BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of Beaverton School District 48J	)))	FINDINGS OF FACT, CONCLUSIONS, AND FINAL ORDER Case No. 26-054-084

I. BACKGROUND

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

On July 14, 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 July 28, 2026.

With the *Response*, the District submitted the following relevant items:

1. District Written *Response*
2. Individual Education Plan (IEP), 4/09/25
3. Placement Determination, 4/09/25
4. Meeting Minutes: 4/09/25, 11/17/25
5. Prior Witten Notices (PWN): 4/09/25, 11/21/25
6. Suspension Notice and Debrief Notes: 8/26/25, 9/16/25,10/16/25

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

7. Behavior Support & Safety Plan 4/9/25, and Revisions: 9/12/25, 9/18/25, 10/06/25, 11/17/25, 2/26/26
8. Release of Information (Agency), 2/02/26
9. Notice of Team Meeting, 3/13/26
10. Written Agreement, 3/13/26
11. Individualized Education Program, 3/16/26
12. Meeting Minutes, 3/16/26
13. Placement Determination, 3/16/26
14. Prior Written Notices: 4/02/26, 6/10/26
15. IEP Progress Report, 6/30/26
16. Discipline Logs: 6 dated 9/28/23 through 10/15/25
17. Communications between Staff and Parents: 9/11/25 through 6/10/26
18. Daily Summary draft, 4/01/26
19. District Calendar, 2025-2026
20. Report Cards, 11/04/25, 1/28/26, 4/8/26,6/17/26

The Parent submitted documents in support of their Complaint on July 2, 2026. In all, the Parent submitted the following relevant items:

1. Parent *Reply* to District *Response*, 8/04/2026
2. Email exchanges between Parent and District, dated 11/17/25 through 4/21/26

On August 4, 2026, the Parent submitted a *Reply* to the District's *Response*. The Parent specifically challenges the District's statement that there was no evidence that the Student Placement in the Fall of 2025 was inappropriate, pointing to the number of suspensions, restraints, and elopements which occurred, as well as complete seclusion from the school, as the evidence of the Placement being more restrictive. On July 10, 2026, the Complaint Investigator interviewed the Parent. The Complaint Investigator held virtual interviews with the District Assistant Special Education Director, the School Psychologist, and the IEP Facilitator on August 10, 2026. 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 Parent's allegations and the Department's conclusions are set out in the chart below. The conclusions are based on the Findings of Fact in Section III and the Discussion in Section IV. This Complaint covers the one-year period from July 3, 2025 to the filing of the Complaint on July 2, 2026.

Allegations	Conclusions
IEP Content It was alleged that the District violated the IDEA when it failed to include specific special education and related services and supplementary aids in the Student's IEP necessary to fully address needs resulting from the Student's disability. Specifically, the District failed to include adequate instruction and accommodations in the areas of Personal Care (toileting) resulting from restriction from the school bathroom, and provide accommodations for safety and privacy needs (fire drills, disrobing, climbing, and elopement). (OAR 581-015-2200; 34 CFR §300.320)	**Not Substantiated** The District provided an IEP reasonably calculated to enable the Student to make progress, adjusting for changing needs as concerns were brought forward.
When IEPs Must be in Effect It was 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 failed to implement the parent communication schedule listed in the IEP. (OAR 581-015-2250; 34 CFR §300.323	**Not Substantiated** The Student continued receiving specialized instruction and individualized support consistent with their IEP; no evidence shows SDI or accommodations were withheld.
Placement It was alleged that the District violated the IDEA by not considering the full scope of Student needs when selecting Student Placement. Specifically, the District failed to change the Student placement despite parent request and team considerations of student needs, leaving the Student in an inappropriate placement for four months. (OAR 581-015-2250(1)(4); 34 CFR §300.116 (a)(c)	**Not Substantiated** Placement decisions were made by the IEP team and reflected the level of support required by the IEP and the Behavior Support /Safety Plan. A decision to change placement was delayed while additional supports were attempted.

Allegations	Conclusions
Review and Revision of IEP It was alleged that the District violated the IDEA when it did not timely review and revise the Student's IEP to address lack of expected progress, information provided by Parents, and changes in the Student's needs. (OAR 581-015-2225, 34 CFR §300.324**)**	**Not Substantiated** The District regularly reviewed and revised the BSP/Safety Plan, adding supports when needed, and reviewed the IEP when requested by the Parent.

