-ins, access to break space to regulate, preferential seating away from distractions, reminders before transitions, line up ahead of the other students with the teacher, access to fidgets, breaks, visual schedule, noise buffers, access to food and snacks, additional response time when expected to respond, and designated space to play during recess.

The Student's IEP also included 120 minutes per year of consultation time for the general education teacher with the special education teacher.

9) On August 29, 2026, the District documented that the Student grabbed and shook a classmate after they accidentally bumped into one another.

10) On September 4, 2025, the District documented that the Student punched a classmate in the head during an argument at recess.

11) On September 5, 2026, the District documented that the Student pushed a classmate while playing soccer, with two hands, hard enough to make the classmate fall.

12) On September 10, 2026, the District documented that the Student kicked a classmate. When asked to stop, the Student grabbed the hand of staff and scratched them.

13) On September 11, 2026, the District documented that the Student grabbed a classmate by the neck.

14) On September 12, 2025, the District documented that the Student attempted to kick a classmate during the lunch period.

15) On September 29, 2025, the Student's Community Mental Health Therapist sent an email to the District to initiate the process to restart the care coordination meetings for the Student.

16) On October 1, 2026, the District, responding to the Student's Community Mental Health Therapist informing them of other relevant team members for the care coordination meetings.

17) On October 1, 2025, the District convened an evaluation planning meeting for the Student. Notes from the meeting document that the Parents requested an IEP meeting, and that the team wanted to get consent to complete an FBA and then complete an escalation cycle. During the meeting, the Parents discussed their concerns for the Student's safety, the Student's ADHD, and the Student's inability to express their feelings in a safe way. The Parents asked whether their private ABA provider could come to the school to provide

services to the Student. The District responded that outside providers were not allowed. The District reviewed the Student's IEP supports and their work to assist the Student to become aware of their escalation and feelings before behaviors occurred. The District noted that the Student's behaviors manifest as "physical aggression (hitting, kicking, slapping), knocks over the desks, rips things off the walls, throws objects, louder voice." The District reviewed their response to those behaviors, including "Turn off the light, room clear, class for additional adult support. Use a calm tone of voice. Try to distract [the Student] with a high interest object."

18) On October 1, 2025, the District sent the Parents a consent for individual evaluation for a Functional Behavior Analysis. The Parents signed the consent form on the same date.

19) On October 1, 2025, the District sent the Parents Prior Written Notice (PWN) of its intent to move forward with the creation of a complete functional behavior assessment (FBA). The PWN noted that the Student was "exhibiting behaviors at school that impeded [their] learning and that of others. The Team completed a de-escalation cycle and obtained consent for an FBA…" The PWN also observed that the Student had resumed outside counseling.

20) On October 1, 2026, the District documented that the Student attempted to kick a classmate and could not stop tickling another.

21) On October 16, 2025, the Parents sent the District a text message asking whether the Student's private counselor's "Skills Trainer" could provide services to the Student during the school day.

22) On October 20, 2025, the District sent the Parents a PWN documenting the refusal to change the provision of a free, appropriate public education (FAPE) to the Student. Specifically, the PWN documented that it is the District's responsibility to provide the Student with a FAPE and that "[o]utside providers are not permitted to provide services to students on a school site during the instructional day…"

23) On October 2, 2025, the District documented that the Student "punched [a classmate] in the privates. [The Student] was asked to go to the office but [they] refused."

24) On October 6, 2025, the District documented that staff were concerned about the Student "hitting/touching others in the privates." The District also documented the sharing of the "escalation cycle" document with staff in response.

25) On October 9, 2025, the District documented that the Student was saying "inappropriate words" during lunch.

26) On November 18, 2025, the District produced a Behavior Support Plan for the Student. The Plan noted that the Student exhibited unsafe body such as hitting, kicking, slapping,

shoving, hitting peers' genitals and exposing themselves. The Student used inappropriate language, engages in verbal threats, daily non-compliance and disruptive behavior such as tipping over desks and ripping things off walls. The plan included a hypothesis for what triggers the Student's behaviors, interventions and deescalation strategies. The BSP noted that the document should be thought of as a "work in progress" and that staff should provide feedback to the Student's case manager and School Psychologist.

27) On November 17, 2025, the District documented the Student kicking a classmate "in the private parts at lunch in the cafeteria. The classmate reported that the Student kicked them three times."

28) On November 18, 2025, the District documented the Student slapping a classmate, throwing food in the cafeteria, and later running out of the cafeteria.

29) On December 1, 2025, the Student's Mental Health Therapist sent an email to the District and members of the Student's IEP team confirming the agenda for that day's meeting would include them gathering "more information about the current challenges presenting at school and intervention in place and to then build on those during our next meeting on 12/11."

30) On December 11, 2025, the Student's Mental Health Therapist sent an email to the District and members of the Student's IEP team confirming the agenda for that day's meeting would include "diving deeper into support for [the Student] and brainstorming concrete next steps."

31) On December 21, 2025, the District documented an incident where the Student and a classmate were punching one another.

32) On January 9, 2026, the District sent the Parents a notice of team meeting for an IEP team meeting scheduled for January 21, 2026, to review the results of the Student's FBA.

33) On January 20, 2026, documented that the Student "came into the lunch room without permission escalated. [They] were walking around to table with [their] beef stick and telling students to look at [their] knife then [they were] waving it in front of them in a threatening way. [The Student] struck several students with it. [They] walked around tables and kicked one student."

34) On January 21, 2026, the School Psychologist completed the Student's FBA. The FBA indicated that the student was referred to the assessment "by [their] school-based team due to concerns about elopement, unsafe body, inappropriate language and gestures and an inability to stay in the classroom to participate in educational activities." The FBA was conducted to answer two basic questions: 1. Why does [the Student] engage in challenging behaviors? 2. What can we do to reduce challenging behaviors and increase appropriate behaviors? FBAs investigate the following factors that contribute to challenging behavior:

(a) personal characteristics, (b) Lagging skills/deficits, (c) antecedents/triggers, (d) source of reinforcement/hypothesized function.

