BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of Scappoose School District 1J	))))	FINDINGS OF FACT, CONCLUSIONS, AND FINAL ORDER Case No. 25-054-051

I. BACKGROUND

On July 30, 2025, the Oregon Department of Education (Department) received a written request for a special education complaint investigation (Complaint) from the parent (Parent) of a student (Student) residing in the Scappoose School District 1J (District). The Parent requested that the Department conduct a special education investigation under OAR 581-015-2030. On August 6, 2025, the Department received additional allegations from the Parent. The Parent requested that these additional allegations be included in the Complaint. 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 in order to engage in mediation or local resolution or for exceptional circumstances related to the complaint.[2]

On August 5, 2025, the Complaint Investigator sent the Parties a *Request for Response (RFR)*. The Parties agreed to pause the investigation timeline to participate in mediation on August 7, 2025. The mediation was unsuccessful and the Complaint Investigation resumed on June 22, 2026. On June 23, 2026, the Department's Complaint Investigator re-issued the *RFR* to the District identifying the specific allegations in the Complaint.

The District submitted a *Response* on August 22, 2025, denying the allegations, providing an explanation, and submitting documents supporting the District's position. The District submitted the following relevant items:

1. [The Student] Education Plan, 08/23/24-05/23/25
2. Sp[ecial] Ed[ucation] Groups, 10/03/25
3. Kindergarten Report Card, no date
4. Daily Attendance Profile, 06/02/25
5. Notice of Team Meeting, 08/22/24, 12/11/24
6. Documentation of Team Meeting Form, 09/06/24

[1] (OAR 581-015-2220; 34 CFR § 300.323)
[2] (OAR 581-015-2200; 34 CFR § 300.320)

7. Prior Notice of Special Education Action, Proposal, 09/06/24
8. Individualized Education Program, 09/06/24, amended 11/18/24
9. Prior Notice about Evaluation/Consent for Evaluation, 10/14/24
10. Documentation of Team Meeting Form, Annual IEP, 11/18/24
11. Prior Notice of Special Education Action, Proposal, 11/18/24
12. Documentation of Eligibility/ReEvaluation Team Meeting Form, 01/14/25
13. Statement of Eligibility for Special Education - Developmental Delay, 01/14/25
14. Statement of Eligibility for Special Education - Speech or Language Impairment, 01/14/25
15. Confidential Psychoeducational Evaluation Report, 01/09/25
16. Emails between parties, 11/18/24-06/25/25

The Parent submitted a *Reply* on July 6, 2026, providing an explanation and rebuttal and documents in support of the Parent's position. The Parent submitted the following relevant items:

1. Parent's *Reply* to the District's *Response* to *RFR*, 07/06/26
2. Record of Actual Services Delivered, 09/2024-01/2025
3. Speech Services Instruction, no date

The Complaint Investigator interviewed the Parent on July 24, 2026. From July 20 to July 27, 2026, the Complaint Investigator interviewed District personnel. 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 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 7, 2024, to the filing of this Complaint on August 6, 2025.

Allegations	Conclusions
When Individualized Education Programs (IEP)s Must Be In Effect The Complaint alleged the District violated the IDEA by not providing speech services in accordance with the Student's IEP at the beginning of the 2024-25 school year when speech services did not start until October, 2024. Further, speech instruction was only offered six times, "led by an assistant 5 out of six classes", and "then instruction stopped" after "December 10, 2024."	**Not Substantiated** The District provided speech services at the beginning of the 2024-25 school year.

Allegations	Conclusions
(OAR 581-015-2220; 34 CFR § 300.323)	
Content of IEP The Complaint alleged the District violated the IDEA by not including "any ideas or recommendations regarding [the Student's] identified developmental delays" in the Student's IEP. (OAR 581-015-2200; 34 CFR § 300.320)	**Not Substantiated** The Student's IEP did include support and services for issues related to the Student's developmental delay.
Parent Participation and Consent The Complaint alleged the District violated the IDEA by not providing documentation or notification in the Parent's native language, Turkish, including the initial consent for special education services. (OAR 581-015-2090(1), OAR 581-015-2190(3), ORS 343.159(3); 34 CFR § 300.9(a))	**Not Substantiated** The District provided the Other Parent with required documentation in their preferred language.

REQUESTED CORRECTIVE ACTION

1. There will be no retribution against the Student and/or the Parent by any adult within the District, now or in the future.
2. The District will provide a full day of training to all school administrators in the requirements of following an IEP, and a minimum two-hour training for all other certified personnel (to include teachers and assistants). The training will be provided by an appropriate person from outside the District and take place before the end of 2025.
3. Require the District, beginning in the school year 2025-26, to provide a full year of appropriate speech instruction for the Student, based on the Student's already identified IEP speech goals and articulation problems. Every class needs to be directed by a certified speech teacher, and not the ESD Speech Teacher. Class time will meet the IEP required time of 80 minutes/month.
4. The Teacher/School District and the Parent will communicate regularly, as appropriate, defined as when there is something of note or questions. This might work out to email communication between the District and the Parent every couple weeks. Responses will be provided within 1-4 business days.
5. When the program notes start to reflect the Student is meeting all their goals, then a speech evaluation, including standardized measures, will be performed by a certified speech teacher from outside the District. Based on this evaluation, the District and the Parent can consider the next steps regarding the Student's special education/speech.
6. The District will provide all documents, notifications, and emails regarding the Student's special education program for the school year 2024-25 in Turkish to the Parents by the

end of September 2025. Any further communication from the District to the Parents will be provided in both English and Turkish.

