



Oregon

Tina Kotek, Governor



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Dr. Charlene Williams
Director of the Department of Education

January 2, 2024

BY EMAIL

REDACTED
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Dr. Gustavo Balderas, Superintendent
Deputy Superintendent Ginny Hansmann
Beaverton School District 48J
16550 SW Merlo Road
Beaverton, OR 97003

Re: Case #2022-MM-06

REDACTED, Dr. Balderas, and Deputy Superintendent Hansmann:

REDACTED (Parent) filed an appeal with the Oregon Department of Education alleging that Beaverton School District 48J violated ORS 659.850 and OAR 581-021-0045 by discriminating against her child (Student) on the basis of race. Parent alleged that the district failed to fulfill its duty to prevent or mitigate the racial harassment of student. Specifically, Parent alleged that the district failed to timely and appropriately respond to an act of discrimination that occurred on a school bus.

Under OAR 581-002-0009(3)(a)(C), the department may issue notice that it is closing an appeal if the department determines that a district is not in violation of a law or rule described in OAR 581-002-0003. This letter constitutes notice that the department finds that Beaverton School District 48J is currently in compliance with ORS 659.850 and OAR 581-021-0045.

On May 4, 2022, the department issued notice that it was accepting Parent's appeal pursuant to OAR 581-002-0005(1)(a)(B), under which a complainant may file an appeal with the Oregon Department of Education if 30 days has transpired since the complainant filed their complaint at any step during a district's complaint process without having received a written decision from the district.

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During its investigation, the department determined that Parent made several reports to the district that Student was being bullied and harassed. The reported incidents occurred in the fall of 2021, during February 2022, and on May 15, 2022.

In the fall of 2021, Parent reported that Student was being bullied by a peer. At this time, Parent did not allege that Student was being bullied because of Student's race. The district investigated and determined that the behavior was not directed solely at Student, but at all students in the class. The behavior included cutting in line and saying unkind things. In response, district staff closely monitored the behavior of the child who was bullying their classmates.

In February 2022, Parent reported that Student was being bullied by a peer. The evidence indicates that Parent did not allege, at this time, that Student was being bullied because of Student's race. In response, the district took the following actions:

- The district monitored Student and the peer to ensure that they had limited contact, including during lunchtime and transitional periods and when lining up.
- The district increased supervision of the playground during recess.
- The district checked-in with Student daily about Student's well-being.
- The school counselor taught Student's class a lesson about bullying and restorative practices.

Additionally, the district offered to create a formal safety plan for Student and to reach out to the parents of the child who was bullying Student to discuss arranging a meeting between them and Parent.

On February 16, 2022, Parent again reported that Student was being constantly bullied. In response, the district assured Parent that it was implementing the plan to provide for Student's safety.

On March 15, 2022, Parent reported that another student (Student B) told Student and Student's sibling that they are not welcome at school because they are black. The district investigated and verified that Student B was pushing and poking Student and telling Student's sibling that "my brother is better than your brother because [my brother] is white, and only white kids can go to this school and ride the bus. You can only go to this school because you are white." Student's sibling responded, "I am not white. I am black, but light skinned." The other student responded, "[T]hen you can't come to this school or ride the bus."

The district responded by giving Student B a three-day bus suspension. The district also met with Parent on March 17, 2022, to discuss creating a safety plan for Student. Under the safety plan, the district took the following actions:

- A district administrator checked on Student's class three times each day.
- The district reported to Parent about the well-being of Student's class not later than 4:30 pm each day.

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- The district checked on Student after recess each day.
- The district reported to Parent about the well-being of Student after recess not later than 11:00 am each day.
- The district assigned Student B a seat at the front of the bus.
- District staff escorted Student B to their assigned seat each day, immediately before the bus left the school.
- From March 28, 2022, to April 1, 2022, a district staff member rode Student's bus.
- After April 1, 2022, a district staff member randomly rode Student's bus.

Additionally, on March 28, 2022, the district provided education on racial inclusion and awareness to all third-grade classes at Student's school.

In consideration of the facts, the Oregon Department of Education finds that Beaverton School District 48J timely and appropriately responded to the report of racial harassment that Parent made on March 15, 2022. The department finds that the district did not violate ORS 659.850 or OAR 581-021-0045.

Case #2022-MM-06 is closed.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Mayer', is centered within a light gray rectangular box.

Mark Mayer, Complaint and Appeals Coordinator
Office of the Director
Oregon Department of Education