The FBA documented that, "Teachers report escalating behavior and inappropriate behaviors that appear to increase when [the Student] is denied access to preferred activities or when limits are imposed. The teacher expresses concern about safety for peers and self, noting that [their] behaviors are unpredictable and often occur during transitions or task demands. Parents describe similar challenges at home with impulse control, frustration tolerance, and transitions, as well as sensory sensitivities (e.g., scalp-picking, movement-seeking). They also report strong interests in academic and creative pursuits. Information regarding problematic sexualized behaviors was obtained from teacher reports, recess supervision notes, and incident documentation. These behaviors were not observed during the formal classroom observation session on 10/29/2025."

The FBA "recommended that [the Student's] Behavior Support Plan include strategies for addressing/minimizing variables contributing to *challenging behavior* and strategies for increasing appropriate replacement behaviors. Comprehensive Behavior Support Plans include (a) proactive strategies to minimize the likelihood of interfering behaviors, (b) teaching/skill building strategies to remediate skill deficits and strengthen appropriate behaviors, and (c) response strategies to ensure safety while minimizing reinforcement of challenging behaviors."

35) The Student's January 21, 2026, IEP meeting, discussed the results of the Student's FBA. During the meeting the Parents asked about specialized programs that might be appropriate for the Student. The District reported that it would attempt to try a variety of interventions and exhaust building resources before considering a change of placement. The Parents asked about 1:1 paraeducator support for the Student. The team also discussed the Student's psychiatric needs. The team discussed more frequent meetings going forward to address the Student's needs.

36) On January 21, 2026, the Student's IEP was revised. The IEP indicated that the Student's "family is concerned with behavioral issues. [The Student's] anger and impulsivity get in the way of [them] experiencing a lot in school. They feel that [the Student] experiences some anxiety and self-esteem problems from the constant correction that [the Student] gets. The family hopes to continue the awesome positive reinforcement that everyone at [the school] gives [the Student]."

The Student's January 21, 2026, IEP included annual measurable goals in behavior, social skills, and self-direction. The IEP envisioned 120 minutes monthly of SDI in Behavior, delivered by the special education teacher, in a special education environment. The IEP envisioned 120 minutes monthly of SDI in Self Direction, delivered by the special education teacher, in a special education environment. The IEP envisioned 120 minutes monthly of SDI in Social-Emotional, delivered by the special education teacher, in a special education environment. The IEP envisioned 340 minutes monthly of SDI in Behavior, delivered by the

special education teacher, in a special education environment. The IEP envisioned 340 minutes monthly of SDI in Self-Direction, delivered by the special education teacher, in a special education environment. The IEP envisioned 120 minutes monthly of SDI in Social-Emotional, delivered by the special education teacher, in a special education environment.

The Student's behavior goal stated that by January 2027, the Student would increase their ability to use coping strategies to regulate behavior, maintain a safe body, and follow adult direction across all school settings in 4 out of 5 observed opportunities, as measured by staff observations and data collection.

1. Given a verbal direction, [the Student] will follow through with the direction within 2 minutes in 4 out of 5 opportunities, with no more than 1 prompt, on 4 out of 5 opportunities as measured by staff observations and data collection. (baseline data 1/5 opportunities)
2. During a moment of frustration, [the Student] will use visuals and adult prompts to use a coping strategy to maintain a safe body on 4 out of 5 opportunities, as measured by staff observations and data collection. (baseline data 0/5 opportunities)
3. Given specially designed instruction with problem solving and after a moment of dysregulation, [the Student] will verbally express how [they] felt in that moment, and express one way [they] can react differently if the situation occurs again on 4 out of 5 opportunities as measured by staff observations and data collection. (baseline data 0/0 opportunities)

The Student's Social Emotional goal envisioned that by January 2027, the Student would "improve [their] social skills by demonstrating expected behaviors around [their] peers and staff members (e.g., respecting personal space, refraining from using inappropriate language, following rules during group activities, and reducing impulsive behaviors) in structured and unstructured settings, with adult support and visual/social cues, on 4 out of 5 opportunities, as measured by data collection and staff observations. (baseline data: 0/5 opportunities)"

1. [The Student] will look in the direction of the person [they are] talking to on 4 out of 5 opportunities, as measured by data collection and staff observations. (baseline data: 0/5 opportunities)
2. [The Student] will maintain appropriate personal space (e.g., staying at least one arm's length away unless permitted) during peer interactions in the classroom and other school settings in 4 out of 5 observed opportunities. (baseline data: 1/5 opportunities)
3. When at school [the Student] will independently use respectful language (e.g., kind words, appropriate tone) and refrain from using profanity and problematic sexualized language across all school settings in 4 out of 5 opportunities, as measured by staff observations and data collection. (baseline data: 0/5 opportunities)

The Student's Social Emotional goal also envisioned that the Student would "increase insight into [their] presenting emotional/behavioral difficulties by identifying big emotions,

triggers, and [their] preferred coping strategies when asked in 4 out of 5 opportunities as measured by data collection and staff observations. (Baseline 0/5)"

1. [The Student] will identify how [their] body feels when [they] experience big emotions such as frustration, fear, anger, and sadness in 4 out of 5 observations opportunities. (Baseline 0/5)
2. [The Student] will identify triggers leading to emotional/behavioral dysregulation in 4 out of 5 opportunities. (Baseline 0/5)
3. [The Student] will identify triggers leading to emotional/behavioral dysregulation in 4 out of 5 opportunities. (Baseline 0/5)
4. [The Student] will identify 3 effective calming strategies to help restore emotional/behavioral regulation in 4 out of 5 opportunities. (Baseline 0/5)
5. [The Student] will demonstrate the use of calming strategies in 4 out of 5 opportunities. (Baseline 0/5)

The Student's Self Direction goal envisioned that by January 2027, the Student "will increase [their] ability to independently begin and complete non-preferred classroom tasks with minimal redirection by sustaining attention for up to 15 minutes with no more than 3 teacher prompts or redirections on 4 out of 5 opportunities as measured by staff observations and data collection. (baseline data: 1/5 opportunities)

1. When presented with a non-preferred task, [The Student] will begin the task within 2 minutes of instruction, in 4 out of 5 opportunities, with no more than one prompt. (baseline data: 0/5 opportunities)
2. [The Student] will complete assigned independent work tasks (appropriate for [their] level) with at least 80% accuracy and no more than two adult prompts, in 4 out of 5 opportunities. (baseline data: 0/5 opportunities)
3. [The Student] will utilize a visual schedule or checklist to transition between activities independently in 4 out of 5 opportunities. (baseline data: 0/5 opportunities)

The Student's IEP included the related service of Psychological Services, 60 minute per month provided by the School Psychologist.