REQUESTED CORRECTIVE ACTIONS
The Complainant requests: 1. Provide training to District administration specific to providing a timely response to meeting requests and provision of comprehensive Prior Written Notice explaining District decisions for action and inaction. 2. Training for District staff on a) Positive behavioral interventions and supports for students with disabilities; b) Trauma-informed and autism-sensitive communication strategies; c) Professional collaboration and communication with parents; d) IDEA procedural safeguards and parent participation rights. 3. Provide additional staff training, oversight, and guidance to staff at the Student's previous [Middle School] placement, specifically on appropriate and inappropriate use of Restraint on Students.

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 June 3, 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 in this matter is eleven years old and recently completed the sixth grade in the District. The Student transitioned into a District Middle School Independent Skills Classroom (ISC) at the beginning of the 2025-26 school year with an active eligibility for special education services under the category of Autism Spectrum Disorder. The Student's Individual Education Plan (IEP) and Behavior Support Plan (BSP) describe significant educational and behavioral supports required to maintain a safe and accessible learning environment.

2. The active IEP at the beginning of the 2025-26 school year was dated April 9, 2025 and describes a student working on functional academics, communication using multi-modal supports, self-regulation, and managing transitions between activities and locations. Familiar routines and familiar people to interact with are beneficial. Other Present Level information relevant to this complaint:

   Sensory: The Student exhibits a strong drive for tactile, visual, and proprioceptive input. Dysregulation and task avoidance can result in climbing high furniture/equipment/objects and attempting to jump, or refusing to climb down for long periods. The Student enjoys throwing items into the air and watching them fall. In the past the Student has sought near constant motion, and does best with a large, personal space.

   Social/emotional/behavioral: Working on a range of routine and work-system objectives, such as decreasing aggressive behaviors, increasing safe transitions throughout the building, and appropriately expressing frustration or refusal. The Student has recently become aggressive towards peers.

   Gross motor: The Student prefers climbing running, jumping, and enjoys engaging with PE equipment and exploring ways to use it. The Student benefits from adequate space from peers and can be unsafe when peers are too close.

   Life skills/Self-Care: The Student showed mastery of an individualized toilet routine comprised of pulling pants up and down, putting on a new pull-up, socks and shoes with prompts, and completing a hand-washing routine. There were no continuing Self Care goals, such as toileting routine, selected as continuing goals for this IEP cycle.

   The IEP lists a wide range of supports to the Student and to staff such as consultation in various areas, Related Services, Accommodations and Supplementary Aids and Services; most notably a robust Behavior Support Plan.

   Non-participation Justification: describes the Student as participating with non-disabled peers in the areas of recess, specials, and lunch. Extended School Year services were selected

due to regression in self-direction and social/emotional/behavioral skills after breaks in instruction.

3. The active Behavior Support Plan (BSP) dated April 9, 2025 contains concerns, antecedents, preventative, and response strategies to targeted behaviors in three areas: physical aggression towards staff, climbing, and elopement.

4. The Placement Determination completed by the 5th grade team on April 9, 2025 listed two placement options: General Education with Resource Services (not selected due to lack of supports required), and Special Class with a focus on functional academics, adaptive and behavior skills, social communication, and positive behavior supports (selected). This placement document describes continuing in the District ISC classroom through the middle school transition.

5. On the first day at the new middle school ISC placement, the Student eloped from staff and climbed into the ceiling tiles, eventually falling through to the floor, and narrowly escaping injury. During the debriefing, the Parents were told that because the Student's space wasn't safe enough to contain the Student, the school would classify this event as 'a suspension due to disability'. The Student was initially suspended for Vandalism for climbing into the ceiling tiles and breaking the tiles, though this was later expunged by Parent request.

6. A revision of the BSP on August 29, 2025 added a concern area of physical aggression towards self and staff. The BSP also expanded the descriptions of elopement and climbing frequency.

7. On August 29, 2025, during the first week at the new school, the Student asked to use the restroom, but once out in the hall dropped to the ground and crawled to the stairs. The Student became very dysregulated, which resulted in aggression, removing all clothing, climbing the outside stairs and standing on the railing. In response, staff utilized restraints two times. The debriefing notes document that staff discussed several safety issues involving the stairs and preventing injury to the Student and to staff.

8. On August 26, 2025 an incident resulted in a half-day suspension for Vandalism.

9. Another incident occurred on September 11, 2025, when the Student became aggravated when being blocked at the door after asking to use the restroom. The Student then eloped for more than 20 minutes until the Student was restrained and carried back to the ISC safe room by 3 staff. The debrief meeting notes Parent concerns with safety around the stairs, elopement, climbing, and fire drills. Also concerns about disrobing and standing in front of a window. The District will look into installing a window film for Student privacy.

10. The BSP Revision on September 12, 2025 added new preferred activities, early behavioral indicators, and environmental strategies.

