

BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of
Oregon City School District 62

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FINDINGS OF FACT,
CONCLUSIONS,
AND FINAL ORDER
Case No. 25-054-019

I. BACKGROUND

On March 31, 2025, the Oregon Department of Education (the Department) received a written request for a special education complaint investigation from the parent (Parent) of a student (Student) residing in the Oregon City School District 62 (District). The Parent requested that the Department conduct a special education investigation under OAR 581-015-2030. The Department confirmed receipt of this Complaint and forwarded the request to the District.

Under state and federal law, the Department must investigate written complaints that allege violations of the Individuals with Disabilities Education Act (IDEA) and issue an order within sixty days of receipt of the complaint.¹ This timeline may be extended if the Parent and the District agree to the extension in order to engage in mediation or local resolution or for exceptional circumstances related to the complaint.²

On April 4, 2025, 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 April 18, 2025.

The District submitted a *Response* on April 18, 2025, denying the allegations, providing an explanation, and submitting documents in support of the District's position. The District submitted additional information and documents on April 28, May 7, and May 14, 2025. The District submitted the following relevant items:

1. District's Written *Response* to Complaint, 4/18/25
2. Individualized Education Program (IEP), 6/3/24
3. Notice of Transfer of Special Education Rights, 6/3/24
4. Special Education Placement Determination, 6/3/24
5. Prior Written Notice (PWN), 6/3/24
6. PWN, 6/3/24
7. Notice of Team Meeting on 6/3/24, 5/28/24
8. IEP Progress Reports, 6/3/24

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

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

9. IEP, 5/8/23
10. Special Education Placement Determination, 5/8/23
11. PWN, 5/8/23
12. PWN, 5/8/23
13. Notice of Team Meeting on 5/8/23, 4/21/23
14. IEP Progress Reports, 5/3/23
15. Disability Statement Specific Learning Disability (SLD), 5/8/2
16. Eligibility Summary Statement, 5/8/23
17. Special Education Re-Evaluation SLD Report, 5/8/23
18. Prior Written Notice (PWN), 5/8/23
19. Parent Guardian Consent for Individual Evaluation, 3/13/2
20. Prior Written Notice (PWN), 3/13/2
21. Notice of Team Meeting on 3/13/23, 3/20/23
22. COVID-19 Individualized Recovery Services, 5/8/23
23. Team Meeting Notes, 6/3/24
24. Eligibility/IEP Meeting Notes, 5/8/23
25. Evaluation Planning Meeting Notes, 3/13/23
26. Email exchange between District Staff and Parents, 4/1/25 - 4/2/25
27. Response to 3/13/25 District Complaint, 3/31/25
28. Transcript of Assistant Superintendent's Interview with Teacher, 3/19/25
29. Transcript of Assistant Superintendent's Interview with Dean of Students, 3/19/25
30. Transcript of Assistant Superintendent's Interview with College and Career Coordinator, 3/19/25
31. Transcript of Assistant Superintendent's Interview with Leadership Teacher, 3/19/25
32. Transcript of Assistant Superintendent's Interview with Administrator, 3/19/25
33. Transcript of Assistant Superintendent's Interview with Health Teacher, 3/20/25
34. Incident Log, 3/4/25
35. Emails between District Staff and Parent, 2/4/25-3/10/25
36. Student Council Code of Conduct, undated
37. Incident Statements for 3/3/25, 3/11/25
38. Emails between District Staff and Parent, 2/5/25-4/8/25
39. Letters from Private Medical Provider, 3/20/25
40. Email from Parent to District, 3/13/25
41. Transcript of Assistant Superintendent's Interview with Parent, 3/18/25
42. Attendance Emails, 10/15/24-3/21/25
43. Emails between District Staff and Parent, 2/4/25-4/1/25
44. IEP Progress Report, 3/7/25
45. District Response Letter, 3/14/2

The Parent submitted supportive documents with their Complaint. Additional documents were submitted on April 10 and May 15, 2025. The Parent submitted a *Reply* on April 29, 2025, providing an explanation and rebuttal, along with additional documents. The Parent submitted the following relevant items:

1. *Reply*, 4/30/25

2. Letters from Student, 3/31/25
3. Parent Letter, 4/10/25
4. Parent's Timeline, 2/4/25 – 4/11/25
5. Letters of Recommendation for the Student, 10/22/24 - 11/12/24
6. Emails between Parent and District, 4/7/25 – 4/18/25
7. Email Rebuttal Letter from Parent, 5/15/25

The Complaint Investigator interviewed the Parent on May 7, 2025. On May 9, 2025, the Complaint Investigator interviewed District personnel. Virtual interviews were conducted instead of on-site interviews. The Complaint Investigator reviewed and considered all of 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 Complainant'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 April 1, 2024, to the filing of this Complaint on March 31, 2025.