The Student's IEP included a variety of supplementary aids, services, and accommodations. Among these were: access to food and snacks, noise buffers, behavior support plan, frequent teacher check-ins, access to break space to regulate, preferential seating away from distractions, reminders before transitions, line up ahead of the other students with the teacher, access to fidgets, breaks, visual schedule, additional response time when expected to respond, and designated space to play during recess.

The Student's IEP also included 200 minutes per year of consultation time for the general education teacher with the special education teacher, increased over the 120 minutes from the prior IEP.

The Student's BSP included a description of the challenging behaviors exhibited by the Student. This list included: "Unsafe Body, Verbal threats, Inappropriate behaviors (hitting peers' genitals, exposing self)- reported by school staff and observed across multiple settings; not directly observed during the most recent classroom observation. Noncompliance (refusal, ignoring directions), Disruption, Inappropriate language."

37) On January 21, 2026, the District sent the Parents a notice of team meeting for an IEP team meeting scheduled for February 18, 2026.

38) On January 21, 2026, the District sent the Parents a PWN documenting the IEP team's discussion of the potential for the Student to attend a different setting or class. The PWN documenting that the District was working to support that Student's need in the general education setting.

39) On January 22, 2026, the District documented that Student putting their hands on a classmate.

40) On January 23, 2026, the District documented the Student putting their hands on a classmate, resulting in a seating change. On the same date the Student was observed grabbing, pushing, shoving, and chasing classmates during recess. When asked to cease this activity, the Student used profanity toward staff.

41) On January 29, 2026, the District documented the Student grabbing a classmate and not letting go, then shoving that classmate to the ground.

42) On February 3, 2026, the District documented an incident where the Student "was putting [their] hands on [a classmate]" and other behavior that were disruptive to that classmate.

43) On February 5, 2026, the Parent filed a complaint with the District. The Parent reported that on January 20, 2026, the Student was pushed and locked out of their classroom by their Teacher, triggering a report to child protective services. The Parent's complaint stated that the District reported to them the Teacher was returning the following week and that it was recommended that the Student return to the classroom. The Parent wrote that they were not provided any information regarding the investigation and were not comfortable with the Student staying in the class of a teacher who "put hands on" the Student. The Parent's report included that they had spoken with the school Principal on February 5, 2026.

44) On February 6, 2026, the District's Compliance Officer acknowledged receipt of the complaint, observed that the Parent had spoken with the interim Principal, and added, "it sounds like you will be keeping your [Student] home on Monday while your options are further reviewed."

45) On February 9, 2026, the District sent the Parents a notice of team meeting for an IEP team meeting scheduled for February 18, 2026.

46) On February 9, 2026, the Student was seen by their physician for a Developmental-Behavioral Pediatrics Evaluation. The physician notes indicate that the Parents reported "several recent school stressors—including a change in teacher and principal following an investigation—which have affected [the Student's] comfort and sense of safety at school. [The Parents] described an incident where [the Student's] teacher pushed [the Student] out of the classroom and locked the door, prompting the investigation. The school suggested a possible transfer to a nearby school, but [the Parents do not] feel this would be appropriate." The Student's physician suggested a diagnosis of Disruptive Mood Dysregulation Disorder and AHDD while continuing to monitor for Autism Spectrum Disorder. The Student's physician suggested additional direct input from the Student's teachers, continuance of intensive mental health services, and suggested increased educational supports including adding or updating the Student's formal behavioral support plan and likely increased direct adult/paraeducator supports.

47) On February 10, 2026, the District's Compliance Officer, writing to the Parents, observed "that there is a plan for your student returning [to school], and that you said you felt your concerns had been addressed." The District went on to ask whether the Parent's complaint could be closed.

48) On February 10, 2026, the Parents responded to the District's Compliance Officer reiterating their request to receive "a detailed report of the incident in question" and noting that "a simple 'nothing was found on our end' will not suffice, as the response [the Parents] have been given in the past."

49) On February 10, 2026, the Parents sent an email to the District informing them that the Student completed a neuropsychiatric evaluation the day prior, that the Student had a confirmed diagnosis of ADHD, and DMDD (disruptive mood dysregulation disorder) and that the Student's physician would continue to monitor the Student.

50) On February 11, 2026, the Learning Specialist working with the Student sent an email to the Student's private Mental Health Therapist to propose collaboration in assisting the Student.

51) On February 11, 2026, the District documented an incident of the Student hitting a classmate in the privates.

52) On February 12, 2026, the Student's private Mental Health Therapist sent an email to the District observing that in "recent conversations, there has been a shared recognition that [the Student] would benefit from more intensive, coordinate support accords settings." They went on to report that the Student would receive 3-5 sessions of community-based care in the home and community, as well as receiving county based Wraparound Care Coordination.

53) On February 13, 2026, the District sent an email to the Parents reporting "physical

aggression occurring mostly during recess." The District went on to ask "if an incident occurs during the final recess of the day, would you be open to having the suspension serve for the following school day? This would help us avoid the kind of power struggle we experienced today."

