BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of	)	FINDINGS OF FACT,
Scappoose School District	)	CONCLUSIONS,
	)	AND FINAL ORDER
	)	Case No. 25-054-060

I. BACKGROUND

On September 15, 2025, the Oregon Department of Education (the Department) received a written request for a special education complaint investigation from the parents (Parent) of a student (Student) residing in the Scappoose School District (District). The Parents 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 Parents 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 19, 2025, the Department's Complaint Investigator sent a *Request for Response (RFR)* to the District identifying the specific allegations in the Complaint to be investigated and establishing a *Response* due date of October 3, 2025.

The District submitted a *Response* on September 26, 2025, denying the allegations, providing an explanation, and submitting documents in support of the District's position. The District submitted the following relevant items:

1. District's Written *Response* to Complaint, 9/26/25
2. Table of Contents, 9/26/25
3. Staff Contact Information, 9/26/25
4. Retention Scale, 8/28/23
5. Student Referral and Action Plan, 1/29/24
6. Intervention Report, 12/19/23
7. Assessment Data, 2023-24 School Year
8. Email Meeting Invitation, 2/26/24
9. DocuSign Document Receipt Confirmation, signed 2/29/24

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

10. Consent for Evaluation, 2/27/24
11. Email Meeting Invitation, 5/17/24
12. Notice of Team Meeting on 2/27/24, 2/6/24
13. District Meeting Notes, 2/27/24
14. DocuSign Document Receipt Confirmation, signed 6/3/24
15. Prior Written Notice (PWN), 5/20/24
16. Statement of Eligibility (SLD), 5/20/24
17. Psychoeducational Evaluation Report, 5/17/24
18. Email Meeting Invitation, 2/29/24
19. DocuSign Document Receipt Confirmation, signed 6/5/24
20. Notice of Team Meeting on 5/30/24, 4/29/24
21. Prior Notice and Consent for Initial Provision of Special Education Services, 5/30/24 (signed 6/5/24)
22. Individualized Education Program (IEP), 5/30/24
23. District IEP Meeting Notes, 5/30/24
24. Special Education Placement Determination, 5/30/24
25. IEP Progress Report, 11/1/24
26. Notice of Team Meeting on 3/12/24, 2/12/24
27. Email exchanges between District Staff, 1/21/25 – 9/25/25

The District provided the following additional documents on October 21 and 23, 2025:

1. Student Attendance Records, 2024-25 school year
2. District DocuSign Cover Letter, undated

The Parents submitted documents at the time the complaint was filed. The Parent submitted a *Reply* on October 3, 2025, providing an explanation and rebuttal, as well as additional documents. The Parents submitted the following relevant items:

1. *Reply*, 10/3/25
2. Screenshots of DocuSign emails, 2/29/24 – 6/3/24
3. Email exchange between Parents and the Department, 9/12 – 9/14/25
4. Exhibits for Complaints filed with District School Board, 7/7/25
5. Formal District Level Complaint, 7/7/25
6. Exhibit: Mishandling of IEP Process and Special Education Support, 7/7/25
7. Exhibit: Educational Neglect and Emotional Harm, 7/7/25
8. Exhibit: Family Narrative Summary, 7/7/25
9. Exhibit: Complaint Summary, 7/7/25
10. Exhibit: Timeline Summary, 7/7/25
11. Exhibit: Timeline of Bullying and IEP Failures, 7/7/25
12. Exhibit: Narrative Report, 7/7/25
13. Exhibit: IEP Process Delays and District Failures, 7/7/25
14. Exhibit: Email Thread - IEP and Scheduling Coordination, 7/7/25
15. Email exchanges between District Staff and Family, 10/1/19 – 1/13/25
16. Exhibit: District Handbooks, 7/7/25

17. Exhibit: Condensed Timeline of Key Events, 7/7/25
18. Exhibit: Full Timeline Summary, 7/7/25

The Complaint Investigator interviewed the Parents on October 14, 2025. On October 17, 2025, the Complaint Investigator interviewed District personnel. Virtual interviews were conducted instead of on-site interviews. The Complaint Investigator reviewed and considered all of these documents, interviews, and exhibits in reaching the findings of fact and conclusions of law contained in this order. This order is timely.

II. ALLEGATIONS AND CONCLUSIONS

The Department has jurisdiction to resolve this Complaint under 34 CFR §§ 300.151-153 and OAR 581-015-2030. The Complainant's allegations and the Department's conclusions are set out in the chart below. The conclusions are based on the Findings of Fact in Section III and the Discussion in Section IV. This Complaint covers the one-year period from September 16, 2024, to the filing of this Complaint on September 15, 2025.

