BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of North Bend School District 13J	))	FINDINGS OF FACT, CONCLUSIONS, AND FINAL ORDER
	)	Case No. 26-054-095

I. BACKGROUND

On August 13, 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 North Bend 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 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 September 3, 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 September 17, 2026.

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

1. District Written *Response*
2. Individual Education Plan (IEP), 2/25/25
3. Placement Determination, 4/25/25
4. Meeting Minutes, 2/25/25

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

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

5. Meeting Minutes, 10/13/25
6. Meeting Minutes, 1/20/26
7. IEP, 2/24/26
8. Placement Determination, 2/24/26
9. Meeting Minutes, 2/24/26
10. Prior Written Notices: 2/24/26
11. IEP Progress Reports, 2025-26
12. OT Service Logs: 2025-2026
13. Communications between Staff and Parents: 10/20/25 through 6/11/26
14. Daily Behavior Tracking Forms, 2025-26 school year
15. District Calendar, 2025-26 school year
16. OTIS Screening Reports, 5/13/26 and 6/8/26,
17. Behavior Incident Reports, 2025-26 school year
18. Education Assistant Scheduling, 2025-26 School Year

The Parent submitted documents in support of their Complaint on August 28, 2026. In all, the documents found relevant to this Complaint were various email exchanges with the school, and several sections of the current IEP; all of which were duplicates of District documentation.

The Parent sent a written reaction to the District's *Reply* to *Response* on September 24, 2026, reaffirming all claims put into the Complaint. The Parent reiterates that there was bullying by classmates and a staff member, which caused injury to the Student, impacting education by causing pain, anxiety, and missed school due to Doctor and Specialist visits.

On August 28, 2026, the Complaint Investigator interviewed the Parent. The Complaint Investigator held virtual interviews with the District Special Education Director and the School Administrator on September 25, 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 August 14, 2025 to the filing of the Complaint on August 13, 2026.

Allegations	Conclusions
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 provide additional adult support and accommodations were not provided as required by the IEP. (OAR 581-015-2250; 34 CFR §300.323)	**Not Substantiated** The District implemented the Student's IEP(s) as written throughout the 2025-2026 school year.
IEP Content The Complaint alleges 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 disabilities. Specifically, support services and accommodations were removed from the final IEP without Parent knowledge or consent. Additionally, student safety and harassment concerns were not addressed by the District. (OAR 581-015-2200; 34 CFR §300.320)	**Not substantiated** The Student's IEP was reasonably calculated to enable the Student to make progress in light of their circumstances. The IEP contained the level of supports and services needed.

Allegations	Conclusions
Parent Participation The Complaint alleges that the District violated the IDEA by interfering with the Parent's ability to participate in decisions with respect to the Student's IEP and the provision of a free appropriate public education to the Student. Specifically, the District did not provide data necessary for the Parent to meaningfully participate in the IEP meeting, and made determinations regarding the Student's program and accommodations outside of the IEP process and without the Parent's input. (OAR 581-015-2190 and 2195; 34 CFR §300.501)	**Not Substantiated** The District included the Parent in all IEP team discussions regarding the development of the Student's IEP.
Free Appropriate Public Education Due to the alleged IDEA violations detailed above, the Complaint alleges that the District failed to provide the Student with a free, appropriate public education. (OAR 581-015-2040; 34 CFR §300.101)	**Not Substantiated** The District did not commit any procedural violations that resulted in a denial of FAPE.

REQUESTED CORRECTIVE ACTIONS
The Complainant requests: 1. Fully implement the Student's IEP and accommodations and ensure the IEP is written clearly and explicitly enough to ensure compliance. 2. Review and assess implementation of Positive Behavioral responses focused on building Student strengths. 3. Review and assess implementation of Parent Participation safeguards. 4. Improve Parent communications: particularly around timely reporting of incidents involving discipline or harassment. 5. Provide additional staff training, and implement additional support, oversight, and guidance to ensure compliance in Confidentiality, IEP implementation, PBIS supports, and trauma-informed approaches.

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 August 14, 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 nine years old and is currently attending 4th grade in the District. The Student transitioned into a new school this school year within the same District due to district-wide reconfiguration of grades. The Student has an active eligibility for special education services under the category of Other Health Impaired (OHI).

2. The active IEP at the beginning of the 2025-26 school year was dated February 25, 2025 and describes a very social, and curious student, who is working on persisting with tasks and developing self-regulation skills. The Student has shown significant progress in math, reading, and writing goals. The IEP notes Parent concerns about staffing changes without sufficient notice and medical concerns.

Other information found in this IEP relevant to this complaint:

Behavioral: The Parent receives a daily behavior report. The Student has been making progress on behavior goals at school.