54) On February 18, 2026, the Student's IEP team amended the Student's IEP. The Student's IEP was updated to reflect the Student's "current strengths and needs at school. At the meeting, Parent input was received and documented. The team also discussed and agreed upon a new plan for [the Student] if other people (staff and students) are physically harmed by [the Student's] actions. In order to support [the Student's] lagging skills and to decrease the amount of physical harm, specially designed instruction in the areas of social skills, behavior, and self-direction has been increased...Starting February 11, 2026, [the Student] was moved to a different first grade class…This is a fresh start for [the Student] and [the Student] is motivated to follow the rules and routines in [this] new classroom. The special education team acknowledges this is a big change and another transition for [the Student]…The parent agrees with the new plan to support [the Student who]…now receives WRAP services through [the county] and [community psychiatric services which]…is recommending occupational therapy services for [the Student]…[The Student] will use physical aggression (push, kick, punch, throw objects) when [they are] dysregulated, doesn't like the outcome of an event, or to escape to a different location. There are 49 documented events of physical aggression at school. and 3.5 days of out of school suspension due to physical aggressions toward others. A functional behavior assessment was completed and found that [the Student] is triggered by teachers giving directions, task demands, removal or denial of preferred items…transitions or changes in routines, peer interactions during group activities and lining up, adult correction and redirection, sensory over stimulation, and during unstructured settings. These triggers result in physical aggressions (punch, kick, push, throw objects), use of profanity and/or problematic sexualized language, and non-compliance (ignore, refuse the task, and elope from the expected location). There are 33 documented incidences of patterns of resistance and 45 documented incidences of problematic sexualized behavior. Successful Strategies: Safety plan and deescalation cycle, Functional Behavior Assessment, Behavior Service Plan, Deescalation cycle, Noise Buffers, Offer snacks throughout the day, Trust based relationship intervention strategies (behavior matching), Meetings with [the Student's] mental health therapist…, case manager, and parent…Whole class explicit lessons and repeated practice on how to transition provide choices. Unsuccessful interventions: Soft start in the library, Older peer buddy, Transitions before the rest of the class, Alternate locations to complete work and to regulate, Scheduled breaks, check-in/check-out, Feelings thermometer, Token board for positive reinforcement, pick pad."

During the February 18, 2026, meeting the Student's Teacher noted that the Student "knows when [they are] going to be sent home. [The Student] is one edge waiting for adult to come to talk with [sic] [them] and it dysregulated [them] even further."

The meeting notes also document that the team discussed that, "It was suggested to keep

[the Student] outside and away from [their] class. If [the Student] wants to be with [their] class, keeping [them] separated is the consequence. This is challenging because [the Student] will physical [sic] in order to get what [the Student] wants. If [the Student] is suspended every time that [the Student] physically harms someone, [sic] [they] will reach 10 suspensions quickly. We will need to hold a manifestation determination meeting if [the Student] reaches 10 suspensions. It is better to have a room clear.

The Student's February 18, 2026, IEP was further amended to note that the Student would "be removed from the general education setting for 980 minute [sic] per month to received specially designed instruction in the areas of behavior, self-direction, social/emotional, and social skills."

55) On February 18, 2026, the District sent the Parents PWN documenting the changes to the Student's IEP.

56) On February 24, 2026, the District sent an email to the Parent reporting that the Student had a challenging day involving physical altercations with classmates.

57) On March 4, 2026, the District updated the Student's Behavior Support Plan (BSP). These changes included updates to the Student's strengths, observed antecedent behaviors, behavioral signals, changes to preventative strategies, and new teaching strategies. The Student's list of problematic behaviors was updated to include: "**Unsafe Body** - Hitting, kicking, slapping, shoving -Hitting peers' genitals, exposing self, **Inappropriate language –** "potty words", **Verbal threats**, **Non-compliance (daily) –** refusal, ignoring adult directions, running away from adults - Not engage in the work presented to him **Disruption** - Desks tipped over, ripping things off the walls, yelling and screaming."

58) On March 4, 2026, the Student's IEP was updated observing that by that time the "amendment was made to [the Student's] IEP to discuss [the Student's] current growth and needs at school, and to add any additional supports. [The Student] has 8 out of school suspensions due to physical altercations which prompted a manifestation determination. The team discussed ways to further support [the Student] at school in light of his continued physical aggressions toward others. The team updated [their] behavior service plan (BSP) and added additional accommodations to this IEP: additional adult supervision during recess for safety, alternate plan/location when the class is at music class.

59) On March 4, 2026, the District completed a Manifestation Determination and Review based on a February 25, 2026, incident. The District determined that the Student's behavior on this date was a manifestation of their disability.

60) On March 4, 2026, the District sent the Parents PWN of the "IEP amendment meeting…held to discuss [the Student's] current strengths and needs at school, and to add any additional supports as needed. The team reviewed [the Student's] behavior support plan (BSP) and added some additional supports. The team added additional accommodations to [the

Student's] IEP to support [their] needs as well." The PWN documented that at that time the Student had "8 out of school suspensions due to physical aggressions toward others." The PWN also documented the Parent's sharing a new diagnosis for the Student of "Disruptive Mood Dysregulation Disorder."

61) On March 5, 2026, the Parents sent an email to the District acknowledging receipt of a notice of suspension stating that the suspension would run from March 25, 2026, through March 26, 2026, and asking whether those were the correct dates. On the same date the District responded that the correct dates were February 25 to February 26.

62) On March 12, 2026, the District completed a behavior referral form for behaviors exhibited by the Student on that day.

63) On March 13, 2026, the District sent an email to the Parents informing them that the Student made a threat toward a teacher. The District completed a behavior referral form for this incident.

64) On March 17, 2026, the District completed a behavior referral form for behavior exhibited by the Student that day.

65) On March 23, 2026, the Parents filed this complaint. The investigation timeline was paused to allow for mediation.

66) On March 31, 2026, the District completed a behavior referral form for behavior exhibited by the Student that day.

67) On April 28, 2026, the District held an IEP team meeting for the Student. The Parents requested the meeting to address specific concerns. The Parent's asked to clarify whether they could add a "grace period" to the Student's school start time because morning can be difficult and slow for the Student. The Parents suggested some changes to the Student's schedule and accommodations to assist the Student. The Parents requested "social-emotional learning skills" and asked how the team planned on "teaching those skills incorporated into the IEP." The Parents requested a paraeducator be assigned to the Student observing, "I believe a paraeducator would work best for the kind of consistent positive reinforcement needed for this type of learning. In mentioning a paraeducator, I would like a male (if possible) paraeducator specifically assigned to [the Student], especially during unstructured times like trips to the restroom, lunch, and recess."

