BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of Scappoose School District 1J	))))	FINDINGS OF FACT, CONCLUSIONS, AND FINAL ORDER Case No. 25-054-058

I. BACKGROUND

On September 2, 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. 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 September 9, 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. The Parties agreed to mediation in 2025; this mediation was unsuccessful, and the Complaint Investigation resumed on June 22, 2026. On June 23, 2026, the Department's Complaint Investigator again sent an *RFR* to the District identifying the specific allegations in the Complaint to be investigated and establishing a Response due date of July 8, 2026.

The District submitted a *Response* on July 6, 2026, denying the allegations, providing an explanation, and submitting documents supporting the District's position. The District submitted the following relevant items:

1. Sp[ecial] Ed[ucation] Groups, revised 10/03/25
2. Notice of Team Meeting, 08/22/24, 10/16/24, 11/04/24, 12/11/24
3. Documentation of Team Meeting Form - Annual Individualized Education Program Form, 09/06/24, 11/18/24
4. Prior Notice of Special Education Action, 09/06/24, 11/18/24
5. Individualized Education Program, 09/06/24, amended 11/18/24
6. Prior Notice about Evaluation/Consent for Evaluation, 10/14/24, 01/14/25

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

7. Documentation of Eligibility/Re-Evaluation Team Meeting Form, 01/14/25
8. Statement of Eligibility for Special Education - Developmental Delay, 01/14/25
9. Statement of Eligibility for Special Education - Speech or Language Impairment, 01/14/25
10. Psychoeducational Evaluation Report, 01/09/25
11. Communication Assessment, 01/14/25
12. Review of [the Student] Records, 02/04/25
13. Home Language Survey, 2024-25 School Year
14. Emails between parties, 09/16/24-05/23/25

The Parent did not submit a response or additional documents.

The Complaint Investigator interviewed the Parent on July 24, 2026. On July 20, 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 September 3, 2024, to the filing of this Complaint on September 2, 2025.

Allegations	Conclusions
Parent Participation The Parent alleged the District violated the IDEA by not ensuring meaningful parent participation in the decision-making process regarding the January 15, 2025 IEP meeting by not providing documentation in the Parent's native language, Turkish, and by not providing documentation prior to the IEP meeting for the Parent to review. (OAR 581-15-2190(1-5), OAR 581-15-2300; 34 CFR §§ 300.322; 300.501)	**Not Substantiated** The District adhered to its standard procedures regarding notice and document delivery, relying on the family's documented language preference of English, provided timely meeting notice, and accommodated both Parents' active participation in the IEP process.
Reevaluation The Parent alleged the District failed to conduct a re-evaluation of the Student and violated the IDEA by "... kick[ing] [the Student] out of special education."	**Not Substantiated** The District complied with the IDEA requirements by conducting a comprehensive re-evaluation prior to determining

Allegations	Conclusions
(OAR 581-015-2105(1)(b)(c)(d)(4), OAR 581-015-2110(3), OAR 581-015-2127[3], OAR 581-015-2135; 34 CFR §§ 300.8, 300.303, 300.305(a)(e)(1))	the Student ineligible for special education.

REQUESTED CORRECTIVE ACTION
1. "Sanction [the District] in the way that is legal and possible, for not complying with the triennial evaluation requirement (February 2025). The meeting had an open ending, and [the Student] was kicked out of special education via a phone call from [the Director of Special Education]." 2. "Direct [the District] to sign an agreement with ODE that they will follow all triennial evaluation testing and meeting requirements for all students to whom it applies." 3. "Direct [the District] to provide documents which will be the basis of an IEP meeting at least 4 school days prior to an IEP meeting so that both parents and school-based IEP committee members have an opportunity to review what is to be discussed and decided." 4. "Direct [the District] to document and notify [the Student's] parents and ODE in writing that [the Student] is still in the special education program." 5. "Direct [the District] to move forward with the program for [the Student] as described in complaint #1." 6. "Direct [the District] that there will be no retribution against [the Student] and/or [the Student's] parents by any adult within [the District], now or in the future."

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 September 3, 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 was in kindergarten and attended an elementary school in the District during the Complaint period.

2. The Student works and plays with friends, has an advanced memory, takes turns, and is easy to get along with.

3. Relevant information from a Notice of Team Meeting, dated August 22, 2024, indicated:
   a. The notice was addressed to the Parent and the Other Parent.
   b. The meeting was scheduled for September 6, 2024.