Allegations	Conclusions
<p>When IEPs Must Be in Effect</p> <p>The Complaint alleged that the District violated the IDEA by not providing special education and related services in accordance with the Student's IEP.</p> <p>(OAR 581-015-2220; 34 CFR § 300.323)</p>	<p>Substantiated</p> <p>The Student's IEP did not identify a need for or include any provision related to emotional support. However, it is unclear to what extent the Student's SDI was provided. At a minimum, the Student did not receive SDI from December 3, 2024 to March 7, 2025.</p> <p>The IEP Progress Reports did not provide sufficient information on the Student's IEP goals to determine whether the Student was making progress.</p> <p>The failure to implement the June 2024 IEP was material.</p>

Allegations	Conclusions
<p>Free Appropriate Public Education (FAPE)</p> <p>The Complaint alleged that that the District failed to provide the Student with a free appropriate public education.</p> <p>(OAR 581-015-2040; 34 CFR § 300.101)</p>	<p>Not Substantiated</p> <p>There was a material failure to implement the Student’s SDI. IEP progress information provided was not sufficient to enable the Parent to determine if the Student made progress on their IEP goals. However, there is no evidence that these errors resulted in a loss of educational opportunity or denial of FAPE.</p>

REQUESTED CORRECTIVE ACTION
<p>The Parent requested the following corrective action:</p> <ul style="list-style-type: none"> • Investigate the District’s failure to follow the Student’s IEP. • Require the District to provide compensatory services (such as academic support and emotional counseling). • Remove any disciplinary actions that occurred during this time period of non-compliance. • Ensure staff training on IEP implementation and trauma-informed support.

III. FINDINGS OF FACT

IDEA regulations limit complaint investigation 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 April 1, 2024. 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 18 years old and in 12th grade.
2. The Student is currently eligible for special education services under the eligibility category of Specific Learning Disability (SLD).
3. The Student attended a District high school (the School) from ninth through twelfth grade. The Student participated in Student Council and was enrolled in the corresponding student government class every year.
4. The District submitted two IEP progress reports relevant to the complaint period, dated June 3, 2024 and March 7, 2025.

5. The District reported, "Progress reports are accessible through ... the parent and district document access system used by [the District].... They are completed three times a year, coinciding with the agreed-upon reporting requirement in the student's IEP and with report cards as [the School] is on a trimester schedule... Parents are informed via school newsletters when grades are finalized, along with instructions on how to view grades and progress notes in [the system]. The case manager is responsible for saving these reports to historical documents in ... the document manage [sic] system used by [the District] ... so parents can access them."
6. The Parent reported they did not receive any IEP progress reports during the complaint period. They were unaware that IEP progress reports existed for the Student or were accessible online.
7. The Student's May 8, 2023 IEP stated, "SOCIAL EMOTIONAL and BEHAVIOR: [The Student] presents as typical ninth grade [student]... seems very happy and bubbly... has established friendships, is well liked by peers, and has shown to be a supportive friend. At this time, the team does not have any concerns within this area. Behavior does not significantly and adversely impact the progress in the general education curriculum."
8. The District's May 8, 2023 IEP meeting notes stated, "All team members agree [the Student] still benefits from and qualifies for special education services as a student with a specific learning disability in the areas of reading fluency and comprehension, math calculations and math problem solving."
9. On June 3, 2024, the District convened the Student's annual IEP meeting.
10. The Student's June 3, 2024 IEP (June 2024 IEP) included the following, among other things:
 - a. Student Strengths: "[T]eachers describe [the Student] as a diligent student... willing to work hard, puts forth tremendous effort and continues to grow."
 - b. Parent Concerns: "[The Parent] noted no major concerns."
 - c. Present Levels: "[The Student's] most recent evaluation was completed in May 2020 where the team used a review of existing evaluation data and file review to continue [their] eligibility as a student with a specific learning disability in the areas of reading in fluency, reading comprehension, listening comprehension, and math calculations."
 - d. How the Student's disability affects involvement in progress in the general education curriculum: "[The Student's] specific learning disability due to attention processing affects the ability to filter out irrelevant background stimuli... resulting in an inability to focus and/or identify relevant information. This impacts access to reading-related instruction... and math-related instruction and tasks... may struggle when it comes to performing tasks measured under pressure that require sustained attention and concentration."

- e. Annual Goals: One goal each in the areas of Math (“given a multi-step linear equation or inequality in one variable with number of letter coefficients, [the Student] will solve the equation... for 4 out of 5 equations or inequalities, in 3 out of 4 progress monitoring assessments”); Reading Comprehension (“...in writing, analyze 2 literary elements in the text... by explaining their effects on the text and cite three pieces of supporting evidence, in 3 of 4 literary responses”); Transition (“identify and contact community resources... that can aid [the Student] in post high school goals of becoming a nurse... as measured by contact logs/ work samples and teacher observation”); and Organizational/Study Skills (“maintain an organized binder with planner labeled section dividers and required corresponding materials... in four out of five opportunities, as measured by teacher observation, grades, and progress monitoring”).