7. Audit the District communications for school year 2024-25, for English as-second-language parents whose child/children have lEPs, to determine if this is a target at the Student's Parent or a continuing violation by the District.
8. If it is found to be a continuing violation on the part of the District, then [1] document/write up the Teacher and the Superintendent, who are responsible; [2] require the District to rectify this violation with all appropriate parents, for the 2024-25 school year, and direct them to continue it in the future.
9. To ensure this compliance, require the Teacher/Office of Special Programs to document annual completion, signed by the Superintendent at the end of the next three school years: 2025-26, 2026-27, 2027-28, and submit it to ODE, Office of Student Services, Dispute Resolution Section.

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 August 7, 2024. Any facts listed below relating to circumstances or incidents earlier than that date are included solely to provide the context necessary to understand the Student's disability and special education history.

1. The Student is seven years old and attends an elementary school in the District. The Student was in Kindergarten during the Complaint period.

2. The Student is a kind, attentive, and social student who exhibits excellent classroom work habits and age-appropriate motor and adaptive independence.

3. During the Complaint period, the Student was eligible for special education services through the IDEA under a primary eligibility of "Speech or Language Impairment" (SLI) and a secondary eligibility of "Developmental Delay" (DD).

4. A Home Language Survey, dated May 17, 2024 for the 2024-25 school year, was completed by the Other Parent and indicated the following:
   a. The preferred language for both District and School communication was "English."
   b. No interpreter was needed.
   c. Home Language was marked as "English."
   d. Correspondence Language indicated "English."
   e. Under the section asking to include additional correspondence languages, no other language was marked or included.

5. A "Records for [the Student]" document, dated August 23, 2024 through May 23, 2025, included the following relevant information:

a. On August 26, 2024, the regional Education Service District (ESD) notified the District that the prior speech-language pathologist serving the District had resigned and a request for a new hire had been initiated.
b. On September 6, 2024, another Speech Language Pathologist (SLP2) reviewed the School's caseload with the Speech Language Pathologist Assistant (SLPA) and provided direction on how to prepare for the new speech provider who was starting on September 23, 2024.
c. On September 10 and 17, 2024, the SLPA was at the School "setting up schedules for kids."
d. On September 16, 2024, the SLPA worked "under the direction of" the Interim SLP.
e. The newly hired SLP (SLP 1) had a start date of September 16, 2024, but did not arrive at the School until September 23, 2024 due to onboarding.

6. A Notice of Team Meeting, dated August 22, 2024, indicated:
   a. Notice was sent to both Parents.
   b. A meeting was planned for September 6, 2024 at 10:30 a.m. to develop or review the IEP and to transition an Individualized Family Service Plan (IFSP) to a school-age IEP.

7. The Student's IEP, dated September 6, 2024, indicated the following:
   a. The meeting participants section marked "No" for a District interpreter.
   b. The Student's strengths and weaknesses section noted the Student's preschool teacher described the Student " ... has advanced memory. … [The Student] knows some sight words and can spell a 2[-] and 3[-]letter word. [The Student] knows all of [their] numbers and can write up to 100. [The Student] knows how to count in 10[s]. … knows [their] decimals: ones, tens, and hundred place and is familiar with even/odd."
   c. The procedural safeguards section had a box checked next to "yes" for "parent was provided the special education procedural safeguards in his/her native language or other mode of communication."
   d. The special factors section indicated:
      i. A checked box of "no" for if the Student had limited English proficiency.
      ii. A checked box of "yes" for if the Student had communication needs.
   e. The present levels of academic achievement and functional performance (PLAAFP) section stated:
      i. Fine and gross motor skills, pre-academics, and adaptive behavior domains indicated no goals needed.
      ii. The social or emotional development domains noted the Student needed to learn to follow directions for non-preferred activities across settings.
      iii. The expressive communication domain stated the Student needed to learn to produce age-appropriate speech sounds and correct pronoun types in spontaneous speech.
      iv. The English Language learner subsection stated, "[The Student] and [their] family are native English speakers."
      v. Disability impact stated, "Due to the Speech and language impairment and developmental delay eligibilities [*sic*], [the Student] is not currently impacted in the academic areas of Reading, Math, and Writing. [The Student] benefits from accommodations including but not limited to access to break area, [and] access to social stories."

vi. The communication section indicated, "[The Student] struggles with articulation of certain age[-]appropriate sounds that make it challenging for listeners to understand and know [their] wants and needs when verbally communicated to peers and adults."

f. Statewide assessments were not conducted at the Student's grade level.

g. The Student would participate in standard District-wide assessments at their grade level with no additional supports for reading and math.

