BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of Beaverton School District 48J	))))	FINDINGS OF FACT, CONCLUSIONS, AND FINAL ORDER Case No. 26-054-057

I. BACKGROUND

On May 1, 2026, the Oregon Department of Education (Department) received a written special education complaint (Complaint) from the parent (Parent) of a student (Student) who attends a high school in the Beaverton School District (the District). The Complaint requested that the Department conduct a special education investigation under OAR 581-015-2030. The Department confirmed receipt of the 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 May 13, 2026, 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 May 27, 2026.

The District submitted a *Response* on May 27, 2026. In its *Response*, the District disputed each of the allegations, provided an explanation, and submitted documents in support of the District's position. The District submitted the following relevant items:

1. Individualized Education Program (IEP), 5/16/24
2. Draft IEP, 5/9/25
3. Draft IEP, 10/23/25
4. IEP, 5/9/25
5. Notice of Team Meeting, 4/25/25
6. Notice of Team Meeting, 5/6/25
7. Notice of Team Meeting, 8/29/25
8. Notice of Team Meeting, 10/23/25
9. Notice of Team Meeting, 1/15/26

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

10. Prior Written Notice of Special Education Action (PWN), 6/6/25
11. PWN, 10/22/5
12. PWN, 4/14/26
13. Meeting Notes, 5/9/25
14. Meeting Notes, 10/23/25
15. Meeting Notes, 11/4/25
16. Meeting Notes, 2/10/26
17. Special Education Placement Determination, 10/23/25
18. Special Education Placement Determination, 5/9/25
19. Student Grade Report and Progress Report, 1/27/26
20. Emails, 2024-2025 and 2025-26 School Year

The Parents submitted a *Reply* to the Districts' *Response* on June 3, 2026. The Parent did not submit other relevant items.

On May 8, 2026, and June 10, 2026, the Complaint Investigator interviewed the Parent. The Complaint Investigator interviewed District personnel on June 8 and June 9, 2026. Virtual interviews were conducted instead of on-site 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 May 2, 2025 to the filing of the Complaint on May 1, 2026.

Allegations	Conclusions
When IEPs Must Be in Effect The Complaint alleged that the District violated the IDEA by not providing special education and related services in accordance with the Student's IEP. Specifically, the District: 1) failed to implement individualized services and accommodations related to adult support as required by the Student's IEP and 2) failed to provide the Parent with accurate progress reporting data during the complaint period, including the 2024-2025 and 2025-2026 school years. (OAR 581-015-2220; 34 CFR §300.323)	**Substantiated in Part** The District provided adult support as required by the Student's IEP. The District provided progress reports on May 19, 2025 and January 27, 2026. The January 27, 2026 progress reports failed to include reporting criteria as outlined in the goals.

Evaluation and Reevaluation Procedures The Complaint alleged that the District violated the IDEA by failing to conduct an appropriate evaluation of the Student's special education needs in the area of assistive technology (AT) and reviewing the assessment results in an IEP meeting. (OAR 581-015-2110; 34 CFR §300.304)	**Not Substantiated** No AT evaluation was requested or proposed during the complaint period.
Review and Revision of IEP The Complaint alleged that the District violated the IDEA by failing to review and revise the Student's IEP when there was a lack of progress on IEP goals and documented Student regression. (OAR 581-015-2225(1)(b)(A); 34 CFR §300.324)	**Substantiated** The District failed to revise the Student's IEP by its annual due date to address the Student's current educational needs.
Free Appropriate Public Education (FAPE) Due to the alleged IDEA violations detailed above, the Complaint alleged that the District failed to provide the Student with a free appropriate public education. (OAR 581-015-2040; 34 CFR §300.101)	**Substantiated** The Student was denied a FAPE when the District failed to develop an annual IEP that addressed their current educational needs in a timely manner.

REQUESTED CORRECTIVE ACTIONS

The Complainant requested corrective action as follows:

1. A comprehensive evaluation to determine accurate present levels for IEP development.
2. Compensatory education to remediate the loss of educational benefit for the full duration of the violations (amount to be determined).
3. A revised IEP with individualized supports based on accurate present level data.
4. Consistent additional adult support to ensure the Student can access all educational opportunities and receive individualized instruction.
5. Program modifications to address shortcomings of current model.
6. Training for the special education team on appropriate progress monitoring, documentation of meaningful progress, and making data-driven decisions based on the Student's individual needs.

7. Continuous ODE monitoring through the Student's graduation from high school (June 2028)
8. Immediate reconsideration of the Student transfer request.

III. FINDINGS OF FACT

IDEA regulations limit complaint investigations 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 May 2, 2025. Any facts listed below relating to circumstances or incidents earlier than that date are included solely to provide context necessary to understand the Student's disability and special education history.

1. The Student is 15 years old and is in the 10th grade. They are eligible for special education under the categories of Autism Spectrum Disorder (ASD) and Other Health Impairment (OHI).

2. The Student was enrolled in and attended a high school in the District (the High School) during all times relevant to the Complaint.