Progress to be reported to the parent with progress reports during the school’s regular written report time (Anticipated Dates: 11/13/2024, 3/12/2025, 6/4/2025).

- f. SDI: Math (30 minutes per week); Reading (30 minutes per week); Study/Organizational Skills (15 minutes per week); and Transition (20 minutes per year), all to be provided in the general education classroom by the Learning Specialist.
 - g. Accommodations: Provide graphic organizer for writing assignment, access to teacher notes, sentence frame/scaffolded notes, chunking assignments into smaller sections, access to calculator, frequent checks for understanding, and extended time on assignments and assessments.
 - h. Non-Participation Justification: “The team has determined that no removal is necessary in order for the student to receive specially designed instruction, related services, or supplementary aids or services.”
11. In the June 3, 2024 IEP Progress Report, the last reporting period fell within the complaint period, April 1 to June 3, 2024. The June 3, 2024 progress update included progress codes but did not include measurable progress data on the Student’s goals. The update provided for each goal stated, “Teacher feedback indicated that [the Student] had met this goal. New goals were crafted at IEP meeting on 6/3/24.”

2024-25 School Year

- 12. On September 4, 2024, the Student started the 2024-25 school year as a 12th grader, with a new case manager (the Case Manager).
- 13. The 2024-25 school year included a fall (September 4 to November 26, 2024), winter (December 3, 2024 to March 7, 2025), and spring trimester (March 10 to June 11, 2025).
- 14. The Student’s fall schedule included art history, discrete math, student government, writing, and health professions. The Student’s winter schedule included yoga, teacher assistant, student government, and medical terminology.

15. The Case Manager reported the following about the implementation of the Student's IEP during the 2024-25 school year:

- a. When asked if they provided teachers with copies of the Student's IEP at the beginning of the school year and discussed each teacher's responsibility in implementing the IEP, the Case Manager stated (1) it was their first year at the School; and (2) their process was to connect with students at the beginning of the year to find out what the student needed and how the Case Manager could support them, then make a plan to work on whatever level the student requested.
- b. When they met with the Student at the beginning of the school year and asked how they could support the Student, the Student indicated they felt confident in their ability to navigate school and would reach out to let the Case Manager know if they needed additional support. The Case Manager checked-in with the Student two or three times throughout the school year. The Case Manager also saw the Student regularly in the hallways and was able to have quick check-ins during those interactions.
- c. The Student's SDI was provided in the general education classrooms. The Case Manager did not deliver any of the Student's SDI but collaborated with general education teachers as needed. The Student's IEP was mostly implemented through accommodations, to help the Student access general education content, which were provided by general education teachers. The Student's IEP goals were directly related to classroom instruction.
- d. They wrote the Student's IEP Progress Reports, based on assignments and feedback for those assignments provided in the District's grading system.
- e. To the best of their knowledge, IEP Progress Reports were sent to the Parent and were available online. The Case Manager did not personally send IEP Progress Reports to the Parent and, when asked, they did not know who at the School would have sent them.
- f. The Student never reported any concerns or indicated they were struggling.

16. Following the Case Manager's interview, the District was asked to provide clarification on how the Student's SDI was implemented. The District submitted the following information, which it stated was provided by the Case Manager:

- a. "For the Student to receive SDI through push-in support in the general education classroom, the [C]ase [M]anager collaborates with the general education teachers to ensure that instructional strategies and accommodations are aligned with the Student's IEP. The [C]ase [M]anager consults with the Student's teachers to plan how to provide SDI in the areas of transition, reading, organization, and mathematics, which is then implemented by the general education teacher at the [C]ase [M]anager's direction. For example, for the Student's Medical Terminology and Writing classes, the [C]ase

[M]anager consulted with the general education teachers on vocabulary development, writing strategies, and study skills, which are within the Student's IEP goal areas and SDI."

- b. "The [C]ase [M]anager also monitors the Student's progress by holding weekly check-ins with the Student and by holding longer, more focused sessions with the Student at regular intervals throughout the school year, such as the beginning of the school year, in October, and right before Winter Break in December... in addition, the [C]ase [M]anager monitors the Student's progress through [the Student's online access to the district grading system] to keep track of [their] assignments and grades and follows up with the Student's general education teachers, who are connected to [their] IEP goals[.]"
- c. "[T]he Student's [C]ase [M]anager is involved in the development, planning, and progress monitoring of the SDI for the Student's goals and supervises the general education teachers in their delivery of SDI. The [C]ase [M]anager appropriately supervises the provision of SDI by meeting with the Student and consulting with the general education teachers on the Student's goals and supports."
- d. "[The] [C]ase [M]anager is on a regular rotation of consultations for the students [they] case manag[e]. However, [the Case Manager] does not maintain a log of these interactions... [the Case Manager] consistently reviews student grades and follows up in person when concerns arise beyond academic performance, such as attendance issues. [The Case Manager] typically initiates face-to-face communication by stopping by general education classrooms during the day or meeting with teachers during their prep periods before or after school. Although there are no service logs for provision of consultation by the [C]ase [M]anager, this is not required."