[3] Developmental Delay and not Intellectual Disability was under review.

c. The purpose of the upcoming meeting was to develop or review an IEP and placement for the Student, and for a transfer of an Individualized Family Service Plan (IFSP) to an individualized education program (IEP).

4. Relevant information from "Documentation of Team Meeting" notes, dated September 6, 2024, included:
   a. The purpose of the meeting was for the team to review a transfer from an IFSP to an IEP.
   b. A link to parental rights was sent with the meeting notice.
   c. A parent was in attendance, but the notes did not state which Parent attended.
   d. Goals, accommodations, and modifications were reviewed and agreed upon by the IEP team.

5. A Prior Notice of Special Education Action, dated September 6, 2024, indicated:
   a. The notice was addressed to the Parent and the Other Parent.
   b. The notice stated the IEP team met to review the September 6, 2024 IEP draft. Goals were added for social communication and speech, and specially designed instruction (SDI) was added in those areas.
   c. The team determined that these actions were necessary to support the Student's progress in the education environment. The action was based on the Student's IFSP and team input.

6. Relevant information from the Student's IEP, dated September 6, 2024, included:
   a. The Student's primary disability category was Speech or Language Impairment (SLI) and their secondary disability category was Developmental Delay (DD). Meeting participants included the Parent and the Other Parent.
   b. In the Procedural Safeguard Notification, the box was marked "yes" stating the Parent was provided the special education procedural safeguards in their native language.
   c. The Present Levels of Academic Performance section stated, "[The Student] and [their] family are native English speakers. [The Student] is learning many languages and is bilingual."
   d. There were three goals. One each for articulation, expressive language, and social communication.
   e. SDI in the following areas from September 9, 2024 through September 5, 2025:
      i. Speech and Language Therapy services, 80 minutes per month, schoolwide, provided by the speech language pathologist (SLP) in the local education agency (LEA).
      ii. Social skills services, for 30 minutes per week, schoolwide, provided by a special education teacher in the LEA.
   f. Supplementary aids/services/accommodations from September 9, 2024 through September 5, 2025, provided by a general education teacher in the LEA included:
      i. Access to break areas, as needed, schoolwide.
      ii. Social stories, for the teaching of new expectations and routines, in the general education/special education classroom.
      iii. Preferential seating, daily, in the classroom.

7. On September 16, 2024, the Other Parent emailed the School Counselor and wrote, "... I would like to know if there was a test for [the Student] in order to determine if [they] still needed the service."
    a. The Other Parent emailed the School Counselor again on September 18, 2024 and indicated they had concerns about the Student being pulled out of class every day. The Other Parent wrote, " … I would like [the Student] to be taken out of the IFSP program and just continue with the normal school curriculum."
    b. On September 19, 2024, the School Counselor replied, "If I am understanding you correctly, you do not want [the Student] pulled out for speech or social skills support. You would like [them] removed from the IEP and [s]pecial [e]ducation. If [the Student] is pulled out, [they] will not receive specially designed instruction … and [they] will not receive any accommodations. … The procedure to discontinue these services is to contact myself or … [the Student's] case manager requesting a meeting. This meeting will be with the school team, yourself and [the Parent] to talk about it."
    c. The Parent emailed the School Counselor, the Other Parent, and the Principal on September 19, 2024 and stated they did not want the Student removed from the "existing plan."

8. A Prior Notice about Evaluation/Consent for Evaluation, dated October 14, 2024, indicated:
    a. The IEP team was proposing to re-evaluate the Student because a re-evaluation was required every three years.
    b. In the "other factors" section, the Other Parent indicated the Student had made "great progress" and they had no concerns at the time.
    c. In the "Consent for Evaluation" section, the box was checked beside the statement, "This is a reevaluation and will be used to decide your child's continued eligibility and/or education needs."
    d. The box was checked beside the statement which read, "I give my consent for the evaluation or re-evaluation. I understand my consent is voluntary and may be revoked for any evaluation or reevaluation that has not yet been conducted."
    e. The signature line indicated there had been an electronic signature, but it did not state from whom. The signature line was dated October 28, 2024.

9. Relevant information from a Notice of Team Meeting, dated October 16, 2024, included:
    a. It was addressed to the Parent and the Other Parent.
    b. The meeting was scheduled for November 5, 2024.
    c. The purpose of the meeting was to develop or review an IEP and placement for the Student.

10. Relevant information from a Notice of Team Meeting, dated November 4, 2024, included:
    a. It was addressed to the Parent and the Other Parent.
    b. The meeting was scheduled for November 18, 2024.
    c. The purpose of the meeting was to develop or review an IEP and placement for the Student.