3. In the fall 2024, the Student started 9th grade at the High School for the 2024-2025 school year.

4. At the time of the Student's enrollment in the High School, they had an active IEP, dated May 16, 2024, developed by the Student's prior middle school team. The May 16, 2024 IEP includes among other things:

    a. Student strengths, interests, and preferences: the Student is "smart and happy, " and uses their "sense of humor, to "relieve anxiety toward schoolwork and social interactions." The Student "learns quickly, has a great memory, is a concrete thinker, is a visual learner and learns best by observing others and watching videos." They " respond well to structure, set schedules, and knowing what [they][are] doing throughout the day." The Student is a good "self-advocate."

    b. Parent Concerns: The Parent is concerned about the Student receiving "social stories and social skills," their long-term Independent Skills Center (ISC) placement and modeling from peers in the ISC and their social skills development.

    c. Present Levels of Performance: The Student's last triennial evaluation is dated May 14, 2024. On I-Ready reading program, the Student scored: overall, 497, 3rd grade; phonological awareness, tested out; phonics, 496, 2nd grade; high frequency words, tested out; vocabulary, 496, 2nd grade; comprehension of literature, 501, 3rd grade and comprehension of informational text, 491, 2nd grade. On I-Ready math program, the Student scored: overall, 440, 3rd grade; numbers and operations, 429, 3rd grade; algebra and algebraic thinking, 442, 3rd grade; measurement and data, 469, 5th grade; and geometry, 431, 2nd grade. In writing, the Student can fill out a personal information form with name, address, phone number, birthday and lunch number and the Student is able

to type simple sentences from a model. The Student's cognitive scores are low, as reported by the Parent and the Special Education teacher on the ABAS II, at 73 and 72 General Adaptive Composite Scores (GAC.) For Social Communication, the Student uses communication breakdown strategies (repeating, rewording and slowing their rate of speech) in 7/10 opportunities. The Student has difficulty when seeking attention or advocating for a specific activity and while waiting, will ask multiple times with increasing volume. In Social Emotional domains, the Student initiates greetings and closings, joins small groups, calls others by name, shares things of interest, can clarify verbally, and understands various emotions. The Student needs to use practiced social coping strategies to address anxiety-like behaviors, maintain personal space and safe body and hands and maintain work focus when others transition. In Self-Direction, the Student transitions with verbal and/or visual supports outside the classroom, follows multiple step directions, is directionally aware, and follows a structured routine with up to 3 familiar tasks, with 1 or less prompts, 90% of opportunities.

d. Goals: The IEP includes goals in the areas of self-direction, social communication, reading, writing, math, and social skills.

e. Specially Designed Instruction (SDI): The anticipated location for all SDI is designated as "Provider's Space" and the role responsible for monitoring the SDI is identified as "Special Education Teacher/Provider."

   i. Self-Direction, 125 minutes/week
   ii. Reading, 125 minutes/week
   iii. Writing, 125 minutes/week
   iv. Math, 125 minutes/week
   v. Social Skills, 125 minutes/week

f. Related Services: The Student has a social communication goal and speech services for 60 minutes per week and transportation.

g. Supplementary Aids/Services; Accommodations: feeding protocol; visual supports; multi-modal supports; prewarning of emergency evaluation procedures; health management plan; highlighting key words in text; accessibility supports for communicating new vocabulary and concepts; prompting and/or models; spoken models of functional words broken up into syllables and carefully articulated; prompts to slow [their] speech; allow [the Student] to wear hat/witch hat; a quiet space to work; inclusion plan; behavior plan; allow for extra processing time; social stories and narratives; access multimodality learning opportunities (e.g, manipulatives, visuals, tasks analysis, etc.); cognitive scripts; modified curriculum; modified grading.

h. Supports for School Personnel: consultation and staff training from Feeding Team, 120 minutes/yearly; Occupational Therapist (OT) consultation, 90 minutes/yearly; Speech Language Pathologist (SLP) consultation, 60 minutes/yearly; Autism consultation, 60 minutes/yearly; Adapted PE consultation, 60 minutes/yearly; and School Nurse consultation, 30 minutes per year.

i. Non-Participation Justification: "The Student is in a specialized program 395 minutes per day. [The Student] will be removed from [their] general education peers for 5 class periods per day. [They] will be given the opportunity to have lunch, recess, 2 electives and physical education class each day as well as special school wide activities. [The Student] also attends a general education Science class every day for the full class period." "[The Student] benefits from modified curriculum and accommodations at [their] instructional level within a structured small group setting and a moderate level of adult support to make progress on [their] goals in the areas of academics, social skills and communication."

j. Special Factors: The Student's IEP checked Yes for Assistive Technology.

5. The Parent acknowledged the Student's 2024 IEP data was "on point," and the Student's last triennial evaluation, dated May 14, 2024 was completed for the May 16, 2024 IEP.

6. The Student's mental health provider (the Mental Health Provider) and the Parent indicate on or about March 17, 2025, the Student was removed from the Parent's custody through parental custodial interference resulting in abduction, neglect, and abandonment. The Student was recovered by the state protective services and returned to the Parent's custody on/about March 25, 2025. The Parent and the Mental Health Provider describe the Student's trauma from the custodial interference, resulting in significant academic regression, "…significant impact on mental health, attachment security, and emotional regulation," and onset of a medical seizure disorder.