    The IEP documented that, "Accommodations are already in place for [the Student] to have an alternate location instead of attending Music class, and for additional adult supervision for safety during recess. The team changed the accommodation for additional adult supervision to include unstructured times because adults are with [the Student] during specials classes, recess, lunch, and different times in his classroom throughout the school day. Social emotional learning happens through specially designed instruction that is

delivered throughout the school day. [The Student's] family can choose to bring [them] to school any time they decide. The school district stands ready to support [the Student] for the full school day. The team also added consultation from the school psychologist to the services summary page.

The IEP also noted that the Student "had another out of school suspension due to another physical aggression toward a student at the end of recess on 4/27/2026. This out of school suspension makes a total of 9. A manifestation determination is not needed unless a 10th out of school suspension occurs."

68) On April 28, 2026, the District sent the Parents PWN of the issues discussed and changes made to the Student's IEP and BSP.

69) On May 5, 2026, the Parents sent an email to the District acknowledging receipt of a suspension notice, observing that it indicated that the Student was suspended from March 25, 2026, through March 26, 2026, and asking if that information was correct.

70) On May 29, 2026, the District sent the Parents a notice of team meeting for a June 5, 2026, IEP team meeting.

71) On June 5, 2026, the District conducted a manifestation determination for the Student following ten days of suspension. The team determined that the Student's behavior leading to the suspension was a manifestation of the Student's disability.

72) On June 5, 2026, the District sent the Parents PWN documenting the outcome of the manifestation determination.

73) On June 11, 2026, the District issued an IEP progress report.

74) On July 11, 2026, the Department's Complaint Investigator interviewed the Parents. The Parents reported that the Student initially seemed receptive to the IEP interventions following the IEP's initial implementation. The Parent reported that ten days into the Student's kindergarten year the District was calling daily for them to remove the Student but were told that the Student did not need extra support. Due to the number of calls for the Parents to remove the Student from school, they requested an ADHD evaluation. The Parent's raised concerns whether the District's evaluation was sufficiently broad to address the Student's needs.

The Parents also noted that the calls to remove the Student from school continued through the 2025-26 school year. This led the Parent to change their work schedule such that they could be available to go to the school. The Parent reported that this is why they emailed the District that they had changed to a part time schedule. The Parents reported concerns with the lack of information regarding the events of January 20, 2026, and that the Student's behaviors continued despite the implementation of a BSP.

75) On September 10, 2026, the Department's Investigator interviewed the Student's School Counselor, Behavior Specialist, and Case Manager.

The School Counselor reported that the District used a behavior referral system to track student behaviors. Teachers would input student behavior data and then staff would separate that data based on the students involved. The School Counselor noted that ahead of the creation of the Student's 2025 IEP, the District tracked behavior through an online form. The School Counselor noted that at that time, the Student largely demonstrated behaviors during unstructured times such as lunch and recess. While the District understood that the Student's behaviors stemmed from their ADHD, the District observed that the behaviors continued despite the use of medication and interventions to address the behaviors. The School Counselor noted that they were especially concerned about the non-ADHD related behaviors demonstrated by the Student, specifically inappropriate and sexual touching of classmates.

The School Counselor reported that despite the various hypothesis about the source of the Student inappropriately touching classmates, the behavior continued. The School Counselor confirmed regular meetings with the school team and the Student's community counselor. The School Counselor reported meetings having occurred several months in a row during 2025-26 school year, but that they were of limited value. The School Counselor reported that these meetings largely centered on the type of language the community counselor found successful with the Student in the home environment, so that the school could reflect the same language.

The School Counselor reported that they would call the Parents when the Student exhibited sexualized behaviors. The School Counselor noted that this responsibility fell to them because they usually generated in a report in such cases. The School Counselor would call the Parents in such instances but reported that any decision that a student be sent home was made by building administration. The School Counselor reported that the Parents often chose to take the Student home when they were called about such events.

The Behavior Specialist reported that the District created the Escalation Cycle document around October 1, 2025. The Document was shared with staff that worked with the Student as a means of identifying positive interventions to address the Student's behavior. The Escalation Cycle document was created by the School Psychologist, with the goal being to identify when the Student was at the peak of the behavior and use one of the listed tools to get the student out of that peak and to deescalate. The Behavior Specialist reported having only received one version of the Escalation Cycle, and that the interventions were continually unsuccessful.

The Behavior Specialist noted that the Student was resistant to leaving class, and that attempting to intervene in a behavior by removing the Student from the classroom resulted in further escalation. They also reported that staff could not use a room clear as that

resulted in the Student becoming more violent with classmates. The Behavior Specialist explained that the Student's BSP was of limited, and that the interventions were largely unsuccessful. By the end of the 2025-26 school year the team still had not successful found a way to address separating the Student from peers.

The Behavior Specialist reported that they would provide positive reinforcement, but that teaching such reinforcements resulted in the Student walking away. Staff learned that they could only teach positive behavior's when such concepts were presented to the entire class, rather than individually to the Student. The Student's Social Emotional Learning (SEL) lessons therefore were provided to the entire class rather than to the Student individually. The Behavior Specialist noted the unique challenges presented by the Student who was motivated primarily to be with their entire class and peers, when breakout sessions, pull-out models, or small group work proved to trigger behaviors.

The Behavior Specialist confirmed calling the Parents when the Student's behavior was at peak escalation. Such calls were made when the Student was not safe to return to class and not listening to adults. The Behavior Specialist reported that the Parents would often choose to take the Student home in such cases. The Behavior Specialist noted that if the schools requested that the Parents removed the Student, the District would mark the Student suspended, but the Student would not be marked absent if the Parents chose to remove the Student. The Behavior Specialist reported calling the Parents no more than five times during the school year.

The Behavior Specialist confirmed that the staff initially utilized the Escalation Cycle document, but that it was never updated. Despite not updating the document, the Behavior Specialist reported having attempted every possible intervention including consulting with Occupational Therapy, the school psychologist, and various other teams in the District. Despite this, the team was not successful in finding a strategy that worked for the Student. The Behavior Specialist noted that a support team member was added to support the Student. They estimated that this direct adult support was present for a month or two. They reported that such added engagement was a trigger for the Student, so that intervention was ultimately not successful.