11. On November 16, 2024, the Program Specialist emailed a group of unidentified recipients about the upcoming IEP review meeting on November 18, 2024. The email contained three attachments, including a parents rights document, an IEP dated November 18, 2024, and a November 4, 2024 Notice of Team Meeting. The description section of the meeting invitation indicated a reminder was sent on November 15, 2024 about the upcoming meeting on November 18, 2024. The invited guests included the Parent, the Other Parent, and the IEP team members.
    a. The Parent replied to the Program Specialist on November 18, 2024 and stated they were unable to attend the meeting due to a work conflict, and "could not authorize any changes to [the Student's] IEP." They asked the Program Specialist to forward the meeting minutes for them to review before any changes were made. The Program Specialist emailed the meeting minutes the next day.
    b. On November 21, 2024, the Parent emailed the Program Specialist, the Principal, the Special Education Teacher, and the School Counselor. The Parent indicated they received an email stating, "there was a change made to [the Student's] program before this notification of what the change was. … I got notification that the change occurred before I even new [*sic*] what the change was … ."

12. Relevant information from a "Documentation of Team Meeting Form-Annual IEP," dated November 18, 2024, included:
    a. The annual IEP review meeting was held and a parental rights link was sent with the meeting notice.
    b. The Other Parent attended the IEP meeting and stated they did not want to keep the Student in special education services.
    c. The IEP team stated the Student met their social communication goal and did not warrant a new goal. The Other Parent was concerned the Student's identification of having a developmental delay was "not appropriate."
    d. The IEP team stated they would reconvene to check if the Student qualified for a developmental disability.
    e. The IEP team explained the Other Parent had the right to revoke services, but the District stated it "makes sense" to proceed with speech services until the Student's re-evaluation was complete.
    f. The Student's social communication goal was removed.

13. A Prior Notice of Special Education Action, dated November 18, 2024, indicated:
    a. The notice was addressed to the Parent and the Other Parent.
    b. The IEP team met with the Other Parent, who asked about removing the Student's social communication goal from their IEP.
    c. The IEP team met and decided the Student met their social communication goal and removed the service minutes for that goal from their IEP. The decision was based on parent, staff, and teacher input.
    d. The "other factors" section stated the Student's re-evaluation was due in February 2025, and during that meeting, it would be determined if the Student needed to continue with their speech services.

14. A November 18, 2024 IEP amendment for the Student's September 6, 2024 IEP indicated that on November 18, 2024, the Student's social communication goal and service minutes would be removed from the IEP, as the team determined the Student had met the goal. It stated, "The team met with [the Other Parent] and [they] inquired about removing social communication from the IEP."
    a. Under the social communication goal, it was written, "This goal was met and will end on 11/22/2024."
    b. The progress data for the social communication goal, dated November 1, 2024, detailed how the Student had accomplished the three objectives within the goal.

15. The Principal emailed the Parent, the Program Specialist, the Special Education Teacher, the Other Parent, and the School Counselor on November 25, 2024. They acknowledged the Parent did not attend the November 18, 2024 IEP meeting. The Principal wrote, "The team proceeded with [the Other Parent] as you both have educational rights and decision[-]making. Participants expected that you and [the Other Parent] were in agreement on [the Student's] needs and the proper supports for [their] success. … Rest assured, we have not adjusted our intervention schedule yet, therefore [the Student] has received the social skills support. … the re-evaluation for Speech Impairment and Developmental Disability is well underway."
    a. The Other Parent responded two times within the hour. In their first email, the Other Parent stated they had received confirmation the Student was "taken off the social skills" and asked for confirmation the Student had been "taken off the social class" until the re-evaluation was done. In their second email, the Other Parent said, "I have not agreed on [the Student] to be on the program initially. Would you please pause the service [the Student] is taking until we fully agree?"
    b. The Principal replied the same day and asked the Parent and the Other Parent if they wanted to reconvene the IEP team and discuss the Student's social skills intervention. The Principal wrote, "The full team does not have to be in agreement on every aspect of the IEP plan. … the law does not require unanimous agreement. If there is a disagreement among team members, the IEP team must still make a decision based on the [S]tudent's best interests."
    c. The Other Parent replied that day and said, "Parents both received [the Student's] IEP plan change in written form last week and my understanding was the IEP team decided to go this way. I was in the meeting as one of the parents."