h. Goals for the duration of the IEP, measured by data collection four times yearly, were indicated as:
   i. Articulation: "By next annual IEP review date, [the Student] will increase speech intelligibility by verbally producing age-expected speech sounds in all positions of single words and phrases with 80% accuracy as measured by SLP/SLPA data over three consecutive sessions."
   ii. Expressive Language: "By [the Student's] next annual IEP review date, [the Student] will demonstrate increases in [their] expressive language skills by using correct parts of language (adjectives, pronouns) in 4/5 opportunities as measured by SLP/SLPA data and observation over three sessions."
   iii. Social Communication: "Given direct instruction and adult support, [the Student] will participate in school routines and fully engage in the classroom, [the Student] will follow simple directions for non¬preferred activities during large and small groups by meeting the following objectives in 3/4 opportunities by annual review."

i. Services with a start date of September 9, 2024 through September 5, 2025, provided by the Local Education Agency (LEA) or regional provider, in the school-wide setting, monitored by the SLP, the SLPA, and a Special Education Teacher/Provider were indicated as:
   i. Speech and Language Therapy for 80 minutes per month.
   ii. Social skills for 30 minutes per week.

j. Supplementary aides, services and accommodations with a start date of September 9, 2024 through September 5, 2025, provided by the LEA, in the school-wide and/or in the general education or special education classroom setting, monitored by the general education teacher included:
   i. Access to a break area as needed.
   ii. Social stories taught regarding new expectations and routines.
   iii. Preferential seating daily.

k. Program modifications and supports for school personnel with a start date of September 9, 2024 through September 5, 2025, provided by the LEA, in the school-wide setting, monitored by the Special Education Teacher/Provider, included:
   i. Consult with the general education teacher for 30 minutes per month.

l. Nonparticipation justification and explanation indicated:
   i. "[The Student] will be receiving 50 minutes, 3% of the school week for specially designed instruction, of removal from typical peers in the regular classroom."
   ii. "[The Student] will be receiving specially designed instruction in the areas of social communication and speech to support [their] goals in these areas."

m. The placement determination selected stated:
   i. "General Education Classroom with Specially Designed Instruction (SDI) provided in a push-in and/or pull[-]out support model[,] small groups and/or classroom support[.]"

ii. Benefits of selected placement: "Most of the day with the general education teacher, curriculum, and same-age peers and SDI provided in a quiet setting with a low student-to-teacher ratio."
iii. Possible harmful effects: "Time away from the general education teacher, curriculum, and same-age peers[.]"
iv. Modification/Supplementary aids and services considered: "As provided in the IEP Service Summary page[.]"

8. A "Documentation of the Team Meeting" form, dated September 6, 2024, stated the following relevant information:
   a. A parental rights link was sent to the Parents with the meeting notice.
   b. A parent was in attendance, indicated with a marked "X."
   c. The present levels section included:
      i. Parent concerns stated, "Parents shared about [the Student's] growth specifically around speech."
      ii. "[The Student] is learning multiple language [*sic*] in the home[.]"
   d. Goals were reviewed, developed, and "agreed upon by the team."

9. In a September 6, 2024 Prior Notice of Special Education Action, the District proposed transitioning the Student from an IFSP to a school-age IEP by adding goals and SDI for speech and social communication. This action was based on team input and previous IFSP records to support the Student's progress in the general education environment. The team considered and rejected the option of not converting the plan, and concluded the specialized services were necessary for the Student's school success.

10. A summary of services from the Student's September 6, 2024 IEP included:
    a. A section of treatment notes from October 1, 15, 22, and 29, 2024, November 5, 2024, December 10, 2024, and January 7, 2025, reflected services provided by the SLPA. It also included an evaluation session on November 12, 2024, an IEP review on November 18, 2024, and that the SLP and SLPA were unavailable on November 19, 2024 and January 14, 2025.
    b. It was noted the Student was bicultural and bilingual, and that the family spoke Turkish, along with commentary about the Turkish language not using "onset clusters," only using 21 consonants and short vowels, and "syllable stress in words on final syllable."

11. The 2024-25 school year for Kindergarten-age students started on September 8, 2025.

12. A document titled, "[The Student] - comparison of special education speech services IEP required vs[.] [the School]-delivered," which was provided by the Parent and included information from September 2024 through January 2025, contained the following relevant information:
    a. The Student had no speech sessions in September 2024.
    b. October 1, 2024 - the Student had a speech session with the SLPA. Notes about the Student's performance stated, "required moderate to high cues to approximate sound."

c. October 15, 2024 - the Student had a speech session with an SLP (who was described as a teacher) and the SLPA. Notes about the Student's performance stated, "difficulty … 's' blends initial, final."
d. October 22, 2024 - the Student had a speech session with the SLPA. Notes about the Student's performance indicated, "'sh' initial, final needed min[imal] to mod[erate] reminders to keep it from 's' sound … blends still difficult."
e. October 29, 2024 - the Student had a speech session with the SLPA, and per the draft IEP, the School Psychologist was also in the class. Notes about the Student's performance stated, "able to produce /sh/ in sentence [the Student] created, 3/3 [student selection reflects words already known] … per draft IEP 1/25 [p.6], [the School Psychologist] wrote that [the Student] also had difficulty with 'th' sound."
f. November 5, 2024 - the Student had a speech session with the SLPA. Notes from the SLPA about the Student's performance indicated, "using story [the Student] already knew (invalidates results), reports says producing sh and s easily. … when asked to produced [*sic*] /s/ blend words, none correct (errors 3/3) … with moderate cues and prompting, could accurately create one blend."
g. December 10, 2024 - the Student had a speech session with the SLPA. Notes about the Student's performance indicated, "in words given sh- and /s/, made initial productions incorrectly but was able to fix."
h. The Student was absent on January 7, 2025.
i. The document stated the Student's required SDI time, per their IEP (no date provided), was 80 minutes per month, and 400 minutes were required between September 2024 and January 2025. The document reported the Student only received 120 SDI minutes during that time.
j. According to the document, it was noted the Superintendent and the Director of Special Education Services met with the Parent on March 3, 2025, and stated the "speech teacher" and the "assistant" were in class with the Student "every time."
k. The document indicated the Student had been removed from special education services in February 2025 during a call between the Parent, the Director of Special Education Services, and the Principal.