The Student has health issues which impact the ability to communicate wants and needs to unfamiliar adults. Health also impacts attendance. The Student has been found eligible under the category of Other Health Impaired and is being seen by neurologist, cardiologist, and is being monitored for deteriorating vision. There was a Functional Behavior Assessment completed, but the IEP Team decided against a Behavior Intervention Plan, opting for a general Safety Plan.

Goals selected: Social/Emotional/Behavioral: identifying strategies to avoid becoming frustrated in school situations (60 minutes/week). Math: double digit addition and subtraction including regrouping (150 minutes/week).

The IEP lists a wide range of supplementary aids and services to the Student:

a) Transition warning
b) Safety Plan
c) Access to adult support, except during Title 1 and Speech
d) Visual support
e) Access to drinking water at all times, including recess
f) Allow soft tapping over heart for self-regulation
g) Heavy work (for self-regulation)
h) Transitional items
i) Sensory processing tools (listed examples)

Supports to staff lists consultation in various areas: Speech, Occupational Therapy (OT), and Nursing. A Related Service of Transportation will be provided. Non-participation Justification describes the Student as participating with non-disabled peers between 40% and 79% of the school day.

3. October 30, 2025, a playground incident occurs involving the Student and a classmate, also a student with identified disabilities. Upon review of the video footage, the event began with the Student kicking the peer in the shoe, which caused the peer to kick the Student in the shins. The Student then reported the incident to staff. The behavior log notes that the encounter left marks on the Student. The Assistant Principal categorized the two students as “literal friends” who seek each other out for play and occasionally**,** one or the other student would have a disagreement and escalate.

4. A behavior log entry from November 3, 2025, reports the Student using disrespectful and inappropriate language. This behavior apparently stems from a note being passed saying, "I'll kill you". Parent claims the Student did not write this and that the note was found on the floor. District staff recorded that the Student passed the note. Parent is notified same day and responded with multiple questions regarding the incident..

5. A November 12, 2025 email from District informed Parent that the two Educational Assistants working with the Student were swapping AM and PM responsibilities.

6. On December 2, 2025, the Parent sent an email complaining that the Behavior Tracker sheet information regarding poor behavior with a two-day substitute was not sent that same day. Asks to get sheets the same day to address issues with Student while it's fresh.

7. December 11, 2025 email from Case Manager asking about Parent availability dates for an annual IEP in February. The Parent responds that the District Special Education Director and Assistant Principal have been contacted, but have not yet heard back from them. Parent goes on to inform District that "Tribal says not to speak any further and [Student's] team has been notified. The state and [Student's] attorney will also be at the meeting."

8. On January 20, 2026, the IEP team met at the Parent's request to discuss concerns about bullying. The Parent asserts that the Student's glasses were broken 3 times last year and has recently been reporting being kicked in the private area at school. The District reported that the Student had never reported glasses as having been broken by someone, and would have investigated and shared any information. Regarding the Student kicking report; the District informed the Parent that the Student made a similar claim this very same day, initiating a review of the video which did not show any incident at all. When discussing this, the Student admitted to being afraid that it was "going to happen and also being afraid that the other student would bring a gun and shoot [Student}". The Parent brought up the note found on November 3, 2025 that read "I will kill you". The note was attributed to the Student, but has since been lost. District staff discussed the hot and cold relationship the Student has with this peer, noting they are actually good friends and choose to regularly play with each other. Unfortunately, they can also spark poor behavioral choices between the two children. District staff reported that they had not observed bullying and had not substantiated reported incidents through their investigations. The District team has not seen bullying despite the additional adult staff supervision on the Student. They have seen instances of false reporting from both students and have spent a lot of time researching the Student's claims and processing the reasons behind the reports. Overall, the District shared that the Student is improving in behavior, making progress on goals, and has not witnessed anything that could be classified as bullying against the Student.

9. A behavior report from January 27, 2026 listed disrespectful language and defiance after an incident involving a student at the lunch table.

10. The IEP meeting dated February 24, 2026 describes the Student as having a strong sense of routine and following established procedures well. Also notes increased persistence to tasks and developing self-regulation skills. Parent concern is noted as staffing changes without prior notice, medical and behavioral concerns, and a concern about Student being bullied at school. Also adds that the Student's biological father is being released from prison, also a cause for safety concerns.

    Present levels note that the Student's behaviors have been escalating in academic spaces, although overall the team reports "massive progress" during general education classes. The daily rating scales remain primarily at the highest rating of 3 every day, with only 12 instances of not scoring all threes on the tracker. The District has added several breaks during the school day to mitigate increasing dysregulation as the school day progresses. The Occupational Therapist reports that self-regulation performance issues increase with transitions, after recess, and the afternoon, affecting classroom participation and peer interactions. The Student is making progress across all academic areas, but Math will continue to be a goal area.