7. The Student's special education teacher (the Case Manager) described the Student's academic and social/emotional regression after the March, 2025 custodial interference. They note the IEP team "….reviewed [their] needs and determined that prioritizing emotional regulation, re-establishing school routines, and supporting [their] overall well-being was necessary to ensure safe and meaningful access to instruction." Additionally, they noted "…the team implemented a 'handle with care' approach and focused on stabilization, relationship-building, and regulation supports. Instruction and services continued, with adjustments made to pacing and expectations based on [their] readiness and documented needs. Goal work was addressed as appropriate and as [the Student] demonstrated capacity to engage."

8. The Case Manager noted they did not have "quality data to report on [their] academic goals," during the stabilization period in the spring, 2025.

9. In District interviews, the Case Manager, the Speech-Language Pathologist (SLP) and the Transition Specialist, all reported the Student was able to access both specially designed instruction (SDI) and general education content when they provided 1:1 instruction.

10. On February 21, 2025 the IEP team met for evaluation planning for an Adult Assistance Assessment (AAA) to address the Student's level of need for adult assistance and intervention throughout the academic day and across all school settings. The consent for evaluation was provided to the Parents and received back on or about May 4, 2025 with the Student's non-custodial parent's signature.

11. The Parent questioned whether the non-custodial parent's signature was lawful for the AAA assessment; however, as of May 4, 2025, the District did not have knowledge, such as from a domestic relations court order, of any custodial change between the parents or change to parent authority in education decision making. The School Psychologist indicated they had not been presented with any custody orders regarding the Student and they proceeded with evaluation from the consent.

12. The IEP team began the AAA assessment with observation of the Student by District staff, including the School Psychologist, the IEP Facilitator (the Facilitator) and the Speech-Language Pathologist (SLP) working with the Student, in the spring, 2025 and fall, 2025.

13. Meeting notes from May 9, 2025 indicate the AAA evaluation was underway.

14. The AAA evaluation included parent components, including an interview. The Parent requested assistance with the parent interview, and the Case Manager offered their assistance to the Parent. The Case Manager indicated they did not receive a response from the Parent and the School Psychologist indicated the parent interview was a "necessary component," of the AAA evaluation.

15. On May 09, 2025, the Student's IEP team (the IEP Team) met to conduct an annual review of their IEP prior to the end of the 2024-2025 school year. The IEP review was not finished and the Case Manager indicated they would "…start building the IEP," and begin drafting new IEP goals.

16. The Case Manager, when queried on adult support for the Student in their Structured Resource Center (SRC) classroom at the May 9, 2025 IEP review, said they have a student/adult ratio of 3-4/1 and three paraeducators supporting eleven students in their classroom.

17. The Student's General Education Teacher (the General Education Teacher) for Choir and Acting, when asked about adult assistance by the Parent at the May 9, 2025 IEP review, said they had enough adults present to aid students with routines in the classes.

18. At the May 09, 2025 IEP review, the General Education Teacher said the Student attended Choir daily during the first semester, sang in small groups and practiced with their section. The Student attended second semester Acting at the start of the term but then stopped attending after an incident in the classroom and had not attended the last two months prior to the IEP review.

19. At the May 09, 2025 IEP, The Case Manager said they would assist the Parent to obtain a parent input letter for the AAA assessment.

20. The Case Manager, when interviewed, said they reached out to the Parent to offer assistance for completing the parent input for the AAA assessment and did not hear back from the Parent.

21. At the May 9, 2025 IEP review, the Case Manager indicated the Student had "significant regressions," in the areas of academics, social/emotional and behavior.

22. At the May 9, 2025 IEP review, the Case Manager described difficulty with monitoring the Student's progress in reading, indicating the Student, "…likes to play with [their] answers and be silly. It is sometimes difficult to know what is a silly answer and what [they are] actually comprehending."

23. While discussing the Student's present levels of academic functioning at the May 9, 2025 IEP review, the Case Manager noted on the Student's writing goal, using technology to write an email, that they only participated 3 times, the Student was resistant, and they required adult prompting, guidance and use of a white-board.

24. The District's Transition Specialist (the Transition Specialist) indicated at the May 9, 2025 IEP review that in high school, the IEP team often shifts focus from academics to post-secondary, independence goals, and gave examples such as moving from "academic reading" to "functional reading," and from "mathematics," to "how to budget for a dinner."

25. While discussing the Student's use of technology at the May 09, 2025 IEP review, the Case Manager described how tablet usage interfered with the Student's instruction. At the start of the school year, the Student brought three tablets to school from home. When the Student had the tablets at school, the Case Manager observed their presence in the classroom slowed the Student's transition time and interfered with the Student's interaction with peers. The Student did not allow others around the devices, and they would not work with other students when the tablets were present.

26. The Case Manager completed progress reporting for the May 16, 2024 IEP for the second semester of the 2024-2025 school year on May 19, 2025.