17. The Parent reported the following about the implementation of the Student's IEP during the 2024-25 school year:

- a. They did not receive any IEP Progress Reports.
- b. The Student did not receive SDI in their general education classes.
- c. "[The Student] has not received in-class support from a learning specialist or [their] IEP [C]ase [M]anager at any point during [the Student's] high school experience. [The Student] has not received direct instruction in math, reading, organization or transition skills as outlined in [their] IEP. While general 'check-ins' may have occurred, [the Student] did not experience those as meaningful or tied to IEP goals."
- d. "The district has provided no evidence of... Weekly check-ins"; "Logs showing collaboration between [Case Managers] and general education teachers"; or "Documented progress monitoring aligned with [the Student's] SDI goals."

18. On February 4, 2025, following a notification about the Student's attendance, the Parent emailed the Principal and the Counselor, stating:

“Thank you so much for reaching out... I truly appreciate the school’s support and concern for [the Student’s] absences. I wanted to provide some context for what [the Student] has been navigating this year.

This has been an incredibly difficult time for our family, and [the Student] has had a lot on [their] shoulders. [The Student’s Grandmother] is currently on hospice with multiple serious health conditions... Additionally, right before Christmas, [the Student] was in a car accident that totaled [their] car. On top of all this, [the Student’s] best friend has distanced [themselves] from [the Student]... I know this is all taking a toll on [them]. Any words of encouragement from [the Student’s] teachers or school staff would mean the world to [the Student]. I know [the Student] is doing [their] very best, and I truly appreciate any support you can offer to help [them to] finish the year strong.”

On February 5, 2025, the Principal responded, “Thank you for reaching out. I am sorry for the difficult circumstances you all are facing! I have looped in the 12th grade administrator, [the Administrator], so [they are] aware and can help support as needed.”

19. The Parent reported the following about the District’s response to their February 4, 2025 email:
 - a. “Despite this acknowledgement... [n]one of [the Student’s] teachers were notified... No additional emotional or academic support was offered... [The Student] was left to manage these challenges on [their] own without any visible effort from the school to accommodate [the Student’s] needs.”
 - b. The purpose of the email was “to request emotional and academic support for [the Student] due to significant life stressors... [The Student’s] IEP includes supports for emotional regulation, anxiety, and processing speed. Despite this, none of [the Student’s] teachers were notified or provided guidance related to [the Student’s] IEP.”
 - c. The Principal failed to notify teachers, initiate an IEP review, or implement trauma informed supports.
20. The District reported, “[The Administrator] informed the school counselor who then checked in with the Student. The Student declined support that the counselor offered. [The Administrator] did not read the email as a directive to inform the Student’s teachers, but instead [they] saw it as a general request to support the Student.”
21. The Counselor stated they called the Student to their office after seeing the February 4, 2025 email. The Counselor asked the Student how they were doing and if they needed anything. The Student indicated they were going through some things and it was hard, but they were doing okay and had support. The Student indicated they did not need any help and declined to disclose additional details. The Counselor informed the Student that they could come see the Counselor any time.

22. On March 4, 2025, an incident occurred in the Student's medical terminology class, resulting in the Student and two other students (Student A and Student B) receiving referrals. "[The Teacher] and another teacher reported that the Student cheated on a test. Because cheating was a violation of the Student Council Code of Conduct, the Student was removed from Student Council and the accompanying class."
23. A March 4, 2025 incident statement categorized the incident as "Minor" and stated, "It was brought to my attention that this student cheated on their medical terminology final. Once you complete the final (which is taken on a computer) you have access to the answer key to see which problems you missed. This student along with their group members alternated who turned in their test first and then share [sic] the answer key with their group members."
24. The test was a collaborative, open-note test, taken over a two day period. Students were allowed to work in groups and discuss the questions, but each student submitted their own answers on their individual computers. According to the Teacher, they heard a student in the group telling the Student answers to questions during the test. The Teacher later learned that two of the students took turns submitting their answers, saw the correct answers, and told the other students in the group what they got wrong to help the others choose the correct answer. The Teacher checked the time stamps of when the tests were submitted. On the first day, one of the students in the group turned in their test eight minutes before the other two students. On the second day, a different student turned in their test seven minutes before the other students.