    Goals selected: Social/Emotional/Behavioral: Raising hand and waiting to be called upon in group settings. (60 minutes/week). Math: Solving multiplication and division problems (120 minutes/week). Related Service of Transportation to be provided.

    The IEP lists all of the previous IEP's supplementary aids and services to the Student, including access to adult support except during Title 1 and Speech services. Two additional items were added: due to Parent medical input:

    a) Unrestricted access to water at all times, including recess
    b) Unrestricted access to the bathroom

    Supports to staff lists consultation in; Speech, OT, and Nursing. Placement determination selected as 80% or more of the day in regular classroom.

11. The meeting notes from the February 24, 2026 IEP meeting note that the Parent is concerned about the Student's behavior at school, and that there is bullying happening there. Parent also shared concerns about staffing and medical needs. The IEP team discussed the Student's support needs, adding a third self-regulation break during the school day.

12. February 25, 2026, two minor Behavior Log entries are created involving the Student kicking the desk and the educational assistant. Parent was notified.

13. An April 10, 2026, email informed Parent that the PM Educational Assistant (EA) working with the Student had resigned and will be replaced by a familiar sub. The AM EA remains the same.

14. April 15, 2026, the Case Manager emails enquiring when the Student will be returning to school. The Parent refers to ongoing treatments, prompting the Case Manager to enquire into whether the treatments are anything serious, and if there's anything school can do to assist.

15. On April 22, 2026, the District Case Manager writes to see if [the Student] is feeling better**,** concerned about extended absences. On April 28, 2026, the Parent shares that "treatment is unpleasant and Student is not feeling great. More on this situation will come to light soon".

16. On April 29, 2026, another incident occurred on the playground between the Student and the classmate involved in the October kicking incident, resulting in the Student reporting another kicking incident by the peer. A mark on the leg was noted.

17. The Parent contacted the Department of Human Services (DHS) Oregon Child Abuse Hotline on May 6, 2026, to report concerns. A report initiates a required screening investigation by the Office of Training, Investigations and Safety (OTIS). The Investigation report outlines a review of incidents involving Student injury with school staff, including the schools efforts to investigate all reported instances of injury and finding no evidence of the Student being repeatedly kicked in the groin. The screening closed the investigation saying "there does not appear to be an allegation of Neglect to the Student", or finding any indication of an "insufficient response to ensure the safety of children".

18. On May 6 and 8, 2026 Parent sent emails requesting "an updated log with details of getting kicked in the groin the second time". District Case Manager responds that a copy was made and sent home in the Student's backpack.

19. On or around May 17, 2026, the Student showed the Parent bruises, reportedly from being kicked at the school on May 14, 2026. Photos were taken by the Parent showing significant bruising and swelling on the legs. The school records, however, show no evidence of this occurring at the school. The Student's daily behavior log records nothing about this incident, but does record an end of day incident where the Student was corrected for attempting to

log into a fellow student's google account. The Student responded to the staff they "would be reported". The school has no video documentation of an incident occurring, and there was no Incident Report found for that date.

20. On June 3, 2026, DHS received a second complaint about the Student being injured at school. The subsequent OTIS investigation report summarized that the school was not aware of any incident occurring on May 14, 2026, but are well aware of the ongoing kicking issues between the two students. The school has taken preventative steps to ensure the children's safety. There is no indication of another incident of the Student being kicked since the April 29th incident and reiterated that the Student always has an adult with him. The complaint was closed out on August 5, 2026, finding no allegation of Neglect**.**

21. A Student Progress Report from May 30, 2026, show Student continuing to make progress on both the Social/Emotional/Behavior goal and the Math goal.

22. On August 13, 2026, the Parent filed this Complaint.

23. When interviewing the Parent on August 28, 2026, the Parent described the student as having been bullied at school since Kindergarten, listing several injuries and mentioned several complaint processes in process or being considered, including; a Police report, DHS child neglect complaint, a Tribal investigation, and this ODE IDEA complaint.

24. The Complaint Investigator requested supplemental documents from the District and received them on September 22, 2026. The documents were received were:

    a) Behavior Incident Reports for the 2025-26 school year; which documented six minor behavior incidents initiated by the Student, and
    b) Educational Assistant schedule/student coverage assignments for the 2025-26 school year, showing full coverage of the Student during the school day.

25. When interviewing the District Administrators on September 25, 2026, the District was asked about the repeated aggression between the two students, and the resulting injuries to the groin for the Student. The District replied that while they do not doubt that injury occurred to the student, there is no definitive evidence that all the injuries occurred at school or as described by the Student. Consistent review of video when an incident was reported have substantiated a few aggressive interactions between the Student and peers, but not at the level to sustain the reported level of injury alleged. There is also no evidence from the Students' 1:1 assistants, teacher observations, or record of the Student reporting a painful injury to the nurse, teaching staff, or administrators on October 30, 2026, which he would almost certainly would have done. Additionally, District staff reported that prior

investigations did not substantiate two reported incidents, which turned out to be invented by the Student due to anxiety about the possibility of this happening. The District has not received any medical information from the Parent about the extent or type of the groin injury, but continue to be concerned about the amount of school that the Student has missed this year, many of which are medical appointments for a variety of necessary treatments to on-going health issues. The school has initiated several safety plans to keep both students safe on the playground and are working with both Students on how to safely negotiate disagreements without kicking.