13. In an email exchange between the Parent, the Other Parent, and the School Counselor from September 16 through 19, 2024, the following was discussed:
    a. The Other Parent requested an evaluation to "determine if [the Student] still needed the service" and questioned why the Student was being pulled out of class away from their typical peers.
    b. The School Counselor responded and explained that the Student was being pulled out for 30 minutes each day to receive small-group social skills support four days a week and speech services on Tuesdays, as laid out in the IEP.
    c. The Other Parent replied and requested the Student be entirely removed from the "IFSP program" so they could continue with the normal school curriculum.
    d. The School Counselor stated that a complete removal would end all specialized interventions and accommodations and outlined the mandatory protocol to meet with the IEP team to request a discontinuation of services.

e. The Parent replied and countered the Other Parent's position, stating they did not want the Student removed from the IEP because the Student was not yet ready to handle tasks without it.

14. In an email dated October 3, 2024 to the Parents, SLP 1 introduced themselves and described their role as the SLP that was to support the Student, along with the SLPA, with the Student's education. SLP 1 indicated they were hired two weeks ago and stated, "… we have only this week been able to implement the full intervention schedule."

15. In an October 14, 2024 Prior Notice and Consent for Evaluation, the District proposed a three-year special education reevaluation under the categories of SLI and DD. Under other factors considered by the team, the document recorded that "[The Student's] [Other Parent] indicated [the Student] has made great progress and is doing well. [The Other Parent] has no concerns at this time." The Other Parent provided electronic consent for the proposed evaluation plan on October 28, 2024.

16. A Special Education Groups document, revised on October 3, 202[4], indicated:
    a. The Student's assignment to a social skills group from 9:30 a.m. to 9:50 a.m. on Monday, Tuesday, Thursday, and Friday.
    b. The Student received speech services under "Schedule A" from 12:35 p.m. to 1:00 p.m. during the general education classroom block.

17. An IEP amendment, dated November 18, 2024, included the following relevant information:
    a. The PLAAFP section stated:
        i. Noted: "... the Social Communication goal as well as the service minutes for this goal will be removed from [the Student's] IEP as the team decided that [they] met this goal. The team met with [the Other Parent] and [they] inquired about removing social communication on the IEP. As a team, it was determined that [the Student] met this goal and that it would be removed from the IEP."
        ii. The English language learner section stated, "[The Student] and [their] family are English speakers. [The Student] is learning many language[s] and is bilingual. [The Student] does not qualify for English Language Learner services."
    b. The goal section indicated for the Social Communication goal, "This goal was met and will end of [*sic*] [November 22, 2024]." November 1, 2024 progress on goals indicated:
        i. "[The Student] will follow familiar and established social routines and rules with familiar adults in familiar environments with one redirect (Social Emotional Strand A-3.2, Social Emotional Strand E-2.1 & E-3.2). [The Student] is able to accomplish this objective in 4 out of 4 opportunities."
        ii. [The Student] will follow directions for non-preferred activities or non-established routines when given a choice of two options that are acceptable to adults with one redirect (Social Emotional Strand D3.2). [The Student] is able to accomplish this objective in 3 out of 4 opportunities."
        iii. "[The Student] will follow directions for non-preferred activities or non-established routines with one redirect (Social Emotional Strand E2.2). [The Student] is able to accomplish this objective in 4 out of 4 opportunities."

c. The Student's weekly 30-minute Social Skills services in the school setting were scheduled to end on November 22, 2024.
d. The Nonparticipation justification stated, "The IEP will be amended after 11/22/2024[.] [The Student] will be receiving 20 minutes, 1% of the school week for specially designed instruction of removal from typical peers in the regular classroom."

18. The November 18, 2024 Team Meeting notes included the following relevant information:
    a. Purpose of the meeting stated, "[The Other Parent] does not think [the Student] needs support any longer[.]"
    b. Current Services were listed as 20 minutes of social communication two times a week and expressive language and articulation speech services.
    c. The present Levels section stated:
        i. "[The Other Parent] - I don't think [the Student] should be eligible for this program. [The Other Parent] feels like [the Student's] behaviors are appropriate."
        ii. "The team has determined that [the Student] has met the goal for social communication and does not warrant a new goal. [The Other Parent] has concerns that the identification of developmental delay is not appropriate. We discussed that the primary eligibility is for Speech or Language Impairment. The speech and language pathologist was not initially present therefore the team made no adjustments to these services. The team also discussed that [the Student] is due for re-evaluation in Feb. 2025. Consent for this evaluation was received through email. The team will reconvene before the re-evaluation deadline to determine whether [the Student] continues to qualify as a student with a developmental disability and a student with a speech impairment."
        iii. Based on data showing the Student met the targeted benchmarks, the team removed the social communication goal and the service minutes from the IEP.