After this was discovered, the Teacher notified the three students involved that they believed the students had cheated and this would result in each receiving a zero on the test. The Teacher reported none of the students denied the accusation. When the Teacher asked if there was a misunderstanding about what occurred during the test, the students all said no.

25. The Teacher reported the following about the Student during the 2024-25 school year:
- a. At the beginning of each term, the Teacher prints copies of IEPs for students in their classes, reviews them, and makes sure they understand what needs to be implemented. The Teacher did not have a meeting with the Case Manager to discuss the Student's IEP or what the Teacher needed to implement, but the Teacher indicated the IEP was clear and did not require any explanation.
 - b. The Student was in the Teacher's class during the fall and winter trimesters. During the fall, on one occasion, the Student disclosed that they were going through a hard time and asked for an extension on an assignment, which the Teacher granted.
 - c. The Student never requested any accommodations in the Teacher's class. However, a lot of the accommodations were embedded in the class and provided to all students. This included sentence frames, graphic organizers, and repeated exposure to materials.

- d. The Student's IEP provided for extra time on assignments and tests. The Teacher would generally not approach the Student and offer extra time, but if the Student requested extra time, it would be provided. The Teacher reported the Student never requested extra time on a test, but completing tests within the time limit was never an issue for the Student.
26. The Parent and the Student maintained that the Student did not cheat on the test, no one gave the Student answers to test questions, and the three students followed the rules for group collaboration.
27. On March 5, 2025, Student A emailed the Teacher, stating, "I obviously know what happened was wrong, and I will definitely take the consequences of a [zero and referral], and whatever else you see fit because it is perfectly valid and reasonable."
28. On March 6, 2025, the Student was removed from Student Council. According to the Parent, "[The Student] was called into the library and forced to change [their] schedule to remove Student Council." This was done in front of approximately 50 peers "without any IEP supports present." The Student was visibly distressed and in tears throughout the day.
29. On March 6 and March 7, 2025, the Parent sent several emails to the Principal, the Counselor, the Administrator, the Teacher, and the Student Council Teacher to "formally appeal" the decision to give the three students referrals and remove them from Student Council. The Parent stated, "In addition to this unfair penalty, [the Student] has been facing significant personal challenges... I previously reached out to the school regarding [the Student's] academic struggles and the need for support, after an attendance letter was sent to me. I was assured that [the Administrator] would be notified, and yet I have not received any response from [the Administrator], [the Counselor] or [the Student's] teachers. This lack of communication is unacceptable, especially when it directly impacts a student's well-being and success. Instead of receiving the support [they were] entitled to, [the Student] is now facing an unjust consequence."
- The Principal replied on March 7, 2025, suggesting a meeting with the Parent to discuss their concerns.
30. The March 7, 2025 IEP Progress Report included progress information dated June 10, 2024, November 27, 2024, and March 7, 2025. The goals all included a progress code³ but did not include "Baseline Data from Present Level." The June 10, 2024 progress update for each goal stated, "IEP was held in the last thirty days, thus there was no data to denote progress." The Report included the following information for November 27, 2024 and March 7, 2025:

³ The IEP Progress Report uses the following progress codes: "1 - Your child did not work on this goal during the reporting period (see explanation below)." "2 - Progress is not sufficient to meet this goal by the time the IEP is reviewed. An IEP review will be held immediately." "3 - Progress has been made towards the goal, but the goal may not be met. Instructional strategies may need to be changed." "4 - Progress has been made towards the goal. It appears that the goal will be met by the next IEP review." "5 - Performance is at or above what is required to meet the goal by the next review."

- a. Math: The November 27, 2024 progress update included a progress code (4) and the comment stated, “[The Student] is currently earning a B in Discrete Math.” The March 7, 2025 progress code (1) indicated the Student “did not work on this goal during the reporting period” and the comment stated, “Not currently enrolled in a math class.” No progress scores were included.
 - b. Reading Comprehension: The November 27, 2024 progress update included a progress code (4), a score (“3/4”), and the comment stated, “Art history reading comprehension assignment data indicates [the Student] is meeting this goal.” The March 7, 2025 progress code (1) indicated the Student “did not work on this goal during the reporting period” and the comment stated, “Not currently enrolled in an English Language Arts class.”
 - c. Transition: The November 27, 2024 progress update included a progress code (4) and the comment stated, “In check-ins with case manager, [the Student] has indicated [they have] begun researching programs.” The March 7, 2025 progress update included a progress code (4) but did not include a comment. No progress scores were included.
 - d. Organizational/Study Skills: The November 27, 2024 progress update included a progress code (4) and the comment stated, “[The Student] is earning As and Bs in all of [their] classes, with minimal missing assignments at this time.” The March 7, 2025 progress update included a progress code (5), and a score stating, “0 missing assignments.”
31. Except for the November 27, 2024 Reading Comprehension goal score of “3/4,” the March 7, 2025 IEP Progress Report did not include any progress data relating to the Student’s specific goals or goal criteria.
32. On March 10, 2025, the School convened a meeting with the Principal, the Administrator, the Teacher, and the Parents.
33. In a March 10, 2025 email to the Principal, the Administrator, the Counselor, and the Teacher, the Parent stated, “While we understand that [the Student’s] counselor reached out to [the Student], unfortunately, none of [their] teachers were notified. Oregon schools are expected to follow trauma-informed practices when a student is experiencing emotional or personal hardship... I would like to ask the school to offer more support, and understanding to [the Student] the next 3 months, during this difficult time [they are] facing.”
34. On March 11, 2025, the Administrator interviewed the Teacher, Student A, and Student B, among others, about the cheating allegation. Student A and Student B claimed they did not cheat on the test. The Student was not interviewed.
35. On March 13, 2025, the Parent emailed a formal District complaint to the Superintendent and the School Board, “alleging that the District mishandled responding to the Student’s personal hardship ... and inappropriately disciplined the Student for cheating.”
36. The Parent’s March 13, 2025 District complaint included the following, among other things:

- a. The School contacted the Parent in February 2025 because the Student had eight absences for the school year. Some of the Student's absences were "due to the emotional toll of personal challenges [the Student] is currently facing."
 - b. The February 4, 2025 email "specifically requested that [the Student's] teachers be informed about [their] situation and that additional emotional and academic support be provided."
 - c. The three students accused of cheating "already had A's in the class, reinforcing that they had no motive to cheat or gain an unfair advantage." Student B "finished the test before the others, which was consistent with [their] strong academic ability. [The Student] has been known to take [their] time on tests, and [the Student] has an IEP stating this also... [Student B] did not directly provide answers to [Student A] or [the Student]."
37. The District agreed to allow the Student to remain in Student Council until the District's investigation was completed.
38. From March 18 through 20, 2025 the Assistant Superintendent interviewed the Parents, the Teacher, the Dean of Students, and other school staff.
- a. The Teacher reported they follow the Student's IEP, but they did not think the IEP was related to this incident.
 - b. The Student Council Teacher reported they were worried about how the accusation of cheating and removal from Student Council would affect the Student and their mental state. "I just feel like [the Student is] very fragile and [they] had some really close friends and Student Council, and then they fell apart... I worry about [the Student] a lot." If the Student cheated, there should be consequences "but I want to make sure, however it's handled, they're *sic* good supports in place for [the Student]."
39. On March 19 and 20, 2025, the Parent emailed the School, stating the Student was "staying home from school for a mental health day. The ongoing situation has taken an emotional toll" and the Student's medical provider recommended that the Student "take time to rest and recover, both physically and mentally."
40. The Parent provided the District with a March 20, 2025 letter from the Student's medical provider, which stated, "I am seeing [the Student] for physical and emotional symptoms related to an ongoing situation at school. [The Student] has been experiencing fatigue, appetite changes, emotional withdrawal, and increased sensitivity. These symptoms are consistent with the emotional stress [they have] been under due to the school situation. Given the impact on [the Student's] health and well-being, I recommend that [they] should be allowed time to recover and receive appropriate emotional and academic support."

The Parent provided a second letter from the Student's medical provider (undated) stating the Student should be allowed to continue in Student Council; the Student will need "flexibility with excused absences" for therapy "to process related trauma"; and the Student "must be able to rely on [their] IEP to the fullest extent possible in order to provide [them] support, academically and emotionally, while [the Student] navigates this difficult time until graduation."

41. The Parent reported, following the accusation of cheating and the District's response, "[the Student] experienced increased emotional withdrawal, fatigue, and anxiety, symptoms [the Student's] physician directly linked to the way the situation was handled by the school. Although a counselor reportedly reached out, no structured support or follow up plan was created, nor was [the Student's] IEP referenced or reinforced."
42. On March 31, 2025, the District provided a written response to the Parent's March 13, 2025 complaint, making the following determinations, among other things:
 - a. "[T]he evidence shows that [the Student] and two students engaged in cheating on the medical terminology final test... [the Student's] referral will go through the system... [The Student's] grade will remain as determined by the teacher of record." The removal from Student Council was appropriate, according to the Student Code of Conduct.
 - b. The District offered to connect the Student "with the School Based Health Center or [the District] social workers to find outside counseling services that align with [the Student's] needs."
43. On March 31, 2025, the Parent filed this Complaint.
44. The Parent claimed the following, among other things:
 - a. The Student was "entitled to immediate trauma-informed support under [their] IEP[.]"
 - b. "[T]he school's lack of IEP implementation and trauma-informed response denied [the Student] a Free and Appropriate Public Education during this period."
 - c. "[The Student's] IEP requires that emotional and behavioral considerations be accounted for in all educational and disciplinary decisions... There was no individualized inquiry into [the Student's] behavior."
 - d. "[T]he district was obligated to ensure that all of [the Student's] teachers and service providers were informed of [the Student's] specific accommodations and emotional support needs."
45. The District's April 18, 2025 written *Response* stated, in relevant part:

- a. "The Parents did not allege that any of the specific accommodations provided in the Student's IEP were not implemented. Instead, they broadly allege a vague failure to implement accommodations, suggesting that the IEP included accommodations related to emotional support for the Student's personal hardships... the IEP did not contain any of those types of accommodations because the Student's disability due to attention processing did not necessitate accommodations related to emotional support."
- b. "[N]othing suggests that the Student cheated due to [their] disability or due to any failure to implement [their] IEP. Further, nothing suggests that [their] disability or IEP would dictate a different response to the cheating incident from the District."
- c. "After learning at [sic] the Student's emotional stress, the IEP team met to discuss whether the team needed to conduct any evaluations based on the new information."

IV. DISCUSSION

When IEPs Must Be in Effect

The Parent alleged that the District violated the IDEA by not providing special education and related services in accordance with the Student's IEP.

School districts must provide special education and related services to a student with a disability in accordance with the student's IEP.⁴ As soon as possible after the development of the IEP, the services included therein must be made available to the student.⁵ The 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 and the specific accommodations, modifications, and supports in accordance with the IEP.⁶ "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."⁷

There is no expectation that IEPs be implemented with perfection under the IDEA. "[A] district does not violate the IDEA unless it is shown to have materially failed to implement the child's IEP. A material failure occurs when there is more than a minor discrepancy between the services provided... and those required by the IEP."⁸ "[T]he materiality standard does not require that the child suffer demonstrable education harm... However, the child's educational progress, or lack of it, may be probative of whether there has been more than a minor shortfall in the services provided." If a child is not provided with instruction as required, a shortfall in achievement would indicate a material failure to implement the child's IEP. "On the other hand,

⁴ OAR 581-015-2220(1)(a); 34 CFR § 300.323(c).

⁵ OAR 581-015-2220(2)(b); 34 CFR § 300.323(c)(2).

⁶ OAR 581-015-2220; 34 CFR § 300.323.

⁷ Questions and Answers on U.S. Supreme Court Case Decision *Endrew F. v. Douglas County Sch. Dist.*, Re-1, 71 IDELR 68 (EDU 2017).

⁸ *Van Duyn v. Baker Sch. Dist.* 5J, 502 F3d 811, 815 (9th Cir. 2007).

if the child performed at or above the anticipated level, that would tend to show that the shortfall in instruction was not material.”⁹

“IEP Teams must implement policies, procedures, and practices relating to... how a child’s progress towards meeting annual goals will be measured and reported,” to ensure that the district offers “an IEP reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances.”¹⁰ “IEP Teams should use the periodic progress reporting required [by the IDEA] to inform parents of their child’s progress.”¹¹

There were two IEPs implemented during the complaint period, the May 2023 IEP and the June 2024 IEP. The Student’s IEPs identified the need for SDI in the areas of reading, math, organization, and transition. Services and supports were included to address the Student’s SLD in the areas of reading fluency, reading comprehension, listening comprehension, and math calculations. The IEPs did not mention any additional disability-related needs or concerns. The IEPs did not identify a need for services or supports related to emotional distress, anxiety, or any additional eligibility category.

The alleged cheating incident and the District’s response to the incident were not related to the Student’s special education. There was nothing in the Student’s June 2024 IEP that would implicate the District’s response to the incident, including issuing a referral and removing the Student from Student Council according to the Student Code of Conduct. There is no evidence that the District failed to implement the Student’s IEP during this process.

However, the parties provided conflicting information related to the implementation of the Student’s SDI during the 2024-25 school year. The Parent reported the Student did not receive SDI in any of their general education classes and had minimal contact with the Case Manager. The Case Manager reported meeting with the Student at the beginning of the school year and on two or three other occasions, as well as additional interactions when they saw the Student in the hallway. The Case Manager stated SDI was provided by general education teachers and they collaborated with the teachers as needed. The IEP was primarily implemented through accommodations provided by the Student’s teachers in the general education classroom, and the Student’s IEP goals aligned with classroom instruction. When asked what information they used to write the Student’s IEP progress reports, the Case Manager indicated they used the Student’s grades, assignments, and teacher feedback on assignments found in the district’s grading system.

As it was unclear what SDI looked like in the Student’s general education classes, the District was asked for supplemental information on SDI implementation. In response, the District submitted detailed information reported to be provided by the Case Manager. The Student’s general education teachers delivered SDI, but the Case Manager was involved in the development, planning, and progress monitoring of the Student’s SDI. The Case Manager supervised the implementation of SDI “by meeting with the Student and consulting with the

⁹ *Id.* at 822.