11. The Student was suspended for 1.1 days on September 16, 2025 for Assault. Documents reveal another incident of escape and aggression resulting in restraint and physical removal back to the ISC classroom.

12. The Behavior Debrief on October 6, 2025 proposed an elopement prevention strategy comprised of securing the Student in a separate room while at the same time upgrading sensory and movement activities. The Parent agrees to a separate space, but adds that if the elopement continues the team should consider a different placement, such as the Academic and Communication Enhancement Program (ACE). The District responds that the main placement question is whether or not the Student is continuing to make progress on their IEP goals and in the past 5 weeks at this new school, staff describe some progress seen in the Student accepting new daily routines and work stations in addition to the spike in unsafe behaviors.

13. The Student's IEP team held a BSP Revision on September 18, 2025, which, among other protocol updates, built sensory room time into the Student's schedule, and established "a semi-private 'changing area within the classroom'-when [the Student] requests the bathroom, [staff should] direct to this area, and offer to help change the pull-up as an attempt to break the connection between requesting the bathroom as a means to elope. [The Student] does not use the toilet." The Parents would later challenge and rescind the information about not using the toilet, pointing to successful toileting skills previously mastered through instructed routine.

14. Another BSP Revision dated October 10, 2025 added a new area of behavioral concern; daily elopement from the assigned area (classroom). Additions made to Behavioral Signals, Prevention Strategies, and a restructure of the reward system.

15. On October 15,2025, the Student eloped from the classroom to the weight room. Multiple staff were unable to move the Student back to the classroom, preventing the PE class access to the weight room. The School Principal directed the Case Manager to call the Parent and ask whether they would prefer to pick the Student up or have staff restrain and carry the Student back to class. The Parent rushed to the school and returned home with the Student. The Parent questions why the school couldn't just wait the Student out in the weight room, as there was no imminent danger.

16. A Suspension Notice was issued on October 16, 2025 for .5 day for Defiance of Authority

17. The Parents sent an email to the District Special Education administration on October 19, 2025 to make a specific request for an IEP meeting to discuss a safe placement for the Student. The Parents also complained about the events of October 15th, specifically being given the choice between having their Student restrained and carried back to the classroom or for the Parent to come and pick-up their child. The Parent expresses that, "At this point, we are given the choice between a restraint used on [the Student], something that once again should be used for emergencies only, or to come in to get [the Student] and deny a day of education due to safety concerns".

18. On October 20, 2025, the BSP was amended to add strengthened safety planning and formalized crisis response procedures due to increased risk for elopement, climbing, and physical aggression. Refined behavior definitions to include aggression toward staff. Expanded setting events and early warning signs of dysregulation. Enhanced preventative strategies and expanded response strategies with detailed protocols for elopement, climbing, and aggression.

19. An email sent on Oct 21, 2025, from the Assistant Administrator of Special Education (Administrator) to the Parent's Advocate (Advocate) admitted that the communication to the Parent during the October 15th incident "should have been 'handled differently' and made it clear [to the Parent] that the Student could have stayed at school, even if the Parent came to the school to support the transition".

20. An IEP Meeting and BSP and Safety Plan update was completed on November 17, 2025. The team discussed concerns, such as restraining at the base of the stairs to prevent having to restrain while on the steps. The stairs of primary concern are 17 feet high with cement at the bottom. The team also discussed Student placement. The District believes they have not yet exhausted all resources to make the current Placement successful; opting to address Student sensory supports and environmental modifications before discussing placement. The District confirmed that at this point the Student is alone in a room with an adult all day long. Discussion continued around the Student's refusal to ride the school bus. The Parent has been required to transport the Student to and from school, requiring the Parent to take time off from work. The District agrees to begin working on a bus riding social story and plan to get the Student on the bus. Time check for the Agenda is called by the Administrator, to which the Parent asked if the team could jump to Placement. The Administrator presents three options:

    Option 1: "At [the current school] ISC placement, there are staircases that lead to unsafe situations. We tried to make sure we were being proactive- we were getting to a concern

that if there were more of these situations we would need to look at another ISC that didn't have staircases."

Option 2: The second placement option was the ACE program.

Option 3: The third option was General Education for less than 40% of the day with Resource pull-out.