19. In a November 18, 2024 Prior Notice of Special Education Action, the District proposed amending the Student's IEP by removing the social communication goal and its service minutes. This action was initiated after the Other Parent inquired about the removal, leading the team to determine, through parent, staff, and teacher input that the Student had successfully met the goal. The team considered and rejected the option of keeping the goal on the IEP, noting that an upcoming three-year reevaluation would determine the ongoing status of the remaining speech services.

20. In a November 25, 2024 email to the Parent and the Student's team, the Principal addressed the Parent's concerns regarding a recent IEP review, apologizing for the Parent's inability to participate due to a work conflict. The Principal explained the team moved forward with the Other Parent since both individuals held educational decision-making rights, assuming parental alignment on the Student's needs. Additionally, the Principal clarified the intervention schedule had not yet been altered, confirming the Student was still actively receiving social skills support. Finally, the Principal noted that the reevaluations for SLI and DD were underway, and indicated both speech and social skills services would continue until the team reconvened for the eligibility meeting.

21. A December 11, 2024 Notice of Team Meeting was issued to both Parents, indicating a meeting was planned for January 14, 2025 at 3:25 p.m. The purpose of the meeting was marked as "Reevaluation meeting."

22. A January 9, 2025 Psychoeducational Evaluation Report documented the Developmental Profile 4 (DP-4) standardized test, and that the Student scored within the "Average, Above Average, and Well Above Average" ranges across all physical, functional, and cognitive domains. Language and cultural considerations noted English was the "primary language" spoken at home, and the Parent also spoke Spanish and Turkish. The results reflected the diagnostic ratings submitted by the Parent, the Other Parent, and a classroom teacher. The summary of findings stated, "Based on the results of the evaluation … [the Student] does not demonstrate delays in developmental skills."

23. The January 14, 2025 Documentation of Eligibility/Re-evaluation Team Meeting notes detailed the following:
    a. Both Parents were in attendance.
    b. The team reviewed data across five key domains of development, noting that the Student scored in the average or above-average range in all areas and used English as a primary language, despite being bilingual in Turkish.
    c. Review of eligibility forms section stated, "... The full team agrees that [the Student] does not qualify for Speech and Language Impairment. … The team agrees that [the Student] does not qualify for Developmental Delay." [The Parent], refused to indicate [their] agreement until [they] read the DD report."
    d. Placement indicated, "[The Student] does not qualify for special education services."

24. A Prior Notice of Special Education Action, dated January 14, 2025, detailed the District's determination that the Student "no longer qualifies for special education under either of these categories," regarding Speech and Developmental Delay. The notice outlined this change in identification was based on file review, observations, teacher and parent input, evaluations, screenings, and the September 6, 2024 IEP. It was indicated the Student was ineligible for continued services, while noting the Parent "requested additional processing time before signing" the final eligibility paperwork.

25. A January 14, 2025 Statement of Eligibility noted the Student did not qualify for special education services under either the DD or SLI categories. Both the Parent and the Other Parent signed the paperwork. For the DD determination, the Other Parent agreed to the determination, while the Parent neither agreed nor disagreed, as marked with an "X" next to both boxes but no "X" inside either box, whereas both Parents checked the "agree" box that the Student was no longer eligible under SLI. The team marked the designated checkboxes on both statements, confirming that a copy of the evaluation reports and eligibility statements was provided to the Parents.

26. In a May 23, 2025 email to the Director of Special Education Services, the Parent asserted the District did not provide special education documentation in Turkish.

27. A daily attendance profile for the 2024–25 School year for the Student documented a total of 6.5 days of excused absences on seven separate dates due to illness, medical or dental appointments, and prearranged travel, with zero unexcused absences recorded. Prearranged travel was logged on January 6 and 7, 2025. The log indicated one excused tardy and two early departures for medical appointments.

28. An undated Kindergarten 2024-25 school year report card for the Student indicated they met grade-level expectations across all academic, social-emotional, and adaptive categories, while exceeding standards in phonics and word recognition. It stated Student received "nearly meeting standards" marks in music due to occasional participation and engagement difficulties, though their general education classroom teacher noted consistent foundational progress in literacy and math.

29. In an August 18, 2025 email exchange, the General Education Teacher, the Case Manager, the School Counselor, the Student Information and Assessment Specialist, and the Director of Special Education Services inquired regarding the Student's family requesting documentation in Turkish. Each team member responded individually, stating they "never" received requests from the Student's family for documentation in Turkish.

30. On August 6, 2025, the Parent filed this Complaint.

31. In an Interview with the Complaint Investigator, the Parent indicated there were "a whole wide variety of reasons [the District] came up with why [speech-language therapy] wouldn't be able to start on time." The Parent cited the reasons provided to them as the District not being informed and hiring issues.