16. A Notice of Team Meeting, dated December 11, 2024, contained the following relevant information:
    a. The notice was addressed to the Parent and the Other Parent.
    b. The meeting was scheduled for January 14, 2025.
    c. The purpose of the meeting was to decide whether the Student continued to be eligible for special education, to develop or review an IEP and placement, and to discuss the re-evaluation findings.

17. A Confidential Psychoeducational Evaluation Report for the Student, dated January 9, 2025, indicated the following assessments were completed: a file review, a developmental history update, teacher input, observation, and a Developmental Profile 4.

18. On January 13, 2025, the School Psychologist emailed the Principal and stated that based on their assessment data for the re-evaluation, the Student did not qualify for special education services.

19. A Communication Assessment, dated January 14, 2025, indicated the assessment was conducted for the Student's three-year re-evaluation. The summary stated in part, "Based on classroom observation, teacher report, language sample analysis, student interaction, and review of previous assessments and education records, [the Student] demonstrates communication skills that are within expected developmental norms. … there is not evidence that [the Student] demonstrates receptive, expressive or pragmatic language delays in English." This report noted the Other Parent "is bilingual and bicultural Turkish."

20. A Statement of Eligibility for Special Education for Developmental Delay, dated January 14, 2025, indicated the Student did not qualify for special education services with an eligibility of developmental delay. All District IEP team members and the Other Parent put an "X" in the agree box. The Parent put an "X" between their name and the boxes, so there was no "X" in either the agree or disagree box. The box was checked indicating a copy of the evaluation report and the eligibility report had been provided to the Parent(s). A Statement of Eligibility for Special Education for SLI, dated January 14, 2025, indicated the Student did not qualify for special education services with an eligibility of SLI. All IEP team members, including the Parent and the Other Parent, put an "X" in the agree box. The box was checked indicating a copy of the evaluation report and the eligibility report had been provided to the Parent(s).

21. A "Documentation of Eligibility/Re-Evaluation Team Meeting Form," dated January 14, 2025, contained the following relevant information:
    a. A re-evaluation meeting was held.
    b. A parental rights link was sent with the meeting notice.
    c. An "X" was placed next to each team member's name, indicating they attended, but there was no "X" beside the statement, "parent is in attendance." However, both of the Parents were listed by name on the Team Meeting Form.
    d. The document noted the Student did not present as having a developmental delay, and while the team agreed, the Parent wanted more time to read the report before providing their opinion. It was written, "Staff … confidently expressed that [the Student] does not have a developmental disability."
    e. The IEP team agreed the Student did not qualify for SLI. It was written, "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."
    f. The placement section stated the Student did not qualify for special education services.

22. Relevant information from a Prior Notice of Special Education Action, dated January 14, 2025, included:

a. The notice was sent to the Parent and the Other Parent.
b. The notice stated the IEP team met to review the Student's three-year evaluation for speech and developmental delay. The IEP team decided the Student no longer qualified for special education under either category. It was noted the Parent asked for additional time to process the information regarding the developmental delay eligibility before making their decision.
c. The action was proposed because the Student's three-year evaluation was due.
d. Documentation used in the re-evaluation process included a file review, teacher and parent input, observation, Developmental Profile 4, a speech/language sample, a hearing screening, a communication checklist, and the September 6, 2024 IEP.
e. Other options included finding the Student eligible for special education services. It was determined the Student no longer qualified for special education services.
f. The Parent requested "additional processing time" before signing.

23. A letter written by the Director of Special Education Services, titled "Review of [the Student's] Records 2/04/2025," detailed that after a review of the Student's current performance data and the psychoeducational evaluation report, it was determined the decision made at the eligibility meeting met state guidelines and procedural safeguards. The letter stated the Student no longer met the eligibility requirements for developmental delay or communication.

24. The Director of Special Education Services emailed the Principal, the Superintendent, the Parent, the Other Parent, and the School Counselor on February 18, 2025, stating their assistant would send all of the special education paperwork from the re-evaluation meeting. They indicated this included the Student's prior IEP (including progress notes), re-evaluation information and the reports completed by the specialists, eligibility statements, prior written notice documenting decisions made during the eligibility meeting, a stand ready letter, and a summary of the services logs from the SLP. The Director of Special Education Services believed the Parent and the Other Parent had previously received all of that documentation, except for the summary of the SLP service logs.

25. The Parent emailed the Director of Special Education Services and the Other Parent on May 23, 2025 and wrote, "You are also violating the [Oregon Department of Education] ODE requirement to translate all special education paperwork for a parent whose first language is not English. … There is no clause based on the level of English that parent has. Nothing has ever been sent to us in Turkish."