The Parents state they would like the ACE option because in that environment there are no stairs and even though there is more limited social interaction with general education, the Student's current situation is totally isolated. Team discussion reflects general support for the second option, with the exception of the School Psychologist and Administrator voicing concerns about transitioning in the middle of the year, whether there are additional supports that still could be tried at the current placement, and whether a free appropriate public education (FAPE) can be delivered at the ACE placement. The Administrator calls a time check since the meeting had run past 2 hours and stated that the Team had not finished the placement discussion and would need to meet again for part 2 of the Placement discussion. The Parents reiterated that they want to be clear that they want the Student at ACE program, because it seems like the safest place. The Advocate takes a straw poll of the staff supporting the ACE placement. The Administrator ends the meeting, stating, "It's an IEP decision, and making sure that we are offering FAPE. I know we'll continue with a Part 2 meeting. We haven't made a placement decision today. We will share the meeting minutes and a PWN noting there will be a second meeting. I'm not hearing any IEP changes at this moment. This is captured in the meeting minutes. We'll send those documents and have [the Administrative Assistant] work on scheduling a part 2 meeting."

21. On November 18, 2025 the Advocate emailed a personal summary of the Team's support of the ACE placement to the District Administrator. Also requests clarification on behalf of the Parents on the comments made at the meeting regarding ensuring FAPE in the placement decision.

22. On November 19, 2025, the Administrator sent a response clarifying the District's responsibilities to ensure FAPE when selecting a placement. The email continues with "To ensure we have adequate time to review all information and make an informed placement decision, we proposed scheduling a second session to continue the discussion." Before the next meeting, the team can clearly outline in the IEP what supports are already in place, what support has been tried, and which additional supports the team can implement.

23. The Prior Written Notice (PWN) dated November 21, 2025 documents that "the IEP team met to address parent concerns regarding behaviors, restraints, and placement, review and

update the BSP. The team agreed to create a bus transition plan.[…]". The form documents a Proposal to Change Provision of a FAPE for the Student. Placement is not checked on the form because no placement change was made, according to the administrator. The action is proposed because the Parents were requesting a meeting to address concerns and the BSP was needing to be reviewed and updated.

The other factors listed as considered by the team states: The team began the placement discussion; however, time did not allow for a full review of placement options. The team will reconvene for part 2 of the placement discussion.

24. On November 17, 2025, the Advocate wrote to the District requesting the "need to schedule the Part 2 IEP Meeting for the Student.[…]to discuss placement, a fire drill plan, and a communication plan." The Parents had hoped to discuss the lack of weekly communication as described in the IEP. The Advocate specifically requests some times to meet in November.

25. On November 18, 2025, the District Administrative Assistant wrote to the Advocate stating that with the closure of the Advocate's current employer (Agency 1) this month, and with the upcoming Fall Break, there are no options available to meet before the firm closing. The District asserted that they "look forward to supporting the family directly moving forward and will be in touch after the Fall Break to schedule with them."

26. On November 18, 2025 the Advocate wrote back to the District to say that the Advocate "will be representing the Parents through November 30, 2025, and that the Parents are still represented and to do all scheduling through Agency 1 as the Parents hope to meet in December. We will be in touch about who will be representing the Parents in the future."

27. On November 19, 2025, the District reached out by email to the owner of Agency 1 to clarify information they had received saying the firm would be supporting client/Student meetings with Districts only through the end of November.

28. On November 19, 2025 the owner of the Agency 1 law firm responded to the District stating that Agency 1 would be attending client meetings through the end of November, and the first few days of December. The Agency would officially close December 31st. Advocates would be starting with new Agencies at various dates past December 9th, 2025.

29. On November 21, 2025, the Parent emailed the Administrator requesting that the 'Part 2' of the Placement Meeting occur as soon as possible due to safety concerns; namely the risk of restraints to the physical and personal safety of the Student at the current placement. The Parent also affirmed that a general education teacher was not necessary for the meeting

and questioned the time at the meeting discussing the general education with supports placement option.

30. On November 24, 2025, the Administrator responds to the Parent's questions about why general education staff are invited to IEP meetings and why general education placements, with supports if needed, must be considered by the District.

31. The Parent wrote an email to the District Administrator on December6, 2025, that affirming understanding of the general education considerations for placement in general, but "this was an emergency placement IEP. We spoke with the District requesting alternative placement and were supported in it. Safety concerns a general education placement wouldn't be able to support.

32. The BSP was again revised on December 11, 2025, adding a Fire Drill protocol with specific instructions for supporting the Student before, during, and after a fire drill.

33. December 12, 2025 email from District to Parent inquiring if they have retained new representation "with the recent closure of [Agency 1]. The District states it is "hoping to look at scheduling a meeting sometime next month."

34. On December 12, 2025 the Parent responds, "I'm not sure what you've been waiting for? Any delaying scheduling has not been on our behalf, we've been waiting and available since November 18th." Parent reiterates that Agency 1 had informed the District that they were available (up until closure) for the District to call to schedule the second half of the IEP. Parent states that this is the first time the District has contacted Parents to schedule the other half of that meeting. Parent also confirms that they have signed up with a new private advocacy group (Agency 2), and would be continuing with the same Advocate through this new agency.