The Behavior Specialist confirmed that the team did discuss a change in placement. Other placements considered included other classrooms in the District and therapeutic placements outside the District. The team stopped discussing changes of placement at some point. In February 2026, the Student transferred to a different classroom in the school. Following this classroom transfer there was some improvement in the Student's behavior.

The Student's Case Manager reported that the District did create a de-escalation plan, the Escalation Cycle, on October 1, 2025. The School Psychologist worked thereafter to complete the FBA and BSP. The Case Manager reported that the Escalation Cycle document was created with input from the Parent, School Counselor, and themselves. The document was crated but not updated or changed following its creation. The Case Manager reported

having tried many different strategies to address the Student's behaviors, with the most success coming from directing instruction toward the entire class rather than toward the Student individually. Behavior lessons directed toward the entire class rather than to the Student individually, proved most successful.

The Case Manager confirmed taking data on IEP goals, marking +/- when the Student was making process or not. That tracking data helped inform the School Psychologist who was working on the Student's FBA. The Case Manager reported that the District had 60 days to complete the Student's FBA, which accounted for the January 21, 2026, IEP team meeting date to review the FBA and devise the Student's BSP. The Case Manager confirmed that the draft BSP was created on November 18, 2025, but was not shared with the Parents or the team. The Case Manager also reported that the team had many meeting after the January 21, 2026, IEP team meeting, but that no updates were made to the Students BSP thereafter.

The Case Manager reported that they were not informed about the events of January 21, 2026, which the Parents had raised concerns about. They confirmed that they called the Parents one time regarding the Student's behavior. The Case Manager reported that they emailed the Parents nearly daily with positive news regarding the Student. The Case Manager reported that the Student did not exhibit behavior issues ahead of the thanksgiving break of 2025. Following the Thanksgiving break, the Case Manager reported a significant change in the Student's behavior. The Case Manager reported that the Student's behavior reports were filed with the District's behavior health and wellness team. They noted that those reports were not always forwarded to them.

The Case Manager was aware that the Parent had requested permission for the Student's outside ABA therapist to come to the school to work with the Student. The Case Manager understood that the Parents were referring to a skills trainer for the Student. While the outside person was not allowed the team did meet with the Student's community mental health providers.

The Case Manager reported that the Student changed classrooms during the spring of 2026 due a concern raised by the Parents about that Student's teacher. While the team did not make a change in placement, they did observe a change in engagement following the classroom change. Following the classroom change the team noted increased academic participation and engagement by the Student. The Student continued to access their curriculum, and the Student appeared to prefer the new teacher.

The Case Manager reported that the District would send the Student home when they caused physical harm to a classmate. The Student was aware of this policy so they would often be on edge when they exhibited behaviors, expecting to be sent home. The Case Manager reported that building administration would decide when a student was sent home, not themselves. The Case Manager noted that there was a change in building administration around the time of the January 21, 2026, IEP team meeting.

To address the Student's behavior the Case Manger sometimes utilized social stories, adopted from the Student's community counselor, about appropriate touch and boundaries. These were taught to the class, because the Student rejected individualized instruction. The team had no general hypothesis about the behaviors, other than that the inappropriate touches toward other classmates may have been the result of past inappropriate touch he witnessed or experienced. The Case Manager reported many meetings with the Student's IEP team, staff, the Parents, the Student's community mental health team, regarding the Student's needs.

The Case Manager confirmed that on January 20, 2026, the Student's behavior had escalated. At this time there was concern about employee proximity with the Student during that event.

76) Following the interviews with District staff, the District sent additional behavior report data for the Student. This behavior data listed eight types of behaviors that were tracked, "Physical aggression (hitting, kicking, pushing)", "Pattern of Resistance (refusal to follow directions)", "Inappropriate language/gestures", "Pattern of Disruptions (talking out, noises, leaving seat)", "Property misuse/damage", "Violation of Plan", "Elopement", and "Problematic Sexualized Behavior". That data showed that the District documented five behavior incidents for the Student on January 20, 2026. These behaviors included two instances of inappropriate language, two instances of physical aggression, and one instance of elopement.

IV. DISCUSSION

When IEPs Must Be In Effect

It was alleged that the District violated the IDEA when it did not implement the Behavior Intervention Plan (BIP) in the Student's IEP. It is alleged that the District's failure to implement the Student's BIP results in a series of escalations in the Student's Behavior, resulting in exclusions from the learning environment. It is further alleged that the District's failure to implement the Student's BIP on January 20, 2026, resulted in a confrontation between the Student and District staff.

At the beginning of each school year, a district must have in effect an IEP for each child with a disability within its jurisdiction. The district must provide special education and related services to a child with a disability in accordance with an IEP. As soon as possible following the development of the IEP, special education and related services must be made available to the child in accordance with their IEP. Districts must ensure that the IEP is accessible to each regular education teacher, special education teacher, and related service provider and other service provider who is responsible for its implementation. Districts must also inform each

teacher and provider of their specific responsibilities for implementing the child's IEP and their specific accommodations, modifications, and supports, enumerated therein.[3]

The District reported that the BIP developed for the Student was not yet in effect on January 21, 2026, and therefore the District could not have failed to implement said plan. As part of the interviews with the District, staff reported limited knowledge of the events of January 20, 2026. Data provided by the District showed categories of behaviors recorded on January 20, 2026, including two instances of inappropriate language, two instances of physical aggression, and one instance of elopement by the Student. The District reported that while the Student's BSP was not yet in place, the Escalation Cycle document was, but that it was of limited use when addressing the Student's behaviors. The record is also devoid of specific behavior data and interventions used to address that behavior on specific instanced. There is insufficient data in the records to understand what occurred on January 20, 2026, or how the District responded to the behaviors demonstrated by the Student.

The Department does not substantiate this allegation.

Parent Participation—General

It was alleged that the District violated the IDEA, when it did not provide the Parents with information stemming from its investigation of the January 20, 2026, behavior incident with the Student. It was alleged that the District's failure to share this information with the Parents, denied them a meaningful opportunity to participate in the Development of the Student's IEP, and educational placement.