Allegations	Conclusions
When IEPs Must Be in Effect The Complaint alleged that the District violated the IDEA by not providing special education and related services in accordance with the Student's IEP. (OAR 581-015-2220; 34 CFR § 300.323)	**Not Substantiated** There is no evidence that the District failed to materially implement the Student's IEP.
Notice of Procedural Safeguards The Complaint alleged that that the District violated the IDEA by failing to provide the Parents with a copy of the Notice of Procedural Safeguards. (OAR 581-015-2315; 34 CFR § 300.504)	**Not Substantiated** The District fulfilled its obligation to provide the Parents with the Notice of Procedural Safeguards at least once a year when it provided copies during the Student's evaluation, eligibility, and IEP development in Spring 2024. There is no evidence that the Parents requested a copy of the Notice of Procedural Safeguards during the complaint period.
Access to Student Education Records	**Not Substantiated**

Allegations	Conclusions
The Complaint alleged that that the District violated the IDEA by failing to comply with the Parents' request to inspect and review records without unnecessary delay and provide copies of these records to the Parent within the required timeline. (OAR 581-015-2300; 34 CFR § 300.501)	There is no evidence that the Parents requested any student education records, or that the District failed to comply with any requests for records, during the complaint period.

REQUESTED CORRECTIVE ACTION
• Investigate the District's handling of the Student's IEP process. • Require corrective action to ensure the District complies with IDEA and state requirements, so that other families and students are not subjected to the same harm. • Provide oversight and require staff training on IEP implementation, timely evaluations, procedural safeguards, and protections for students with disabilities.

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 16, 2024. Any facts listed below relating to circumstances or incidents earlier than that date are included solely to provide context necessary to understand the Student's disability and special education history.

1. The Student is 11 years old and currently attending fifth grade in a different district as a transfer student.

2. The Student is currently eligible for special education services under the eligibility category of Specific Learning Disability (SLD).

2023-24 School Year

3. The Student started the third grade at a District elementary school (the School) for the 2023–24 school year, after being homeschooled for several years.

4. The Student was initially evaluated for special education services during the second half of the 2024-25 school year.

5. On February 27, 2024, the District convened an evaluation planning meeting and the team determined the Student should be "tested cognitively and in math and reading," "due to current student progress."

6. The District's May 17, 2024 Psychoeducational Evaluation Report indicated, "[The Student] has academic weaknesses in reading, writing and math that are related to cognitive weakness in processing speed, rapid symbolic naming and fluid reasoning and [the Student] has cognitive strengths."

7. On May 17, 2024, the District emailed the Parents a calendar invite as a "courtesy reminder" for a May 20, 2024 eligibility meeting, with "Notice of Team Meeting" and "Procedural Safeguards Notice" documents attached.

8. The District convened a meeting on May 20, 2024 to determine the Student's eligibility for special education services. At the meeting, the team determined the Student met the eligibility criteria under SLD.

9. The District issued Prior Written Notice (PWN) dated May 20, 2024, which noted, "Parents of a child with a disability have protection under procedural safeguards. For a copy of the procedural safeguards or for assistance and understanding this information you may contact: [the Director of Special Programs (the Director)]." The document included the Director's contact information.

10. The Director reported the District sends special education documents to parents for electronic signature. Parents receive an email from the District with a link to the documents within an online platform. Parents can review and download their child's documents, which includes a cover letter from the District stating, "You will find your student's Special Education documents enclosed. If you have any questions please contact your student's case manager. If you would like a hardcopy of these documents mailed to you please contact student services, studentservices@[District].k12.or.us."

    After reviewing the documents uploaded by the District, parents are asked to sign electronically on a page stating, "Please confirm receipt of your student's Special Education documents that were agreed upon at the meeting held on …"

    The District reported parents can continue to access their child's documents using the emailed link as long as parents use the contact email the District has listed in Synergy.

11. The District sent the Parents an email link on May 20, 2024. The Parents signed the document on June 3, 2024 under the statement, "Please confirm receipt of your student's special education documents that were agreed upon in the meeting held on 05/20/24." The document also included a link to "Parent Rights for Special Education K-21 – Oregon.gov."

12. On May 29, 2024, the District emailed the Parents a calendar invite as a "courtesy reminder" for the May 30, 2024 IEP meeting, with "Notice of Team Meeting" and "Procedural Safeguards Notice" documents attached.

13. On May 30, 2024, the District convened a meeting to develop the Student's initial IEP and placement for the Student.

14. The Student's May 30, 2024 IEP (the May 2024 IEP) included the following, among other things:

    a. Parent Concerns: "[The Parents] shared that [they] had concerns around reading and dyslexia and the tendency to write letters backwards."

    b. Present Levels:

    Academic Achievement: "[The Student] needs specially designed instruction at [their] level and pace, in the area of reading in order to participate and progress in the general education curriculum."