27. The May 16, 2024 IEP has a self-direction goal. The goal states "given a structured small group setting and modified curriculum, [the Student] will demonstrate progression in self-direction and independence by following and completing a structured routine 100% of opportunities as measured by data collection." It has one short term objective (STO), "[given] a structured visual routine, [the Student] will follow a structured routine with 5 familiar tasks, independently on 100% of opportunities as measured by staff observation and data collection," including four steps: a.) get task; b.) take to a work area; c.) complete task; and d.) put in finished area. Baseline data was 90% proficient in all four steps. Specially Designed Instruction (SDI) was 120 minutes per week.

28. In the May 19, 2025 progress report, the Case Manager reported the Student met their annual self-direction goal during Wex (Work Exploration) class and noted, "discuss new goal…"

29. The Case Manager also reported progress on the Student's academic goals on May 19, 2025, for reading, writing and math. The Student had not yet met the annual academic goals in their May 16, 2024 IEP.

30. In the May 19, 2025 progress report on the May 16, 2024 reading goal, the Case Manager stated "[a]t this time, [the Student] has only engaged with this goal when provided 1:1 adult support. [The Student] will often answer incorrectly in a playful way then change [their] answer when prompted "Is this your final answer." "[They have] not yet participated in small group instruction related to this goal, nor ha[ve] [they] attempted to complete the vocabulary task independently." The Student's current progress was 3/5 opportunities on all STO's, "…during individual sessions with direct adult guidance and prompting."

31. In the May 19, 2025 progress report on the May 16, 2024 writing goal, the Case Manager reported that the Student has engaged in "functional writing tasks on a limited basis." The Student completed three emails with 1:1 adult support in a "quiet, low-stimulation environment," and the Student experienced "significant dysregulation," when attempting email writing in a classroom setting. The Student did not consistently use proper capitalization and punctuation, despite consistent "1:1 support and prompting during writing activities." In journal writing, the Student required 1:1 adult support for all writing task and despite the support, "frequently demonstrates resistance to initiating or engaging in writing activities."

32. In the May 19, 2025 progress report on the May 16, 2024 math goal, the Case Manager reported that "…when using a computer-based math program, [the Student] frequently pauses for 5-10 minutes on screens displaying humorous or visually engaging characters…" The Case Manager notes during these pauses, the Student appears focused on the image rather than the task and requires prompting to resume academic engagement. They note this off-task behavior impacts the consistency of work completion and accuracy data and highlights the need for "reinforcement systems" and "clear task expectations."

33. In the May 19, 2025 progress report on the May 16, 2024 social skills goal, the Case Manager reported the Student's "frequent mode of advocacy is characterized by a loud and insistent tone," the intensity of which can dysregulate the Student and their peers. The Student had not been able to use a coping strategy to maintain attendance in the general education Choir class throughout the semester. The Student had difficulty with changes in routines and required 10-20 minutes of "protest behavior," described as "…refusal, verbal resistance, or non-engagement." The Case Manager in summary indicated the Student needed "…increased support in both expressive communication and social engagement during structured social-emotional learning activities."

34. On June 6, 2025, the Case Manager issued a Prior Written Notice (PWN) indicating the May 9, 2025 IEP review was not completed, and the IEP team will meet a second time to finalize the IEP.

35. On October 23, 2025, the Student's IEP team met for further review of the Student's May 9, 2025 IEP. The IEP team proposed and reviewed goals in self-direction, reading, writing, social-emotional and math. The IEP team completed review of all goal areas except math and scheduled an additional IEP review.

36. At the October 23, 2025 IEP review, the IEP team discussed introducing tablet use for the Student's writing goal, and the Parent's education advocate (the Advocate) described the Student's sensory needs with typing. The Case Manager expressed reservation, concerned that tablet introduction would open a "pandora's box," however, the IEP team thought the tablet use could be limited to writing and put away otherwise. The Case Manager indicated they would explore applications with the District Information Technology (IT) department and the Advocate suggested it could be the District Assistive Technology (AT) department.

37. The District record has no further mention of AT across the IEP reviews for the Student's May 9, 2025 IEP. A review of meeting notes from May 9, 2025, October 23, 2025, November 4, 2025 and February 10, 2026 shows no discussion of AT outside the October 23, 2025 suggestion by the Education Advocate to the Case Manager that the District AT may be a point of contact for tablet-based writing applications. There is no documentation of a request to evaluate for AT or District offer to evaluate for AT.

38. The Case Manager, in interview, indicated they provided the Student with multi-modality teaching, including use of a "visual track," such as letter squares on a crossword, lined paper for sentence writing, white-boards, manipulatives, and low-sensory teaching space.

39. At the October 23, 2025 IEP review, the SLP provided updated present levels for the Student's social communication. The related service for communication was proposed and discussed and the SLP was excused from further IEP review for the May 9, 2025 IEP.

40. On October 22, 2025[3], the Case Manager issued a PWN indicating the May 16, 2024 IEP had lapsed and the IEP team met 10/23/25 to revise the present levels and IEP goals. A meeting to continue the annual IEP review was scheduled for November 4, 2025.