26. On August 18, 2025, the Director of Special Education Services emailed the Special Education Teacher, the Student Information and Assessment Specialist, the Kindergarten Teacher, and the School Counselor, and inquired if the Parent or the Other Parent had ever requested any documents to be translated into Turkish. The Student Information and Assessment Specialist, the School Counselor, and the Kindergarten Teacher replied that day, and each stated neither the Parent nor the Other Parent requested to receive anything in Turkish or to have it translated into Turkish.

27. A Home Language Survey, completed by the Other Parent for the 2024-25 school year, indicated:
    a. The Other Parent's preferred language for District and School communication was listed as English.
    b. "No" was listed when asked if an interpreter was needed.
    c. The "Correspondence Language" was listed as English.

28. On September 2, 2025, the Parent filed this Complaint.

29. During an interview with the Complaint Investigator, the Parent stated they and the Other Parent were both legal education decision-makers for the Student.

30. The Parent stated they did not ask the District for an interpreter and did not know if the Other Parent had requested an interpreter. The Parent said, "The District has steadfastly refused to do anything with Turkish … ."

31. The Parent shared the "IEP uses a lot of technical lingo." The Parent indicated they were a "native English speaker," but they had to "Google it" and talk to others who worked in special education to understand what was in the Student's IEP.

32. According to the Parent, their understanding of the purpose of the January 15, 2025 meeting was to review the reports and determine what would happen next, and if the Student had met their goals. The Parent explained that during the meeting, "nobody" had read the reports and the IEP team was supposed to make a decision "without any information." The Parent indicated the speech report did not make sense and asked for additional time to read it. The Parent stated the District made a recommendation at the January 15, 2025 meeting that the Student did not qualify for special education services, but the IEP team did not come to an agreement. They indicated the IEP team did not meet again after the January 15, 2025 meeting.

33. The Parent shared they "did not have time" to go through either report presented during the January 15, 2025 re-evaluation meeting and believed the reports should have been provided to them before the meeting. The Parent stated they did not know the reports existed, so they were "unable to request them." The Parent said, "Normally when you go to a meeting, you get the documents a week before. That's how the [S]chool [D]istrict always operated prior. That was not the case here."

34. The Parent stated they did not request the District to provide IEP documents in another language. The Parent indicated the District provided them with IEP and eligibility documents in their native language. The Parent stated they had not indicated to the District, either verbally or in writing, that their native language was not English, and perceived this issue was related to the Other Parent.

35. The Parent explained that during a meeting with the District in September 2025, they shared that English was not the Other Parent's native language, and that the conversation was

"logged" in the District's notes. The Parent could not recall the date of the meeting. The Parent perceived it had been noted that the Other Parent was not a native English speaker.

36. The Parent stated the Student stopped receiving special education services without the agreement of both Parents. The Parent indicated it was their understanding that the Parents and the District had to agree to an IEP.

37. The Parent shared the District conducted a "very thorough" re-evaluation of the Student's "developmental delays," and that the District had identified "the same exact speech issues [the Student] had when [they] entered the system." The Parent explained the School identified the Student required SDI in September 2024. The Parent said, "They created goals for [the Student] to achieve. They documented that [the Student] clearly achieved zero of those goals. And then magically [the Student] achieved all of [their] goals enough to complete the evaluation."

38. Regarding the consent to evaluate notice for the Student's re-evaluation, the Parent explained they were unable to get the electronic signature software to work on their computer. They indicated they picked up a packet of paperwork at the School and never signed anything electronically. The Parent did not know who signed the document and said the Other Parent did not mention signing anything electronically.

39. When asked what their understanding of the Consent for Evaluation form from October 14, 2024 was, the Parent said, "It was my understanding that we were going to discuss that at the meeting in January [2025]. It was my understanding that there was going to be two evaluations. … One was for speech, and one was for developmental delays." The Parent did not recall attending a meeting in October 2024 to discuss the re-evaluation process.

40. The Parent recalled receiving an Eligibility/Re-evaluation team meeting document, dated January 14, 2025, after the meeting. The Parent believed they did not receive the two statements of eligibility forms until the beginning of 2026. The Parent stated they did not know how their signature got onto the January 14, 2025 Statement of Eligibility Form for developmental delay. The Parent stated the eligibility form for speech or language impairment, which indicated the Student did not qualify for special education services, did not "match the record" because the Parent did not agree with it.