35. December 19, 2025 email from District Administrative Assistant proposing a meeting date of January 20th for Part 2 of Placement meeting. District also communicated that they had reached out to Agency 2 as Parent requested, but have not received any Notice of Representation or Release of Information (ROI) from them, District is not able to communicate about Student with Agency staff without those items.

36. January 6, 2026 the District sent a follow up email inquiring again about the January 20, 2026 meeting date, reaffirming parent request to excuse the general education teacher and to inform that there's been no word from Agency 2 on the required documents.

37. Parent confirmed excusal of general education teacher, and complained that if the District had not 'prematurely dismissed' their representative (Agency 1), the IEP would already be scheduled. Parent said Agency 2 should be contacting the District soon.

38. On January 13, 2026, the District notified the Parents that the proposed January 20th IEP calendar hold was being released based on the Parent's response, and the District would wait for contact by Agency 2 or Parent to set another IEP/Placement meeting date.

39. On February 10, 2026, Agency 2 sent the District the Advocacy Transfer letter, a signed Release Of Information for Agency 2 and for the Advocate, and a request to schedule the IEP Placement Part 2 meeting.

40. On February 27, 2026, the Parent emailed the District to point out an error made in the BSP; specifically, the statement 'Student does not use the toilet'. This statement was added during the September 18, 2025 BSP revision when the team had removed toileting in the restroom due to elopement concerns. The Parents had just noticed it and felt it was inaccurate, as use of the toilet for urination was a skill that the student had mastered prior to attending this school and was part of the Student's bathroom routine before access was taken away. The District agrees to amend the BSP document.

41. BSP Revision on February 26, 2026 corrects the disputed language about the Student not using the toilet.

42. Parent sent an email on March 10, 2026 with an apology for the recent staff injury. The Parent again requests a change of placement. The elopement rate is improved, but at the high cost of total seclusion all day and the loss of previous toileting skills. The Parent concludes by stating that bathroom access is a human right, and requesting that the Student is brought to the bathroom at least 3 times per day.

43. The IEP meeting dated March 16, 2026 contains the following relevant information:

    Concerns of Parents are listed as 1) regression of toileting skills 2) no privacy screen provided for window as discussed at September 11, 2025 meeting to protect the Student's privacy during disrobement, 3) overall minimal effort from District with examples, and 4) no parent-school communication per IEP.

    The District notes that they will be reviewing a new bathroom protocol as part of the Student's daily routine, adding privacy screening, and reviewing communication log content during this meeting. Team also noted a big concern about the lack of peer interaction; necessary due to safety concerns for the peers. Among functional academic and communication Goals adopted, the IEP lists specific goals for participating in fire drills,

elopement and climbing. Extent of Removal remained unchanged from past IEP, stating that the Student will participate with non-disabled peers in the areas of recess, specials, and lunch. This has been possible in the past, but has remained unattainable as yet this school year.

Three options are discussed for Placement Determination. Concerns were raised that the benefits of opportunity for inclusion at the present ISC placement are not accessible due to behavioral concerns. Parent adds that the increased focus on behaviors will interfere with academic progress over time. The District notes that based on the information and support needs outlined in the IEP and the regression data that the ACE program would be the least restrictive environment. The team agrees to placement in the ACE program.

44. Placement decision is to begin transition right away, and lead staff is identified to begin creating a transition plan.

45. For this Complaint, the District provided parent and staff communication records in the form of Direct Messages and emails, between the dates of August 2025 and June 2026. Review of these communications show that the exchanges were brief, though frequent; and almost exclusively centered on coordination of daily supports, such as arrival and pick up, supply replenishment, and Student information; such as level of engagement, and escape/aggression/disrobement incidents or near-incidents during the day.

46. Emails between Parent and Case Manger show a communication template being developed to collect and communicate key information between home and school in a more structured format.

47. The PWN issued on 4/02/26 removed the inclusion plan and the additional adult support-fade plan from the IEP, based on supports inherent in new placement. The non-participation was also updated to reference the ACE placement. (4/02/26)

48. The Student began attending the ACE program on April 7, 2026. Parents report the Student started using the bathroom successfully right away.

49. Progress Reports from the ACE classroom dated June 3, 2026, show the Student making progress on academic goals, demonstrating safe behaviors, self-regulation, communication goals, use of visual schedule and in self-direction goals.

50. On April 12, 2026, a Parent email requested expungement of the suspension for Vandalism for falling through the ceiling tiles, any transportation issues, and any incident reports created when staff was denying access to bathroom.