32. When asked about what was missing from the Student's IEP, the Parent clarified, "I don't think anything was missing in [the Student's] IEP"; rather, they believed the IEP services were "never delivered." They added the Student had "developmental goals clearly identified in the IEP" and "there is zero documentation from the [D]istrict that anything was delivered." The Parent also noted that SLP 1 "only actually saw [the Student] one time," and based on information they were provided by the District, "as far as I can tell, [SLP 1] only met with [the Student] one time."

33. Although the Other Parent attended the November 18, 2024 IEP meeting, the Parent did not attend and was not informed about the meeting when the team determined that the Student's service minutes and social communication goal would be discontinued. They stated, "I did not give approval during that meeting, and none of the changes were put into effect. … Either parent can stop the IEP signature. … I don't really know why [speech-language services] stopped at the beginning of December [2024]."

34. The Parent recounted their belief, "I don't think [the Student] was ever removed from special education services. The process was never completed." They explained at a January 2025 IEP meeting the District "produced documentation" that "nobody had time to read." They indicated the Other Parent "was not able to give consent because they didn't deliver [the

documents] in [the Other Parent's] mother tongue" and the IEP documents "didn't exist until the morning of the meeting." The Parent explained they requested to read through the paperwork before signing, the District acknowledged this, and then the Parent received a phone call saying the Student "was no longer in the IEP program." The Parent indicated their perception that the decision for the Student to no longer receive IEP services was made by the Director of Special Education Services, though there were "[not] signatures from the parents."

35. Regarding language needs, the Parent asserted "[The Other Parent's] English is pretty good, but this stuff is very complex." They added there was a conversation in the first meeting at the beginning of September where it was "directly in [the District's] notes that logged [the Other Parent] was Turkish in origin and [their] English wasn't very good." When asked if there was a specific request for documents to be translated into Turkish, the Parent stated it was "really not about whether there's a request or not." When asked what the family's preferred language for receiving official school notification was, the Parent stated, "I prefer Spanish, but we've agreed to English … We had to pick some language. So the standard flyers come out to me in Spanish, and they come to [the Other Parent] in English because the District has absolutely refused to provide any sort of translation services to Turkish. More of a practicality thing than anything else. … I have had long discussions with the School District about providing [the Other Parent] with enough clarity so that way [they] understand everything."

36. When asked about signatures on IEP paperwork, the Parent claimed they "never got DocuSign to work. I tried it one time, and it didn't work correctly." They explained they picked up printed copies as a result of the inability to use the e-signing system.

37. In an interview with the Complaint Investigator, the Director of Special Education Services stated the Student was enrolled at the District in August 2024, and English was "the primary mode of communication." They shared that after the January 2025 eligibility meeting, the Parent had mentioned the Other Parent's primary language was Turkish. The Director of Special Education Services further added no staff had documentation of the Parent requesting documentation in Turkish.

38. When asked about the Student's speech and language services in the fall of 2024, the Director of Special Education Services shared to maintain continuity of speech services following a late-August 2024 SLP resignation, they arranged for an interim supervising SLP through the ESD to oversee the School's SLPA. They confirmed the first day of kindergarten was September [8], 2024, and from that day through October 3, 2024, the SLPA provided push-in general education support, conducted observations, and established speech groupings under remote supervision of a speech-language pathologist. Direct speech services fully transitioned to the newly hired SLP on October 3, 2024, following the completion of their onboarding requirements. They added, "typically," services do not start the first week of school, and, "we typically don't start speech until the second … ."

39. The Director of Special Education Services stated the Student's last speech session occurred on December 10, 2024, providing push-in support and evaluation observations. Scheduled

January 2025 sessions were unfulfilled due to the Student's absence on January 7, 2025, and the eligibility meeting on January 14, 2025. Services then officially ended after the evaluation team determined at the January 2025 meeting that the Student was no longer eligible for special education.

40. When asked about a document provided by the Parent that stated the Student had been removed from special education services in February 2025, the Director of Special Education Services stated, "That's not accurate," and shared that the Student was not found eligible during the January 2025 meeting.

41. In an interview with the Complaint Investigator, the School Principal stated neither the Parent nor the Other Parent had ever requested paperwork or documentation in Turkish, and all records and communications had been requested in English.

42. The School Principal explained speech services were provided by the SLPA, who conducted push-in classroom visits on Mondays, starting on September 15, 2024. The sessions focused on observing students, assessing language needs, and building relationships to establish a service schedule for the incoming SLP, who was hired by the ESD.

43. In an interview with the Complaint Investigator, the School Psychologist clarified the Student did not qualify for services under DD based on data they collected from the Student's teacher and both of the Parents, which indicated the Student was "within the average range in home and school setting." They explained, to qualify for DD, a student would need to be at least 1.5 standard deviations below the mean. The School Psychologist recalled they "went over the whole report in quite a bit of detail, and at the [January 2025] meeting we did all agree that [the Student] didn't qualify under [DD]."

44. The School Psychologist recalled in a January 2025 meeting, the Parent had "a lot of questions" about the speech and language evaluation. The School Psychologist indicated [SLP 1] was discussing and clarifying the evaluation for the Parent and noted [SLP 1] had done specific research around Turkish sounds because the Student was learning both languages at the same time. "It was a conversation about how being bilingual was possibly impacting [the Student's] English pronunciation. And [the Parent] really disagreed with [SLP 1's] evaluation. So there was quite a lot of conversation around that. [The Other Parent] didn't say much during the meeting."