41. On November 4, 2025, the IEP team met and discussed the Student's math goal. The IEP team changed the math goal to focus on a functional skill of budgeting and discussed the Student's present level ability under the goal. The IEP team, however, did not reach consensus on computer-based instruction using I-ready math curriculum and the IEP team agreed to meet again to continue the IEP review.

42. On February 10, 2026, the IEP team met for the final time to complete the annual review of the Student's IEP that began on May 9, 2025. The finalized IEP, dated May 9, 2025, included among other things:

    a. Student strengths, interests, and preferences: the Student thrives with "consistent routine and benefits from clear expectations." They engage "…with staff and peers through humor, often joking by giving wrong answers or teasing about the daily schedule…" The Student has "strong social connections," and "playful personality." The Student enjoys "physical activity and regulation through shooting basketballs," and enjoys "music-related activities." Occasionally, the Student's humor "…may interfere with fully

[3] The date is an error and the IEP team met 10/23/25.

demonstrating [their]academic understanding, as [they] occasionally prioritizes humor over accuracy." The Student enjoys reading and math through computer-based learning.

b. Parent Concerns: The Parent notes the Student's humor is used to manage stress and to navigate a "correct course of answer." It is a way to do a "process of elimination to find an answer." The Parent also indicates concerns with the Student's pencil grip and being asked to use pencil or pen and that the Student "does everything tablet-based."

c. Present Levels of Performance: In reading, the Student "…demonstrates strengths across academic, social, emotional, and functional domains when supported in a structured and predictable environment. [The Student] is able to decode text at approximately a third-grade level. With adapted materials and supports, [they] can complete functional reading tasks successfully." The Student "…needs continued access to a structured and predictable learning environment to maximize [their] strengths. [The Student] requires adapted reading materials and support for comprehension to engage in grade-level and functional literacy tasks. [The Student] needs strategies and instruction to improve [their] reading comprehension and functional application of text (e.g., schedules, directions, forms.)" In writing, the Student "…can type words using a keyboard, demonstrating emerging written communication skills. [They] can complete sentences with support, particularly when given a sentence frame and prompted with two words to choose from. [The Student] shows willingness to engage in writing tasks when scaffolds are provided." The Student "…needs alternative methods for written expression since handwriting skills are limited. [The Student] requires sentence frames, word banks, and choice prompts to successfully construct sentences. [The Student] needs support to expand from single words and sentence completions toward independently generating complete sentences and short written responses." In math, the Student "…can identify numbers and recognize prices on items under $20. [The Student] demonstrates emerging skills in comparing costs to a set budget when guided. With support, [the Student] can engage in real-life functional math activities, such as shopping tasks. [The Student] is motivated by practical, real-world applications of math (e.g., buying items, budgeting)." The Student "…needs continued instruction in functional money skills, including identifying and comparing costs with a budget. [The Student] requires practice in applying addition skills when working with multiple items. [The Student] needs support to expand from single-item budgeting to multi-step problem solving with a given budget. [The Student] requires reinforcement and real-world practice opportunities to build independence in decision-making with money." In social communication, the Student is "bright and observant," and benefits from "predictable routines and clear expectations." They are comforted "…knowing [their] daily schedule and feels most secure when [the Student] is able to keep [their] preferred personal items with [them] throughout the day." The Student "…builds trusting relationships with familiar adult staff and enjoys shared activities, such as walking on the track and participating in community outings." The Student "…engages well in preferred tasks like shredding…" The Student "…engages in limited peer interactions and benefits from coaching and modeled language to communicate needs appropriately. [The Student] also shows reduced verbal expression and listening comprehension for age-level material read aloud, benefiting from repetition, visuals and multi-modal supports." In social/emotional/behavioral, the Student enjoys "preferred

activities and can remain focused when tasks are motivating." The Student follows routines and completes "structured activities." The Student benefits from "…visual schedules, clear expectations, and consistent reinforcement." The Student requires support to "…attend to non-preferred activities without leaving the area." They also require instruction in "coping strategies and self-regulation skills to manage frustration or avoidance behaviors." In life-skills, the Student is developing "independent skills," related to personal hygiene and toileting.

d. Goals: The IEP includes goals in the areas of math, self-direction, reading, written language, and social-emotional.

e. Specially Designed Instruction (SDI):

   i. Math, 125 minutes/week
   ii. Self-direction, 125 minutes/week
   iii. Reading, 125 minutes/week
   iv. Written language, 125 minutes/week
   v. Social-emotional, 125 minutes/week

f. Related Services: The Student has communication services for 140 minutes quarterly and transportation.

g. Supplementary Aids/Services; Accommodations: cognitive script; social stories and narratives; multi-modal support; inclusion plan; highlight key words; extra processing time; feeding protocol; prewarning for emergency drills; prompting/modeling; 5 minute transition time including bus transportation; allowed to wear hat; visual support, behavior plan; quiet space to work; health management plan; and modified curriculum.

h. Supports for School Personnel: SLP consult, 60 minutes/year; autism consult, 60 minutes/year; OT consult, 90 minutes/year; adapted PE consult, 60 minutes/year; consultation and staff training from the Feeding Team, 60 minutes/year; and school nurse consult, 30 minutes/week.

i. Non-Participation Justification: The Student is removed from general education for SDI for 4 out of 8 total 90-minute periods. All SDI is provided in the Structured Routines Center, a self-contained special education room.

j. Special Factors: Assistive Technology is not checked yes or no.