School districts must take steps to ensure the parents of a child with a disability are present at each IEP or placement meeting or are afforded the opportunity to participate. Districts must also give parents a copy of the Student's IEP at no cost.[4] "Under the IDEA, parental participation doesn't end when the parent signs the IEP. Parents must be able to use the IEP to monitor and enforce the services their child is to receive. When a parent is unaware of the services offered to the student—and therefore, can't monitor how these services are provided—a FAPE has been denied, whether or not the parent had ample opportunity to participate in the formulation of the IEP."[5]

The District reported limited knowledge of the events of January 20, 2026. The District kept limited data on the Student's behavior incidents. While the District reported utilizing a variety of interventions to support the Student's behavior needs, it reported that neither the Escalation Cycle nor the Student's BSP was revised or updated during the 2025-26 school year to reflect those changing interventions and strategies. IEP team meeting minutes from January 21, 2026,

[3] OAR 581-015-2220(1)—(3)
[4] OAR 581-015-2195(1) & (5)
[5] *M.C. v. Antelope Valley Union High Sch. Dist*., 858 F.3d 1189, 1198 (9th Cir. 2017)

and February 18, 2026, also do not evidence discussions of the various interventions or the specifics of the Student's behavior needs. The District kept logs of the Student's behaviors, recording instances of specific behaviors such as physical aggression, pattern of resistance, inappropriate language/gestures, pattern of disruptions, property misuse/damage, violation of plan, elopement, and problematic sexualized behavior. The behaviors tracked did not match the problematic behaviors in the Student's BSP, nor did the tracking data indicate the antecedents or strategies staff used to address the behavior. District staff reported that none of the interventions were successful in addressing the Student's behavior. During the same period, the Parent requested information from the District about the events of January 20, 2026, but received no report from the District about the Student's behavior on that date. The Student's IEP team met regularly following the January 20, 2026, incident to discuss the Student's behavior. The lack of updates to the Student's IEP and BSP, combined with a lack of data collection aligned with the behaviors identified in the Student's BSP, deprived the Parent of information needed to meaningfully participate in the Student's IEP meetings.

The record does not include any information regarding what interventions were attempted, in response to what behaviors, in what settings, or the Student's response to intervention. IEP team meeting minutes evidence only that the Parents were given a summary list of the number of certain behaviors. Furthermore, Staff reported that the Student's BSP did not reflect the changing interventions and services staff attempted with the Student. These actions deprived the Parent of a meaningful opportunity to monitor which behavior interventions the District attempted with the Student, or how the Student's behaviors manifested in various school settings. The Department substantiates this allegation.

Placement of the Child

It was alleged that the District violated the IDEA, when it determined the Student's placement without considering the potential harmful effects of the placement on the Student.

The educational placement of a child with a disability must be determined by a group of persons, including the parents, and others knowledgeable about the child, the meaning of evaluation data, and placement options. Placement decisions must be made in conformity with the Least Restrictive Environment provisions, be based on child's IEP, be determined at least once every 365 days, and be as close as possible to the child's home. District must ensure that alternative placements are available. In selecting the least restrictive environment, consideration is given to any potential harmful effect on the child or on the quality of services which the child needs.[6] School district must ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services. The continuum must include, instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions. Further, the continuum

[6] OAR 581-015-2250(1)—(4)

must make provision for supplementary aids and services, such as a resource room, be provided in conjunction with regular class placement.[7]

As part of interviews in this matter, the District reported that the Student's IEP team did discuss the continuum of placement options for the Student prior to January 20, 2026. These discussions included a variety of options offered by the District, and therapeutic placements outside of the District. Staff reported that discussions regarding a change of placement largely ended after the Student changed classrooms on February 11, 2026. Staff reported that the classroom change was made not to address the Student's behavior, but Parent concerns stemming from the events of January 20, 2026. Following the change in classroom, staff reported that the Student displayed more academic engagement, but without a corresponding decrease in concerning behaviors. During the Student's January 21, 2026, IEP team meeting, the Parents asked about other placement options for the Student. During that meeting the District responded that it would attempt to exhaust the interventions available at the school before considering other placements.

The Parents filed this complaint on March 23, 2026. Based on information in the record to that date, and interviews with District staff, there is sufficient information to show that there was no improvement in the Student's behaviors, including problematic sexualized behaviors toward peers. Staff reported that the IEP team had discussed changing the Student's placement, but that those discussions ceased following the Students classroom change despite not seeing a corresponding change in behavior. The Student's classroom change was not a change in placement, rather the record supports that the change was made to assign a different classroom teacher to the Student. The District reported ceasing its discussion of the continuum of placement options for the Student despite not seeing an improvement in the Student's behavior with their placement in the general education environment. Despite the Student's placement in the general education environment not effectively addressing the Student's behavior needs, the District did not consider other placement options to meet the needs of the Student. For this reason, the Department substantiates this allegation.

Additional Violations

Functional Behavioral Assessments

During the investigation the Department's Complaint Investigator discussed with the Parents the BSP implemented by the District. The Parents recalled that the District discussed the BSP with them ahead of the Student's January 20, 2026, behavior incident. As part of the District's *Response* the District observed that a BSP for the Student's was not implemented until January 21, 2026, and was therefore not in effect on January 20, 2026. As such the District could not have failed to implement the BSP on January 20, 2026. During interviews with the District, staff reported understanding that they had 60 school days to complete the FBA.

[7] OAR 581-015-2245(1)—(2)

A behavior intervention plan is an individualized plan, including positive interventions, designed to assist a student to decrease inappropriate behavior and increase or teach alternative positive behavior. A functional behavioral assessment is an individualized assessment of a student that results in a hypothesis about the function of a student's behavior, and as appropriate, recommendations for a behavior intervention plan. A school district must conduct a functional behavioral assessment and develop and review or revise a behavior intervention plan within 45 school days of receiving parental consent to conduct the assessment.[8]

The Parents provided consent for the District to complete the FBA on October 1, 2025. 45 school days after the Parents provided consent was December 15, 2025. As part of the response, the District provided a copy of a BSP for the Student dated, November 11, 2025, which, based on staff interviews, was not shared with the Student's IEP team or other relevant staff at that time. The District reported that the FBA was not presented to the Student's IEP team or teachers until the January 21, 2026, IEP team meeting. This meeting occurred 15 days after the 45-day requirement to complete the Student's FBA. As a result, the District took more than allotted 45 days to complete the Student's FBA.