41. Regarding the statement of eligibility forms, the Parent indicated they did not sign anything because they needed to read the reports. The Parent said they sent a written response to the District a few days after the January 15, 2025 meeting.

42. In an interview with the Complaint Investigator, the Director of Special Education Services shared that neither the Parent nor the Other Parent ever expressed a "lack of understanding," or requested records or documents in Turkish. They shared that the Other Parent would ask follow-up questions in IEP meetings and, in an email, the Other Parent stated they "may be misunderstanding, but I thought that [the Student] was no longer in the social skills group." The Director of Special Education Services stated neither the Parent, nor the Other Parent,

had ever requested verbally or in writing an interpreter for meetings or documents in Turkish. Additionally, they added the typical process of learning a family's language preference was through the home language survey, which was filled out during registration.

43. The Director of Special Education Services confirmed the Other Parent electronically signed the consent to evaluate on October 14, 2024.

44. The Director of Special Education Services explained that District policy did not require case managers to send draft IEP or eligibility documents to families before meetings. Instead, staff presented drafts and gathered parent input during meetings, updating the IEP during or after the session. Following meetings, prior written notice and final documentation were sent to families via the electronic system. The Director of Special Education Services noted that the Parent and the Other Parent received the January 2025 meeting documents in the same standard manner.

45. The Director of Special Education Services recalled the Student's eligibility and special education services ended at the January 2025 meeting. They shared the team reviewed data, the eligibility report, teacher input, and "the team found [the Student] not eligible … ." The Director of Special Education Services added that the Other Parent had "asked that [the Student] be removed from special education and said that [they] felt that [the Student] no longer needed special education."

46. The Director of Special Education Services shared that after the eligibility meeting in January 2025, the Parent had expressed concerns regarding the decisions made. They offered to hold a meeting with the Parent and then completed a "file review" where they "synthesized" all information and reviewed it with the Parent and the Principal.

47. In an interview with the Complaint Investigator, the Principal explained the Student continued to receive speech services after the November 2024 IEP meeting, and that social skills instruction ceased after the Other Parent requested the Student not be "pulled for the social skills instruction any further" in October 2024. Furthermore, when asked about the decision to stop social communication services, the Principal shared that the IEP team reviewed data related to the Student's social skills performance during the November 2025 meeting and described the process as a "collaborative decision." They added the team " ... determined that [the Student] wouldn't receive that social skills instruction knowing that we were going to be doing the reevaluation process. [The Other Parent] was very anxious about [the Student] being pulled from class … ." They reiterated that the decision was based on data and the Other Parent's request to discontinue social skills instruction, and the Student received speech services throughout the eligibility process.

48. Recalling the January 2025 eligibility meeting, the Principal noted that all team members and the Other Parent were present at the start, while the Parent arrived late. The team initially reviewed the meeting's purpose and discussed information regarding a potential developmental delay. Once the Parent arrived, the team backtracked to re-examine this

information and review both eligibility categories with them before reaching a decision. The Principal described the Other Parent as an "active participant" throughout the process.

IV. DISCUSSION

Parent Participation

The Parent alleged the District violated the IDEA by not ensuring meaningful participation in the decision-making process regarding the January 15, 2025 IEP meeting by not providing documentation in the Parent's native language, Turkish, and by not providing documentation prior to the IEP meeting for the Parent to review.

School districts must provide one or both parents with an opportunity to participate in meetings with respect to the identification, evaluation, IEP, and educational placement of the child, and the provision of a free appropriate public education (FAPE) to the child. To ensure parent participation, the school district must provide parents with a written notice of the meeting sufficiently in advance to ensure that one or both parents will have an opportunity to attend. This notice must clearly state the purpose, time, and location of the meeting, as well as who will be in attendance. It must also inform parents that they have the right to bring other individuals who they believe have special knowledge or expertise about their child. The notice should also state that the team may proceed with the meeting even if the parent is not in attendance and inform the parent of whom to contact before the meeting to provide information if they are unable to attend. 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 whose first language is not English. [4]

A meeting does not include informal or unscheduled conversations involving school district personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision if those issues are not addressed in the child's IEP. A meeting also does not include preparatory activities that public agency personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting. A meeting may be conducted without a parent in attendance if the school district has given the parent proper notice.[5]