51. The Administrator responded on May 13, 2026, outlining the events and responses through the Fall incidents. Responding to the requests for additional incident reports specific to each refusal of bathroom access, the District confirms that there are no additional incident reports on file. The District offers to document this information in a PWN format**.**

52. Parent emailed the District on May 20, 2026, requesting the date that the team met and discussed the access to the bathroom and also related documentation that the Student "literally spent six months in a classroom 7 hours/day without any interaction other than the teachers and with no bathroom access".

53. A follow-up email on May 28,2026 from the Administrator reported the date of the meeting where the team discussed behaviors and elopement in terms of bathroom access was 9/18/2025, and stated that a PWN will be issued regarding the parent's request for documentation and incident reports per the parent's request.

54. The District created a PWN on June 19, 2026, issued as documentation of Parent's request for records related to the September incident involving elopement during a restroom transition, the subsequent IEP/BSP team meeting, and updates made to the BSP.

    The document records that the Parent expressed concern regarding the implementation and duration of BSP-related toileting supports following the September incident, stating that the supports were intended to be temporary and became more prolonged than anticipated. The Parent stated disagreement with BSP documentation around the Student's ability to use the toilet, and that language impacted progress. The Parent requested clarification regarding incident documentation, classroom structure, and peer access during that time, believing these factors impacted the Student's skill development and school experience. The District response acknowledges the Parent's concerns and responds to each concern.

55. On July 2, 2026, the Parent filed this Complaint.

56. When interviewing the Parents on July 10, 2026, the Parents described their understanding of the November 17, 2026 IEP/Placement meeting as; the decision had not yet been made, there was ample evidence of current placement being unsafe and unsuccessful, and that the overall team consensus was in support of the ACE placement. When the meeting was abruptly ended prior to the District making a decision on placement, the Parents believed the District did not want to make the requested change and were stalling. The Parents also believed the District's perceived slowness in scheduling the second part of this same meeting was yet another delay in making that placement decision; holding the meeting off until their current Advocate was no longer available to them. The Parents stated they did not want to

meet with the District without an advocate and did not believe they could challenge the placement without a decision having been yet made.

57. When interviewing the District Administrator on August 10, 2026, the District was asked about the PWN after the November IEP meeting, which described the Parent request to change placement and summarized that "the team began the placement discussion; however, time did not allow for a full review of placement options" and promised a second meeting." The District was also asked why the District did not issue a subsequent PWN issued describing the District's decision to maintain the current ISC placement when it became apparent that, for multiple factors, the follow-up Placement conclusion meeting was not happening in a timely manner? The District responded that no PWN was issued describing placement because there was no determination to change placement at the November IEP meeting. The District stated that since there were more things they could try at the current placement, not all staff had an opportunity to speak, and the meeting was past the two hours scheduled block. The District was asked how the Parents could know from the November PWN language that their request for Placement change was in effect denied at that time, and that the ISC Placement would be continuing, thus allowing an informed decision about pursuing Due Process during the ensuing four months. The District replied that "the Parents knew the placement remained unchanged and could have pursued Due Process if they had wanted to do so."

IV. DISCUSSION

IEP Content

The Complaint alleged that the District violated the IDEA when it failed to include specific special education and related services and supplementary aids in the Student's IEP necessary to fully address needs resulting from the Student's disability. Specifically, the District failed to include adequate instruction and accommodations in the areas of Personal Care (toileting) resulting from restriction from the school bathroom, and provide accommodations for safety and privacy needs.

A school district "must offer an IEP reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances IEP reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances".[3] The adequacy of a given IEP turns on the unique circumstances of the child for whom it was created. The specific special

[3] Endrew F. v. Douglas Cty. Sch. Dist., 137 S. Ct. 988,999 (2017)

education and related services and supports to be provided must enable the student to (1) advance appropriately toward attaining annual goals, (2) be involved and progress in the general education curriculum, and (3) be educated and participate with other children with and without disabilities."[4]

In this case, the IEP team revised the BSP five times in the Fall as they struggled to revise the Student's Behavior Support Plan to fit new and re- emerged behaviors, namely crisis response protocols for elopement, dangerous climbing, and aggression. Student needs changed drastically between the April 29, 2025 IEP and the November 17, 2025 IEP review, as well as a significant change in the physical environment triggering unsafe responses in the Student. In response to Parent concerns for safety, the IEP Team met on November 17, 2025 where no changes were made to the IEP goals or services. There were significant revisions of the BSP /Safety Plan through multiple meetings through the Fall. The Student's IEP contained appropriate goals in Functional Academics, Communication, Behavior, and Self-Direction. The records show that the IEP dated April 29, 2025 contained no Specially Designed Instruction in the functional area of toileting/self-care, though previous year IEP cycles had addressed these skills. There was no discussion found concerning a regression of toileting skills until the IEP Meeting on March 15, 2026, when the District addressed the concern by incorporating toileting into the existing goal of following daily routines.