45. The School Psychologist noted the Parent and the Other Parent "disagreed [with each other] about whether or not they wanted their student in special education. … [The Other Parent] didn't understand why [the Student] was in special education, and [the Parent] really thought [the Student] should be in special education." They clarified that email served as the main method for communicating with the Parent, which was the Parent's preference, while phone calls were utilized for the Other Parent.

46. When asked if either of the Parents requested paperwork in Turkish, the School Psychologist said neither Parent had ever made that request. "They said their main language in the home

was English, and then they both spoke Turkish, and [the Parent] also spoke Spanish. And [the Student] was learning both languages. And I did talk to [the Other Parent] on the phone, and [they] spoke English well. We talked about it. [The Other Parent] was comfortable speaking in English and filling out my forms in English."

47. The School Psychologist explained in the reevaluation that the Student's skills had improved, and they were "accessing [their] education in the classroom." From the School Psychologist's observation, the Student "was meeting all the expectations of a kindergartner at grade-level, socially and academically. I did offer some recommendations to continue to build self-regulation skills and social skills as part of a general education curriculum. … There weren't recommendations to be made for special education since [the Student] didn't qualify to receive those services, and [they] didn't demonstrate a delay in any of those areas of social or physical or adaptive or communication or social-emotional skills that we measured."

IV. DISCUSSION

When IEPs Must Be in Effect

The Complaint alleged the District violated the IDEA by not providing speech services in accordance with the Student's IEP at the beginning of the 2024-25 school year when speech services did not start until October, 2024. Further, speech instruction was only offered six times "led by an assistant 5 out of six classes", and "then instruction stopped" after "December 10, 2024."

At the beginning of each school year, a school district must have in effect an IEP for each child with a disability within the district's jurisdiction. School districts must provide special education and related services to a child with a disability in accordance with an IEP. Each school district must ensure that the IEP is accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation, and inform each teacher and provider described of their specific responsibilities for implementing the child's IEP and the specific accommodations, modifications and supports that must be provided for or on behalf of the child in accordance with the IEP.[3]

A district violates the IDEA when it materially fails to implement an IEP.[4] "A material failure occurs when there is more than a minor discrepancy between the services a school provides to a disabled child and the services required by the child's IEP."[5] As further explained by the court in *Van Duyn*:

> "The materiality standard does not require that the child suffer demonstrable educational harm in order to prevail. However, the child's educational progress, or lack

[3] OAR 581-015-2220(1)(3); 34 CFR §300.323(a)(b)(d)
[4] *Van Duyn v. Baker Sch. Dist. 5J*, 502 F3d 811 (9th Cir. 2007) ("Van Duyn")
[5] *Id.*

> of it, may be probative of whether there has been a significant shortfall in the services provided. For instance, if the child is not provided the reading instruction called for and there is a shortfall in the child's reading achievement, that would certainly tend to show that the failure to implement the IEP was material. On the other hand, if the child performed at or above the anticipated level, that would tend to show that the shortfall in instruction was not material."[6]

In this case, the evidence demonstrated the District did implement the Student's IEP requirement of 80 minutes per month of speech and language therapy starting at the beginning of the 2024-25 school year. Following the resignation of the prior SLP, the District utilized an interim arrangement where the SLPA conducted scheduling, observations, and push-in support under remote supervision from September 8, 2024 until the permanent SLP (SLP 1) began working with the District. On October 3, 2024, SLP 1 notified the Parents that the full speech intervention schedule had started that week. Between October 2024 and December 2024, the Student received a total of six speech sessions, yielding 120 minutes. Speech services ceased after December 10, 2024, as subsequent sessions were disrupted by the Student's absence, administrative meetings, and the eventual determination on January 14, 2025, that the Student was no longer eligible for special education services under SLI or DD.

It is debatable whether the indirect support of scheduling, rapport-building and student observations by the SLPA in September 2024 constituted SDI. Even if it did not, however, this did not rise to the level of a material failure to implement the IEP. Any lapse in services was minimal and the record demonstrates that the Student was meeting all grade level standards, made progress on their goals, and their re-evaluation indicated the Student no longer required speech services.

The Department does not substantiate this allegation.

Content of the IEP

The Complaint alleged the District violated the IDEA by not including "any ideas or recommendations regarding [the Student's] identified developmental delays" in the Student's IEP.