¹⁰ Q&A on *U.S. Supreme Court Case Decision Endrew F.*, 71 IDELR 68.

¹¹ *Id.*

general education teachers on the Student's goals and supports." The District reported the Case Manager monitored the Student's progress through weekly check-ins with the Student, checking the grading system, and conversations with teachers.

When asked to describe the implementation of the Student's IEP and development of IEP progress reports, the Case Manager did not report the level of collaboration, supervision, and progress monitoring described by the District in follow-up inquiries. It is unclear which of the Student's general education teachers delivered SDI, in which area, or whether instruction was provided and monitored on specific IEP goals. When asked, the Teacher reported they did not have a discussion with the Case Manager about the implementation of the Student's IEP.

In response to the information provided by the District, the Parent maintained that no direct instruction in math, reading, organization, or transition was provided to the Student. If check-ins occurred, the Student was not aware that they were connected with their IEP goals or progress monitoring. While IEP Progress Reports were available online, they were not sent to the Parent and the Parent claimed to be unaware of them.

The March 7, 2025 IEP Progress Report lacked progress data and did not include evidence of instruction provided specific to the IEP goals. Only one progress score was included that related to goal criteria. The information provided appears to be based on grades and assignment data, which is consistent with statements made by the Case Manager. Additionally, the IEP Progress Report stated the Student was not enrolled in a math or language arts class during the winter trimester, and did not work on their math or reading comprehension goals during that time.

It is unclear whether, or to what extent, general education teachers implemented SDI as required by the Student's IEPs. The only documented information related to the provision of SDI was in the IEP Progress Reports, which did not provide measurable data or other information sufficient to determine whether the Student made progress on their IEP goals. At a minimum, the IEP Progress Reports indicated Student's SDI in math and reading was not provided during the winter trimester, December 3, 2024 to March 7, 2025. The failure to provide SDI in accordance with the Student's IEP, along with a lack of progress information, constituted a material failure to implement the Student's June 2024 IEP.

The Department substantiates this allegation.

Free Appropriate Public Education (FAPE)

The Parent alleged 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.¹² In order to determine whether a student has been denied a FAPE, the courts review a district's compliance with the procedural and substantive components of the student's education. Reviewing courts must

¹² OAR 581-015-2040(1); 34 CFR § 300.101(a).

inquire 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.¹³

Not every procedural error is sufficient to rise to a denial of FAPE.¹⁴ The procedural test consists of three pivotal procedural errors: (1) whether the student suffers a loss of educational opportunity;¹⁵ (2) whether the parent's right to participate in the IEP process was infringed;¹⁶ or (3) whether the procedural error caused a "deprivation of educational benefit."¹⁷ Procedural errors rise to the level of a denial of FAPE where, absent the errors, there is a "strong likelihood" that alternative educational possibilities for the student "would have been better considered."¹⁸

The failure to implement the Student's IEP was material. IEP Progress Reports did not include progress information sufficient for the Parent to determine whether the Student was making progress on their IEP goals. However, there is insufficient evidence to determine that these errors prevented the Student from accessing the general education curriculum, resulted in a loss of educational opportunity, deprived educational benefit, or constituted a denial of FAPE.

The Department does not substantiate this allegation.

V. CORRECTIVE ACTION

In the Matter of Oregon City School District 62 *Case No. 25-054-019*

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

Action Required	Submissions	Due Date
1. The District must ensure that all District staff who were responsible for implementing the IEPs for this Student receive training in each of the following areas: <ul style="list-style-type: none">• IEP Implementation;• Delivery of Specially Designed Instruction;• Progress Monitoring.	Training agenda/materials to ODE for review/approval. Sign-in sheet for training.	September 1, 2025 October 31, 2025

Dated: this 30th Day of May 2025

¹³ *Andrew F. v. Douglas Cty. Sch. Dist.*, 137 S.Ct. 988, 999 (2017).

¹⁴ *Amanda J. v. Clark Co. Sch. Dist.*, 267 F.3d 877, 892 (9th Cir. 2001) (citing *Roland M. v. Concord 13684 Sch. Comm.*, 910 F.2d 983, 994 (1st Cir. 1990)).

¹⁵ *W.G. v. Bd. of Trustees of Target Range Sch. Dist.*, 969 F.2d 1479, 1484 (9th Cir. 1992).

¹⁶ *Id.*

¹⁷ *Amanda J.*, 267 F.3d at 892 (citing *Roland M.*, F.2d at 994).

¹⁸ *M.L. v. Federal Way Sch. Dist.*, 394 F.3d 634, 657 (9th Cir. 2005)



Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing Date: May 30, 2025

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).)