The Department does not substantiate this allegation.

When IEPs Must be in Effect

It was alleged 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 implement the parent communication schedule listed in the IEP.

Every public agency must have an IEP in place for each child with a disability in its jurisdiction at the start of the school year, and that IEP must be accessible to all teachers, special education staff, and related service providers responsible for its implementation.
The IDEA's implementation mandate does not mean that, to provide FAPE, a district must perfectly implement a student's IEP. In this case, there was no evidence of a "significant shortfall of the services provided."[5]

[4] Endrew F., 137 S. Ct. at 1001, 1002
[5] *Van duyn v. Baker Sch. Dist. 5J, 502 F3d 811 (9th Cir. 2007) ("Van Duyn")*

In this case, the IEP listed an accommodation of home/school communication log as needed, but at least weekly. Throughout the year, there was evidence of regular communication exchanges between the Case Manager and the Parent through Direct Messages and emails. The communications, while minimal, did cover the basic, logistical needs of coordinating supplies, arrivals and pick-ups, and Student performance. Documents show the Parents and District staff requesting to discuss communication concerns immediately after the uncompleted IEP meeting of November 17, 2025. Communication topic was added to the Agenda for the subsequent IEP meeting on March 15, 2026, after which the District addressed the concern expediently by working with Parent to develop a communication template for the classroom. While the District may have executed the IEP description communication imperfectly, there was no material failure to the provision of FAPE, and the District willingly worked with the Parents to redesign the Communication tool when the Parent brought the concern to them.

At all times the identified SDI areas such as functional academics, communication, self-direction and behaviors found in the IEP were being fully implemented.

The Department does not substantiate this allegation.

Review and Revision of IEPs

The complaint alleged that the District violated the IDEA when it did not timely review and revise the Student's IEP to address lack of expected progress, information provided by the Parents, and changes in the Student's needs.
The District is required to annually review the Student's IEP to determine whether the annual goals for the Student are being achieved and revise the IEP, as appropriate, to address any lack of expected progress toward the annual goals, among other matters.[6]

In this case, the IEP was in effect but the Student's behaviors had greatly changed in the new educational environment. Starting on 9/12/25, due to unexpected and increasingly unsafe behaviors, the school team made frequent adjustments to the BSP, but did not identify a need to revise any other part of the IEP. Adjusting the BSP to maintain a safe environment for the Student, peers, and staff was a necessary action for the District, but unfortunately, the restrictions enacted in September limited access to activities and locations that were available to the Student in the prior school environment. The enacted changes removed the Student's access to peers and also affected educational skills previously acquired; such as structured peer interaction and maintaining a toileting routine in the school restroom. The District reasonably expected the restrictions would be temporary,

[6] OAR 581-015-2225; 34 CFR § 300.324(b)(1)

given the Student's progress shown in the Elementary ISC setting the year prior, along with the Student's documented difficulty in managing transitions.

The parents became increasingly concerned about a) the spike of dysregulated behaviors being in-part caused by the specific placement, b) the increased risk to self and others due to the placement and the increased need for Restraint, and c) for the negative impact the elevated behaviors and resulting isolation was having on the Student's overall progress. Parents requested an IEP meeting to review their concerns and received a meeting date on November 17, 2025. At this IEP, the BSP was again modified, no other IEP areas were changed, and the Placement decision was left undecided pending a second meeting. Several factors delayed the next meeting of the IEP team until March 15, 2026. Again, no substantive changes were made to the IEP at the March 15 meeting, but the IEP team did select a change of Placement to the ACE program; effectively removing many of the concerns regarding isolation and safety in the current physical environment of the ISC classroom.

In this case, there was ample evidence that the team reviewed and revised critical aspects of the Student's IEP and in particular the BSP to adapt to the Student's increased support needs. The District added a Fire Drill protocol in December 2025. The District did ultimately make an adjustment to the placement to address the safety and isolation concerns after diligently trying to adjust the program supports, behavior supports, and environment to attempt to make the Student more successful at the ISC placement.

The Department does not substantiate this allegation.

Placement

The Complaint alleged that the District violated the IDEA by not considering the full scope of Student needs when selecting Student placement at the November IEP. Specifically, the District failed to change the Student's placement despite repeated parent complaints about safety and team considerations of Student needs, extending an inappropriate placement for an additional four months.