The IEP must include a statement of the child's present levels of academic achievement and functional performance, including how the child's disability affects the child's involvement and progress in the general education curriculum. It must include a statement of measurable annual goals, including academic and functional goals (and, for children with disabilities who take alternate assessments aligned to alternate achievement standards, a description of short-term objectives) designed to meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum and meet the child's other needs that result from the child's disability.[7]

[6] *Id.*
[7] 34 CFR § 300.320(a)(1)(2)

The IEP must include a description of how the child's progress towards meeting the annual goals will be measured and when periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided. It must also include a statement of the specific special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child: to advance appropriate toward attending the annual goals; to be involved and progress in the general education curriculum and to participate in extracurricular and other nonacademic activities; and to be educated and participate with other children with disabilities and children without disabilities. The IEP must include projected dates for initiation of services and modifications, and the anticipated frequency, amount, location, and duration of the services and modifications. An explanation of the extent, if any, to which the child will not participate with children without disabilities in the regular class and activities will be included in the IEP.[8]

The IEP must include a statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and district-wide assessments of student achievement that are needed for the child to participate in the assessment. A child may not be exempt from participation in State or district-wide assessment, including extended and juried assessments, because of a disability, unless the parent has requested an exemption. If the IEP team determines that the child must take the alternate assessment instead of the regular Statewide or a district-wide assessment, a statement of why the child cannot participate in the regular assessment, and why the alternate assessment is appropriate for the child. The IEP must include the projected date for the beginning of the services and modifications and the anticipated frequency, location, and duration of those services and modifications.[9]

The Student's September 6, 2024 IEP referenced both the primary eligibility of SLI and the secondary eligibility of DD within the PLAAFP and disability impact statements. While functional, adaptive, and pre-academic domains indicated that no goals were necessary due to age-appropriate motor and work habit skills, the IEP team identified specific developmental needs in social and emotional development. To directly address these needs, the IEP incorporated targeted social communication goals, allocated 30 minutes per week of specialized social skills services, and provided accommodations. Furthermore, when the Parent explicitly raised concerns that the Student's developmental needs were not being met, the evidence demonstrated that the IEP contained actionable social communication goals that were implemented and then fully mastered. By the November 18, 2024 IEP amendment meeting, data collection confirmed the Student had met all objectives associated with the social communication goal, leading the team to discontinue those service minutes while maintaining appropriate reevaluation procedures. Subsequent comprehensive testing confirmed the Student functioned in the average to well-above-average range across all physical, functional, and cognitive domains, demonstrating no ongoing developmental delays. The Parent

[8] 34 CFR § 300.320(a)(3)4)(5)
[9] 34 CFR § 300.320(a)(6-7)

acknowledged during interviews that they did not believe anything was missing from the written IEP document itself, but rather questioned whether services were delivered.

The September 6, 2024 IEP appropriately documented the impact of the Student's developmental delay, established measurable social-emotional goals, and outlined corresponding specialized instruction and accommodations.

The Department does not substantiate this allegation.

Parent Participation and Consent

The Complaint alleged the District violated the IDEA by not providing documentation or notification in the Parent's native language, Turkish, including the initial consent for special education services.

Consent means that the parent has been fully informed, in their native language or other mode of communication, of all information relevant to the activity for which consent is sought and understands and agrees in writing to the carrying out of the activity for which their consent is sought.[10]

The school district must take whatever action is necessary to ensure that the parent understands the proceedings at a meeting, including arranging for an interpreter for parents who are deaf or whose native language is other than English.[11]

School districts must ensure written notice is written in language understandable to the general public and provided in the native language of the parent or by other mode of communication used by the parent, unless it is clearly not feasible to do so.[12]

The District's documentation demonstrated that on the May 17, 2024 Home Language Survey, the preferred language designated for communications was marked as English. The survey further noted the home and correspondence language was English, that no interpreter was needed, and no secondary or additional correspondence languages were requested. Multiple District staff members confirmed that neither of the Parents ever submitted a request to receive special education paperwork, evaluation plans, or meeting notices in Turkish. The School Psychologist specifically noted conversing directly with the Other Parent over the phone in English, observing that the Other Parent spoke English well, expressed full comfort communicating in English, and completed standard diagnostic forms in English without difficulty.

While the September 6, 2024 team meeting documentation and subsequent evaluations acknowledged that the Student was bilingual, the Parent explicitly confirmed during their interview that the family agreed to English as their designated communication language with

[10] OAR 581-15-2090(1); 34 CFR § 300.9(a)
[11] OAR 581-15-2190(3)
[12] OAR 343.159(3)

the District. The Parent also acknowledged that their preference for standard notifications was Spanish and English, framing the lack of Turkish documentation as a practical reality, rather than the denial of a formal request. When electronic consent for the three-year special education reevaluation was granted on October 28, 2024, and when both Parents subsequently attended and signed the January 14, 2025 eligibility determination forms, the District operated under established, written Parent preferences by selecting English.

The District fulfilled its obligation to provide notices and obtain consent in the preferred written language declared by the Parents on official enrollment forms, and because no request for Turkish translation was ever communicated to District personnel, no procedural or substantive violation of native language notice and consent requirements occurred.

The Department does not substantiate this allegation.

V. CORRECTIVE ACTION[13]

In the Matter of Scappoose School District 1J
Case No. 25-054-051

Based on the facts provided, no corrective action is ordered.

Dated: this 21st Day of August 2026



Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing Date: August 21, 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).)

[13] The Department's order shall include any necessary corrective action as well as documentation to ensure that the corrective action has been completed (OAR 581-015-2030(13)). The Department expects and requires the timely completion of corrective action and will verify that the corrective action has been completed as specified in any final order (OAR 581-015-2030(15)). The Department may initiate remedies against a party who refuses to voluntarily comply with a plan of correction (OAR 581-015-2030(17) & (18)).