For purposes of ensuring the safeguards required for education records of children with disabilities, the Department adopts by reference the provisions of FERPA and the relevant Code of Federal Regulations. This provision includes all education records with respect to the identification, evaluation, and educational placement of the child and the provision of a FAPE to the child. The program, district, agency, or contractor must comply with a parent's request to inspect and review records without unnecessary delay and provide copies of these records to the parent before any meeting regarding an IEP/IFSP, or any due process hearing, or resolution session related to a due process hearing, and in no case more than 10 business days after the

[4] OAR 581-015-2190(1-3)
[5] OAR 581-015-2190(4-5)

request has been made. Records may be redacted only to the extent necessary to protect personally identifiable information of other children unless disclosure is authorized by law or court order.[6]

The record showed the Home Language Survey completed by the Other Parent designated English for all District communications, and the September 6, 2024 IEP noted the family was native English speaking. The reliance on the Home Language Survey aligns with federal guidance, which permits school districts to use such registration forms to determine whether a parent requires written communication in a language other than English (U.S. Departments of Education and Justice, *Dear Colleague Letter: English Learner Students and Limited English Proficient Parents*, January 7, 2015). District staff, including the Director of Special Education Services, the School Counselor, the Kindergarten Teacher, and the Student Information and Assessment Specialist, confirmed that neither Parent requested an interpreter or Turkish translations prior to or during the January 14, 2025 re-evaluation meeting. Both the Parent and Other Parent consistently communicated in English, and the Parent only asserted a request for translated documentation in May 2025, several months after the meeting occurred.

In accordance with standard District practice, draft eligibility and IEP documents were presented and updated collaboratively during the January 14, 2025 meeting, rather than distributed in advance. The Parents did not make a request for documentation prior to the meeting. Both Parents attended the meeting. When the Parent arrived late, the team paused and returned to the evaluation findings for SLI and DD. Furthermore, when the Parent requested additional processing time to review the report, the District granted the request, recorded it in the January 14, 2025 Prior Notice of Special Education Action, and the Director of Special Education Services subsequently conducted a file review with the Parent and the Principal.

Evidence demonstrated the District maintained compliance with the IDEA procedural safeguards: it appropriately relied on the documented preference for English, provided proper advance notice of the meeting, facilitated equal parental participation by adjusting the meeting flow for the Parent's late arrival, and honored and documented the Parent's request for additional time to review evaluation reports before finalizing decisions.

The Department does not substantiate this allegation.

Reevaluation

The Parent alleged the District failed to conduct a re-evaluation of the Student and violated the IDEA by "... kick[ing] [the Student] out of special education."

A public agency must conduct a re-evaluation before determining that a child continues to have a disability, changing the child's eligibility, or terminating the child's eligibility as a child with a disability. Additionally, the public agency must ensure that a reevaluation of each child with a disability is conducted in accordance with relevant Oregon Administrative Rules: If the public agency determines that the educational or related services needs, including improved academic achievement and functional performance, of the child warrant a reevaluation or if the child's

[6] OAR 581-015-2300

parents or teacher requests a reevaluation. A reevaluation for each child with a disability may occur no more than once a year, unless the parent and public agency agree otherwise, and must occur at least every three years, unless the parent and public agency agree that a reevaluation is unnecessary.[7]

In conducting the reevaluation, the public agency must use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent that may assist in determining whether the child has a disability, and the content of the child's IEP, including information related to enabling the child to be involved in and progress in the general education curriculum. Additionally, the public agency must not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child. It must use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.[8]

A child with a disability, for children aged three through nine (or any subset of that age range, including ages three through five), may include a child who is experiencing developmental delays, as defined by the State and as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development; and who, by reason thereof, needs special education and related services.[9]

Speech or language impairment means a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects a child's educational performance. "Speech or Language Impairment" means the impairment of speech articulation, voice, fluency, or the impairment or deviant development of language comprehension and/or expression, or the impairment of the use of a spoken or other symbol system that adversely affects educational performance. The language impairment may be manifested by one or more of the following components of language: morphology, syntax, semantics, phonology, and pragmatics.[10]

If a child is suspected of having a speech or language impairment, a comprehensive evaluation for early childhood or school-age special education services must be conducted, including the following: a speech and language assessment administered by a speech and language pathologist licensed by a State Board of Examiners for Speech-Language Pathology and Audiology or the Teacher Standards and Practices Commission, including: when evaluating syntax, morphology, semantics or pragmatics, a representative language sample and comprehensive standardized tests that assess expression and comprehension; when a voice disorder is suspected, a voice assessment scale; and when a fluency disorder is suspected, an observation in at least two settings; a medical setting for a child suspected of having a voice disorder, documentation of a medical examination by an otolaryngologist licensed by a State Board of Medical Examiners. For