IV. DISCUSSION

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 provide additional adult support, and accommodations were not provided as required by 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 implement a student's IEP perfectly, but there also must not be evidence of a "significant shortfall of the services provided."[3]

In this case, the accommodations listed in the two IEPs in effect during the Complaint period were provided by the District. There was evidence of additional adult supervision throughout the school year, and accommodations and services were provided and available to the Student.

Documents reviewed showed the District fully executed the IEP and found no material failure to the provision of FAPE. The District willingly worked with the Parent concerns, adding accommodations, such as access to restroom and water during the day, into the 2/24/26 IEP when the Parent brought the concerns forward.

The Department does not substantiate this allegation.

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[3] *Van Duyn v. Baker Sch. Dist. 5J, 502 F3d 811 (9th Cir. 2007) ("Van Duyn")*

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, support services and accommodations were allegedly removed from the final IEP without Parent knowledge or consent. Additionally, student safety and harassment concerns were not addressed in the IEP by the District.

A school district "must offer an IEP reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances".[4] The adequacy of a given IEP turns on the unique circumstances of the child for whom it was created. The specific special 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."[5]

The Complaint also questioned whether the IEP adequately addressed Student safety and harassment concerns raised by the Parent. An IEP Team should consider making modifications and adding supports in situations where a student's access to FAPE is being limited by ongoing harassment or bullying in the school environment. A review of documents and interviews with building administrators found no evidence of ongoing harassment or bullying against the Student, and no evidence of willful inaction by the District toward the Student's reports of injury. The District was responsive to a Parent request for an IEP meeting to discuss concerns of bullying and safety at the 1/20/26 IEP meeting, where the District shared evidence of the Student not being a reliable reporter, and of confidence of a well supervised, safe environment at school. The Student continues to make great progress on behavioral and self-regulation IEP goals over the past 2 years demonstrating a reasonably calculated IEP.

The Department does not substantiate this allegation.

Parent Participation

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

[5] Endrew F., 137 S. Ct. at 1001, 1002

The Complaint alleges that the District violated the IDEA by interfering with the Parent's ability to participate in decisions with respect to the Student's IEP and the provision of a free appropriate public education to the Student. Specifically, the District did not provide data necessary for the Parent to meaningfully participate in the IEP meeting, and made determinations regarding the Student's program and accommodations outside of the IEP process and without the Parent's input.

In this case, the Complaint claims specific support services such as adult supervision and accommodations such as sensory fidgets were allegedly removed from the final IEP without Parent knowledge or consent. A review of the 2/25/25 IEP and the 2/24/26 IEP show that no supports or accommodations were removed, and two additional accommodations were added per Parent request. There was no evidence of the District withholding behavioral information. The District provided the Parent with a daily Behavior Log which included a rating system for each class and incidental messages from staff. Additionally, the District regularly communicated with the Parent through email exchanges. The Parent was an active and meaningful participant in the Student's special education meetings during the 2025-2026 school year.

The Department does not substantiate this allegation.

Free Appropriate Public Education

Due to the alleged IDEA violations detailed above, the Complaint alleges that the District failed to provide the Student with a free, appropriate public education.

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.[6]

To determine if a student has been denied a FAPE, courts must consider whether the school district met the substantive requirement to develop an IEP reasonable calculated to enable a child to make progress appropriate in light of the child's circumstances.[7] Not all procedural violations amount to a denial of FAPE. Only if a school district's procedural violations result in a

[6] OAR 581-015-2040(1); 34 CFR §300.101(a)

[7] Endrew F., 137 S. Ct. at 999

loss of educational opportunity or if it seriously infringes on the parent's opportunity to participate in the development of the IEP.[8]

In this case, the District was not found to have committed any procedural violations. Additionally, the Student made documented progress toward the annual goals during this complaint period. Accordingly, there was no denial of FAPE.

The Department does not substantiate this claim.

V. CORRECTIVE ACTION

In the Matter of North Bend School District 13J

Case No. 26-054-095

No corrective action is ordered in this matter.

Dated: this 12th Day of October 2026



Ramonda Olaloye

Assistant Superintendent

Office of Enhancing Student Opportunities

E-mailing Date: October 12, 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).

[8] W.G. v. Bd. Of Trustees of Target Range Sch. Dist. No. 23, 960 F. 2d 1479, 1484 (9th Cir. 1992)