Review and Revision of IEPs

During interviews with the Department's Complaint Investigator, District staff reported that the Escalation Cycle document created by the School Psychologist, and the initial BSP, created following the Student's January 21, 2026, IEP team meeting, were not updated during the 2025-26 school year. The District also reported making a variety of modifications to the Student's IEP and placement. The District reported offering the Student direct 1:1 adult assistance during the 2025-26 school year but abandoning this intervention after it provided not to be effective for the Student. Adult assistance was not added to the Student's IEP. The District also reported that while the Student's IEP called for removal from the general education environment for SDI, removal from general education environment was a trigger for the Student. Staff reported instead delivering SDI to the Student in a manner directed to the entire class in order to be successful.

Districts must ensure that the annual goals for the child are being achieved and review and revise the IEP, as appropriate. The IEP should be revised to address, any lack of expected progress toward goals, the results of any evaluation, information provided by the parents about the child, their anticipated needs, or other matters. Changes to the IEP may be made either by the entire IEP team at an IEP team meeting, or by amending the IEP.[9]

[8] OAR 581-015-2181(1)(a), (1)(c), & (2)(a)
[9] OAR 581-015-2225(1)(a)—(1)(b), (3)(a)

Despite reporting that the interventions in the Escalation Cycle and BSP were not successful, Staff reported that neither of these documents were appropriately revised during the 2025-26 school year. The District also reported that while the IEP indicated that the Student would be removed from the general education environment for delivery of SDI, removal proved to be a trigger for the Student's behaviors. The District reported that SDI was instead delivered toward the entire class, for the benefit of the Student. The Student's IEP was not amended to reflect these changes.

Free Appropriate Public Education (Denial of FAPE)

It was alleged that the District violated the IDEA when, it did not appropriately implement the Student's IEP, provide the Parent with appropriate information to provide with the ability to meaningfully participate in the development of the Student's IEP, and placement decisions, and when the District did not consider the potential harmful effects on the Student's educational placement. It is alleged that these actions denied the Student a FAPE.

School districts must provide FAPE to all school-age children with disabilities for whom the district is responsible.[10] Procedural violations may only lead to finding that a child did not receive a FAPE if they: "(I) impeded the child's right to a free appropriate public education; (II) significantly impeded the parents' opportunity to participate in the decision making process regarding the provision of a free appropriate public education to the parents' child, or (III) caused a deprivation of educational benefits."[11] In determining whether a student was denied a FAPE, courts review a district's compliance with both the procedural and substantive components of the Student's education. Reviewing courts must inquire whether the school district complied with the procedural requirements of the IEP, and whether the school district met the substantive requirements to develop an IEP reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances.[12]

The record reflects, and District staff report, that the District did not maintain information regarding interventions attempted in response to the Student's behaviors and the Student's response to those interventions, other than that no intervention was successful. Staff also reported that staff attempted a variety of supports for the Student including the temporary addition of 1:1 adult support, without amending the BSP to reflect those changes. The Parents were not provided sufficient information to monitor the implementation of the Student's IEP or appropriately participate in its formulation due to the lack of information.

The record reflects that despite attempting a variety of interventions throughout the 2025-26 school year, that the Student's behaviors did not decrease. Initial discussions regarding a change in placement ceased following the Student's February 11, 2026, change of classroom.

[10] OAR 581-015-2040
[11] 20 USD § 1415(f)(3)(E)(ii)
[12] *Endrew F.*, 137 S.Ct. at 999.

Despite the classroom change, the Student showed no improvement with regard to their behavior and behaviors toward peers. The record evidences that while various placement options were discussed, the District did not sufficiently reconsider the continuum of placement options for the Student in response to sustained behavior concerns.

Additional FAPE Violations

The District violated the IDEA when it failed to complete the Student's Functional Behavioral Assessment within 45 days.

The District violated the IDEA when it made a variety of changes to the Student's IEP including the temporary addition of a 1:1 aide, a change in the delivery method of SDI from individual instruction to class wide instruction, among others, and did not amend the Student's IEP or BSP to reflect those changes.

VII. CORRECTIVE ACTION

In the Beaverton School District
Case No. 26-054-040

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

Action Required	Submissions	Due Date
1. The District must ensure that all District staff responsible for reviewing, revising, developing, and implementing IEPs for this student receive training in each of the following areas: a. Functional Behavioral Assessment timelines; b. Reviewing and revising IEPs to adequately document services and interventions for the Student; c. Continuum of placement options for students; d. The role of accurate documentation for parent participation. e. Behavior data collection, behavior progress monitoring, f. Parent communication/participation; and	Training agenda/materials to ODE for review/approval. Sign-in sheet for training.	November 15, 2026 January 15, 2026

g. Development of BSP's, their implementation, and revision.		
2. The District must submit evidence demonstrating that behavioral intervention procedures, data collection methods, and progress-monitoring systems utilized in the Student's school building (and District-wide if relevant) have been revised to prevent recurrence of the violations identified in this order.	December 15, 2026	January 15, 2026
3. The District must convene an IEP team meeting to review: a. Placement options for the Student; b. Additional behavior supports for the Student to address their interactions with peers; c. Whether compensatory education is warranted given the needs of the Student, considering the impact of their behavior during the 2025-26 school year on their academic progress.	Meeting Invitation and Agenda IEP Team Meeting Minutes Revised IEP (if applicable)	November 15, 2026 December 15, 2026 December 15, 2026

Dated: this 25th Day of September 2026



Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing Date: September 25, 2026

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). A party may request reconsideration by the Superintendent within 60 days after the date of the

Order pursuant to OAR 137-004-0080 and OAR 581-015-2030(14)(b). A request for reconsideration does not stay this Order, and corrective action must begin according to the timelines stated herein. OAR 581-015-2030(14)(c).