43. The Case Manager, in interview, noted the Student is distracted by technology and the Case Manager discontinued use of I-ready, computer-based math and returned to pen and paper curriculum for mathematics and writing. The Case Manager noted the Student can write legibly with accommodation of letter frames and lined paper.

44. The Case Manager, in interview, when queried on delivery of SDI during the IEP review period from May 9, 2025 to February 10, 2026, stated SDI on all goals was provided to the Student throughout this period and they worked under both the expired goals and on the new

"transition goals," that the IEP team was moving toward to begin to "collect data," and "baseline information," on the new goals.

45. On January 27, 2026, the Case Manager completed progress reporting in the District's new district record keeping system, Synergy. The Case Manager reported on the May 16, 2024 IEP goals for self-direction, math, writing, and social skills using a district rubric (4-not yet introduced, 3-not making progress, 2-making adequate progress, and 1-mastered). The Student received 3's across all short-term objectives in these goal areas, with the exception of a 2 on the math goal STO for algebra/algebraic thinking and 4's on the math goal STO's for measurement and geometry. The progress report also noted the Student had 3's on all of the STO's for the May 16, 2024 self-direction goal. The progress report did not have any progress summary detail on the May 16, 2024 IEP goals/STO's. The progress report is blank, with no information on the Student's May 16, 2024 reading goal.

46. The District's Assistant Director of Special Education (the Assistant Director) in interview stated that the District's progress reports should have narrative progress summary reporting in addition to use of the District's reporting rubric.

47. IEP meeting notes on February 4, 2026 indicate the parent interview for the AAA assessment did not occur and the evaluation was closed. The Parent indicated at the meeting,"[the Student] had a 10-day abduction and there was a bit going on." The Case Manager clarified when interviewed that the assessment closed after the evaluation period lapsed without the completion of the parent interview.

48. The District's complaint response indicated the following:

    a. The Student was served from May 9, 2025 to February 10, 2026 during the annual IEP review period under the expired IEP, dated May 16, 2024.
    b. The District provided progress reports on May 19, 2025 and January 27, 2026, with the District's issuance of report cards.
    c. Neither the May 16, 2024 or May 9, 2025 IEP provide adult support as a supplementary aid or service accommodation in the Student's IEP's and the Student's Adult Assistance Assessment (AAA), where consent was received on May 4, 2025, lapsed after the Parent failed to participate in the assessment.
    d. During the complaint period from May 2, 2025 to May 1, 2026, no Assistive Technology (AT) evaluation was requested or conducted.
    e. The Student received SDI during the complaint period, whether under the expired IEP, dated May 16, 2024 or the new IEP, dated May 9, 2025 and experienced no loss of educational benefit.
    f. The Student received a FAPE.

49. The Parent provided a written response to the District's complaint response on June 5, 2026, and indicated the following:

    a. The Student's record demonstrates a need for individualized adult support.
    b. The Parent did not receive assistance to complete the parent-input component of the AAA assessment.

c. Progress reporting lacked reliable present-level and progress monitoring data.
d. A lack of AT evaluation overlooks documented writing access needs.
e. The Student's annual IEP was not timely revised during the complaint period.
f. The District failed to provide the Student a FAPE.

V. DISCUSSION

When IEPs Must Be in Effect

The Complaint alleges that the District violated the IDEA by not providing special education and related services in accordance with the Student's IEP. Specifically, the District failed to 1) implement individualized services and accommodations related to adult support as required by the Student's IEP and 2) failed to provide the Parent with accurate progress reporting data, where data does not match baseline functioning and/or is incomplete or inaccurate, during the complaint period, including the 2024-2025 and 2025-2026 school years.

During the complaint period, from May 2, 2025 to May 1, 2026, the District provided the Student special education services under two IEP's, dated May 16, 2024 and May 8, 2025. The May 16, 2024 expired prior to the District finalizing the May 9, 2025 IEP on February 10, 2026. From May 17, 2025 to February 10, 2026 the District provided special education services under both the expired IEP dated May 16, 2024 and under the May 9, 2025 IEP prior to its finalization.