[7] OAR 581-015-2105(1)(b-d)(4); 34 CFR § 300.303
[8] OAR 581-015-2110(3); 34 CFR § 300.305(a)(e)(1)
[9] 34 CFR § 300.8(b)
[10] OAR 581-015-2135(1); 34 CFR § 300.8(c)(11)

other than a voice disorder, if medical information is needed, there must be documentation of a medical examination describing relevant medical issues. The comprehensive evaluation must also include a hearing evaluation, or screening of the child's hearing acuity and, if needed, a measure of middle ear functioning, or other.[11]

Other items as part of a comprehensive evaluation should include an evaluation of the child's oral mechanism, if needed; any additional assessments necessary to determine the impact of the suspected disability on the child's educational performance for a school-age child; or on the child's developmental progress for a preschool child; and any additional evaluations or assessments necessary to identify the child's educational needs.[12]

To be eligible as a child with a speech or language impairment for early childhood or school-age special education services, the child must meet the following criteria: for a voice disorder, the child demonstrates chronic vocal characteristics that deviate in at least one of the areas of pitch, quality, intensity, or resonance; the child's voice disorder impairs communication or intelligibility; and the child's voice disorder is rated as moderate to severe on a voice assessment scale.[13]

For a fluency disorder, the child demonstrates an interruption in the rhythm or rate of speech that is characterized by hesitations, repetitions, or prolongations of sounds, syllables, words or phrases; the child has a fluency disorder that interferes with communication and calls attention to itself across two or more settings; and the child demonstrates moderate to severe vocal dysfluencies or the child evidences associated secondary behaviors, such as struggling or avoidance as measured by a standardized measure. For a phonological or articulation disorder: the child's phonology or articulation is rated significantly discrepant as measured by a standardized test, and the disorder is substantiated by a language sample or other evaluation(s).[14]

For a syntax, morphology, pragmatic or semantic disorder, the child's language in the area of syntax, morphology, semantics or pragmatics is significantly discrepant as measured by standardized test(s) or other evaluation data; and the disorder is substantiated by a language sample or other evaluation(s). For a child to be eligible with a syntax, morphology, pragmatic or semantic disorder, the disorder is not the result of another disability. For a child to be eligible for early childhood or school-age special education services as a child with a speech or language impairment, the eligibility team must also determine that the child has a speech or language impairment as defined in this rule; and by reason thereof, the child requires early intervention, early childhood special education, or school-age special education services.[15]

The record indicated that the District initiated and completed a re-evaluation process prior to terminating services. Written consent for re-evaluation was obtained on October 14, 2024, and executed on October 28, 2024. The District subsequently conducted multi-disciplinary assessments, resulting in a Psychoeducational Evaluation Report and a Communication

[11] OAR 581-015-2135(2)(a-d)
[12] OAR 581-015-2135(2)(A-C)
[13] OAR 581-015-2135(3)(A-C)
[14] OAR 581-015-2135(3)(b)(c)
[15] OAR 581-015-2135(3)(d)(4)

Assessment. These evaluations incorporated multiple data sources, including file reviews, teacher and parent input, classroom observations, a Developmental Profile 4 assessment, and language sample analyses.

Following notice issued on December 11, 2024, the IEP team convened on January 14, 2025 to review the evaluation results. The assessment data indicated the Student's communication skills fell within expected developmental norms and that the Student no longer presented with language or developmental delays. Based on these findings, the team determined the Student was no longer eligible for special education under the categories of SLI or DD. Both Parents attended the meeting; the Other Parent agreed with both non-eligibility determinations, while the Parent agreed regarding SLI, but requested additional processing time for the DD report. The District granted and documented this request in the January 14, 2025 Prior Notice of Special Education Action, and a subsequent review by the Director of Special Education Services confirmed that the eligibility determination adhered to state standards and procedural safeguards.

The District complied with the IDEA requirements by conducting a comprehensive re-evaluation before making any change in placement. The Student was not arbitrarily exited from special education but was properly determined ineligible based on objective assessment data reviewed during an IEP team meeting.

The Department does not substantiate this allegation.

V. CORRECTIVE ACTION[16]

In the Matter of Scappoose School District 1J
Case No. 025-054-058

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

Dated: this 21st Day of August 2026

Ramonda Olaloye

Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing Date: August 21, 2026

[16] 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)).

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).)