Placement decisions must be made by the IEP team and must reflect the level of support required by the IEP and the Behavior Support /Safety Plan. The school district must ensure that: (4) In selecting the least restrictive environment, consideration is given to any potential harmful effect on the child or on the quality of services which he or she needs.[7] "Each student's placement must be individually-determined based on the individual student's abilities and

[7] OAR 581-015-2250(1)(4); 34 CFR §300.116 (a)(c)

needs… it is the program of specialized instruction and related services contained in the student's IEP that forms that basis of the placement decision.[8]

In this case, the Complaint alleges that the District placed the Student in a setting that provided less support and safety than the level of support documented in the IEP and BSP/Safety Plan, resulting in an escalation of behaviors, isolation, increased safety concerns, and negative impact on access to education. The Parents believed that the actual physical location of the ISC placement caused undue stress and hardship on the Student, causing crisis management to take precedent over other areas such as interaction with peers, self-care skills, and the Parents made a case that the stress escalated concerning Student behaviors such as elopement, climbing, and aggressions.

On November 17, 2026, the Parents met to discuss their concerns, pointing to the increased number of aggressions, elopements, and Restraints as evidence that the Student's behaviors had all regressed at the ISC placement, despite the adjustments to the BSP and environmental restrictions implemented. The Parents position was that the ISC placement was actually interfering with the Student's education due to constant elevation of aggression and elopement caused by the placement; and, due to the isolation of the isolation needed to maintain the BSP, the ISC was not even the Least Restrictive Environment.

The Parent advocated for a placement change as early as September, but had allowed the District time to see if the placement worked. When the Parents called for an IEP in November to discuss placement, they were left without a definitive response about their request to change placement for four months after the IEP team formally met to consider the request.

Although the District was slow in providing the Parents with a definitive response to their request for change in placement, along with their reasoning for the refusal after the November 17, 2025 meeting, the District was within their rights to elect to continue with the current ISC Placement until such time that they felt they had exhausted all supports available to them to improve the outcomes for the ISC Placement. The District did follow the IEP team's placement change recommendation at the March 15, 2026 meeting.

The Department does not substantiate this claim.

ADDITIONAL FINDING

Prior Written Notice

[8] OSEP Memorandum 95-9

Given the circumstances described above and in the documents provided, the Department finds that the District did violate the IDEA by not providing the Parent with prior written notice within a reasonable time frame and before the District proposed to refuse the Parent's request for a change of placement after the November 17, 2025 IEP meeting, thus denying the Parent an opportunity to understand the District's reasoning for the refusal at the time of the request, and preventing the ability to take appropriate action if they chose to do so.

School Districts must provide PWN to parents within a reasonable period of time before the District proposes or refuses to initiate or change identification, evaluation, educational placement, or provision of FAPE to a child.[9] The purpose of PWN is to inform parents of a district's final action on a proposal or refusal to initiate or change elements of a student's special education program. A PWN must be provided "whether or not the proposal or refusal is made during the course of an IEP meeting."[10]

The formal requirement of written notice "has an important purpose that is not merely technical…[it] creates a clear record' to eliminate future factual disputes, and assists parents in presenting complaints related to an action proposed or refused by the district.

Parents are entitled to a "formal written offer" of the special education placement offered to their student.[11] This requirement for a "formal written offer" has been applied to special education services, as well placement. Courts have invalidated IEPs that "were insufficiently clear and specific to permit the parents to make an intelligent decision whether to agree, disagree, or seek relief through a due process hearing. [12]

The District claim that the Parents could have pursued a challenge to the current placement after the November 17, 2025 IEP meeting negates the communication from the District Placement team that their request was actively under discussion and merely delayed by scheduling issues. There was no PWN produced directly addressing the Parent request for placement, and no subsequent PWN produced in a timely manner after the IEP meeting. When it became obvious that a timely meeting to complete the placement discussion was going to occur, the District had the obligation to present their decision to maintain placement in the interim and reasoning in a subsequent PWN.

V. CORRECTIVE ACTION

[9] OAR 581-015-2310 (2); 34 CFR 300.503
[10] Letter to Chandler (OSEP 2012)
[11] Union v. Smith, 15 F.3d 1519 (9th Circuit 1994)

[12] S.H. v. Mt Diablo Unif. Sch. Distr.,263 F. Supp. 3d 746 (N.D. Cal. 2017)

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

Action Required	Submissions	Due As Soon As Possible But Not Later Than
The District must ensure that all District staff involved in the development and implementation of IEPs receive training on compliance requirements for issuing Prior Written Notice.	Training agenda and materials to ODE for review and approval. Documentation of implemented training.	October 15, 2026 December 15, 2026

Dated: this 31st Day of August 31, 2026



Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing Date: August 31, 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).)