School districts must provide special education and related services to a student with a disability in accordance with the student's IEP.[4] The school district must ensure that each staff member, including service providers, has access to a student's IEP and is informed of their specific responsibilities for implementing the IEP.[5] "IEP Teams and other school personnel should be able to demonstrate that, consistent with the provisions in the child's IEP, they are providing special education and related services and supplementary aids and services."[6]

Special education is defined as "specially designed instruction" that is provided at no cost to the parents and is intended to meet the unique needs of a child with a disability. "Specially Designed Instruction" means adapting, as appropriate to the needs of a child with a disability, the content, methodology, or delivery of instruction: 1) to address the child's unique needs resulting from the disability; and 2) ensuring the child's access to the general education curriculum.[7]

A district violates the IDEA when it materially fails to implement an IEP.[8] "A material failure occurs when there is more than a minor discrepancy between the services a school provides to

[4] OAR 581-015-2220(1)(a); 34 CFR §300.323(c)
[5] OAR 581-015-2220; 34 CFR §300.323
[6] Questions and Answers on *U.S. Supreme Court Decision Endrew F. v. Douglas County Sch. Dist.* Re-1, 71 IDELR 68 (EDU 2017)
[7] OAR 581-015-2000(37); 34 CFR §300.39(b)(3)
[8] *Van Duyn v. Baker Sch. Dist. 5J*, 502 F3d 811 (9th Cir. 2007) ("Van Duyn")

a disabled child and the services required by the child's IEP."[9] As further explained by the court in *Van Duyn*:

> "The materiality standard does not require that the child suffer demonstrable educational harm in order to prevail. However, the child's educational progress, or lack of it, may be probative of whether there has been a significant shortfall in the services provided. For instance, if the child is not provided the reading instruction called for and there is a shortfall in the child's reading achievement, that would certainly tend to show that the failure to implement the IEP was material. On the other hand, if the child performed at or above the anticipated level, that would tend to show that the shortfall in instruction was not material."[10]

Further, instruction can only be characterized as "specially designed" if the content, methodology, or delivery of instruction is adapted to meet the unique needs of the individual student. The Student's specially designed instruction was tailored based on assessment and review of IEP goals and individually monitored by general education and special education staff, and curricula was consistent with their goals and short-term objectives.

1) Adult Support

Neither the May 16, 2024 IEP nor the May 9, 2025 IEPs include adult support as a supplementary aid/service accommodation. The District SRC classroom has a smaller student number, typically 12 students, and higher student/adult ratio of 3-4 students to 1 adult, either a teacher, para-educator, or related service provider. The Student's IEPs in effect during the complaint period do provide individual adult support, for example, under the Student's seizure, feeding and hygiene protocols; as well as speech, as a related service. District staff noted their success in delivering instruction to the Student when 1:1. On May 4, 2025, the non-custodial Parent consented to an Adult Assistance Assessment. While the District conducted observations of the Student, the Parent did not return parent input or participate in the parent interview, and the assessment lapsed after 60 school days. The Case Manager indicated they were unsuccessful reaching the Parent to assist with completion of the AAA assessment and the Parent acknowledged difficulty following through due to significant familial issues.

2) Progress Reporting

The District provided semester progress reports on May 19, 2025 and January 27, 2026. The progress reports roughly align with the end of semester grading.[11] The May 19, 2025 progress report provided goal specific progress summary detail, even where the Student made limited progress due to regression associated with the trauma the Student experienced in the spring, 2025. The May 19, 2025 progress report provides progress summary information indicating all goal areas except self-direction and

[9] *Id.*
[10] *Id.*
[11] The District notes in its response it is not an IDEA violation to provide end of semester progress reports early.

communication had not been met. The May 19, 2025 progress report clearly states the self-direction goal had been met.

The January 27, 2026 progress report provided limited information on goal areas from the expired May 16, 2024 IEP. The Case Manager reported they provided SDI under both the expired IEP and new IEP, but the January 27, 2026 progress report only lists the goals from the expired May 16, 2024 IEP, and has no progress reporting on any new goal area from the May 9, 2025 IEP, which was still not finalized as of January 27, 2026.

From the May 19, 2025 progress notes, the Student benefited from continuation of the academic and social skills goals from the expired May 16, 2024 IEP. The Student did not benefit, however, from continuation of the May 16, 2024 self-direction goal, which Student had met as of the May 19, 2025 progress reporting.

By January 27, 2026, however, the Student was no longer progressing in any of the goals from the expired May 16, 2024 IEP and there was no reporting on the Student's reading goal. With the January 27, 2026 progress report, the District shifted to a new report format under a new district record keeping system, Synergy. In the January 27, 2026 progress report, data on the goals is captured under a 4-point scale (4-not yet introduced, 3-not making progress, 2-making adequate progress, and 1-mastered.) There is no additional descriptive progress summary on the goals. The District's Assistant Director noted when interviewed and asked specifically about missing progress summaries, that there should also be descriptive progress summaries on goals to clarify the reported scaled scores.

In the January 27, 2026 progress report, the Student's short-term objectives under each goal area were labeled a 3 (not making progress), with the exception of one short term objective in math for algebra/algebraic thinking, which was labeled a 2, (making adequate progress.) The failure to align the progress reports with the criteria outlined in the goals is a procedural deficiency. As a result, progress reporting does not clearly demonstrate whether the Student is making meaningful progress towards mastery.

The Department substantiates this allegation, in part, as to the District's failure to complete adequate progress reporting.

Evaluation and Reevaluation Procedures

The Complaint alleges that the District violated the IDEA by failing to conduct an appropriate evaluation of the Student's special education needs in the area of assistive technology (AT) and reviewing the assessment results in an IEP meeting.

A school district must conduct an evaluation of a student if it suspects or has reason to suspect that the student has a disability and may need special education services as a result of their disability. An evaluation must be completed and reviewed at an IEP meeting within sixty school

days of receiving parental consent for the evaluation.[12] Students should be assessed in all areas related to the suspected disability including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities. Districts must ensure that the evaluation is sufficiently comprehensive to identify all of the student's special education and related service needs.[13] The Student's May 16, 2024 IEP lists assistive technology as "yes," under special factors. The May 16, 2024 IEP notes use of multi-modal communication formats, including writing, typing, pointing and speaking. The Case Manager, when interviewed, described multiple formats for multi-modal instruction, including visual tracks, white-boards, manipulatives, lined paper and low sensory teaching space. No IEP team member requested an AT evaluation during the complaint period, and no AT evaluation was offered. There was no indication that the Student required an AT evaluation to address their special education needs.

The Department does not substantiate this allegation.

Review and Revision of IEP

The Complaint alleges that the District violated the IDEA by failing to review and revise the Student's IEP when there was a lack of progress on IEP goals and documented Student regression.

The District met initially on May 9, 2025 for annual IEP review before the Student's May 16, 2024 IEP expired. The District continued IEP reviews, coordinating scheduling with the Parent and the Education Advocate on October 23, 2025, November 4, 2025 and February 10, 2026 to complete the May 09, 2025 review. The academic goals and social skills goal were not met under the May 16, 2024 IEP, as reported in the May 19, 2025 progress report; and continuation of SDI under these goals was appropriate due to the Student's regression from the trauma they experienced in the Spring, 2025. During this period the Case Manager provided SDI under both the expired IEP from May 16, 2024 and under the new proposed goals from the May 9, 2025 IEP. The Case Manager reported they provided SDI under the May 9, 2025 proposed goals to collect data and baseline information to inform the new IEP present levels and continued to provide SDI under the expired goals to address regression. The District failed to inform the Parent which expired goals it was continuing and which updated goals it was implementing. The lack of clear information left the Parent in the dark on which goals were being served during the extended IEP review period.

The District failed to timely review and revise the IEP to address the Student's current educational needs. Instead of developing new goals, the District continued to work on existing goals despite evidence that they were no longer appropriate. As a result, the Student did not receive services designed to meet those needs, impeding the Student's educational progress.

The Department substantiates this allegation.

[12] OAR 581-015-2080; OAR 581-015-2110(5)
[13] OAR 581-015-2110(3)-(4)

Free Appropriate Public Education

Due to alleged IDEA violations detailed above, the Parents alleged that the District failed to provide the Student with a FAPE.

Each school district is responsible for providing a free appropriate public education to school age children with disabilities for whom the school district is responsible.[14] In Oregon, the school district who is responsible for providing FAPE to a student is the student's district of residence.[15] The IDEA defines FAPE as special education and related services that: 1) Are provided at public expense, under public supervision and direction, and without charge; 2) Meet the standards of the state educational agency; 3) Include an appropriate preschool, elementary school, or secondary school education; and 4) Are provided in conformity with an IEP.[16]

To determine if a student has been denied a FAPE, courts must consider whether the school district complied with the procedural requirements of the IDEA, and whether the school district met the substantive requirement to develop an IEP reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances.[17] Not all procedural violations amount to a denial of FAPE. A school district's procedural violation denies FAPE to a student if it results in a loss of educational opportunity or if it seriously infringes on the parents' opportunity to participate in the development of the IEP.[18]

In this case, the District failed to timely review and revise the IEP to address the Student's current educational needs. As a result, the Student did not receive services designed to meet those needs, which resulted in a loss of educational opportunity.

The Department substantiates this allegation.

V. CORRECTIVE ACTION

In the Matter of Beaverton School District 48J
Case No. 26-054-057

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

Action Required	**Submissions**	**Due As Soon As Possible But Not Later Than**
1. The District will convene a meeting with the Parent to determine appropriate compensatory education	A written plan for delivery of compensatory	September 30, 2026

[14] OAR 581-015-2040(1); 34 CFR §300.101(a)
[15] OAR 581-015-2040
[16] OAR 581-015-2040; 34 CFR §300.17
[17] *Endrew F.,* 137 S.Ct. at 999
[18] *W.G. v. Bd. of Trustees of Target Range Sch. Dist. No. 23,* 960 F.2d 1479, 1484 (9th Cir. 1992)

services for the loss of educational opportunity caused by the failure to timely develop a new annual IEP. If the parties are unable to reach an agreement on the compensatory education to be offered to the Student, either party can request that the determination be made by the Department.	education developed at a meeting with the Parent. Evidence showing that compensatory services were provided.	December 31, 2026
2. The District will develop and conduct training for all staff responsible for implementing IEPs on their responsibility to: a. Review and revise IEPs at least annually. b. Provide meaningful progress reporting on IEP goals.	Training agenda and materials to ODE for review and approval. Sign-in sheet from training.	September 30, 2026 December 31, 2026

Dated: this 30 Day of June, 2026



Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing Date: June 30, 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).)