    Functional Performance: "Takes time in processing what teachers says [*sic*] or instruction."

    c. Annual Goals: One goal each in the area of reading ("demonstrate the ability to segment and blend three-sound words… answer the 5W's comprehension questions verbally… identify and define grade level core content vocabulary"); and writing ("With support, … will write… 3-5 complete sentences on topic and edit it for capitals, end marks, with attention to one inch boundary").

    "Progress reports will be sent home at each grading period."

    d. SDI: Reading (90 minutes per week) and writing (60 minutes per week), with the anticipated location for both listed as "School Wide."

    e. Accommodations: Visual supports, check in for understanding, explicit instructions linking prior experiences, and extended process time.

    f. Supports for School Personnel: "Consult with general education teacher" (two hours per year).

    g. Non-Participation Justification: "[The Student] will be pulled from [their] general education classroom for specifically [*sic*] designed instruction for reading and writing in the special education classroom for 150 minutes per week, which is 8% of the school day… [The Student] needs specially designed instruction at [their] level and pace, in the area of reading and writing in order to participate and progress in the general education curriculum."

15. On the May 30, 2024 Special Education Placement Determination, the team selected "General education with pullout to a separate room for specifically [*sic*] designed instruction in reading and writing for 150 minutes per week, which is 8% of the school day…," from the two options listed. It also noted, "General and Special Education teachers will work together to maximize opportunities in the general education environment and streamline schedules."

16. The District's May 30, 2024 IEP meeting notes indicated the Student's third grade general education teacher shared, "[the Student] is quick to answer and [they raise their] hand to read, [they do] better in small groups and [the Student] looks to [their] peers for guidance. [The Student] is good in smaller groups. It takes [them] longer to process information."

17. The Parents reported that at the May 30, 2024 IEP meeting, the team discussed providing the Student with visual reminders for class expectations.

18. The District sent the Parents an email link on May 31, 2024 to "confirm receipt of your student's special education documents that were agreed upon in the meeting held on 05/30/24," which the Parents signed on June 5, 2024. The document also included a link to "Parent Rights for Special Education K-21 – Oregon.gov."

19. The Parents reported the District sent the Student's special education documents through an online platform used for electronic signatures. The Parents did not download the documents at the time they received the link or sign to confirm receipt of the documents. When they attempted to access the documents using the link, after the Student was unenrolled from the District in January 2025, the Parents reported the link expired and they were unable to access anything. The Parents provided undated computer screenshots of a showing a window stating, "This link from your email has expired."

20. The District provided an IEP progress report for the Student with progress information dated June 13, 2024. For both of the Student's IEP goals it stated, "This is a new IEP, data has not been collected on this goal, progress monitoring has begun in this area and will be reflected in the next progress notes."

21. The Director reported staffing needs changed over the summer when it was determined that the existing fourth grade case manager and special education teacher (the Case Manager) would need to be assigned to another role. The District posted a job opening for an additional special education teacher on August 28, 2024.

2024-25 School Year

22. The District reported the School had an in-service week for staff before school started. District staff reported the following about the in-service week, in relevant part:

    a. The Principal reported educational assistants and teachers met with the Case Manager during this time to discuss IEPs for students they would be working with.

    b. The Student's fourth grade general education teacher (the Teacher) and the head educational assistant (the EA) both reported they reviewed the Student's "IEP at a Glance" before school started but not the full IEP. There was also someone available to ask questions if they needed clarification on their responsibilities for implementing the Student's IEP.

c. The Teacher reported they had access in the district's Student Information System to the Student's "IEP at a Glance," which included the Student's IEP goals, SDI, and accommodations. But they did not receive a copy of the Student's full IEP until a few weeks after school started. The Teacher reported the Case Manager went over students' IEPs with them, but the discussion was not very thorough.

23. The Parents reported going to the Teacher's classroom shortly before the first day of school to drop off school supplies. The Parents indicated the Teacher did not seem to be aware that the Student had an IEP. The Parents stated they told the Teacher that visuals were useful to help the Student remember classroom routines and expectations.

    The Teacher recalled this interaction, which occurred during the in-service week. The Teacher stated they did know the Student had an IEP but simply did not have the IEP in hand at the time.

24. On September 3, 2024, the Student started the 2024-25 school year as a fourth grader.

25. District staff reported the following about the first two weeks of the school year:

    a. The Principal reported the School did not remove students from class for individual pull-out groups during the first two weeks. Rather, the time was spent doing assessments, observations, and getting to know the students. Students with IEPs received push-in SDI minutes during this time and data was taken.

    b. The EA reported they pushed into the Teacher's classroom to support students during this time, including the Student. The EA helped the Student focus, stay on track, and worked on writing. When asked if they delivered SDI to the Student during the first two weeks of school, the EA stated they assumed so but could not specifically recall. The EA stated they did what the Teacher, the Principal, and the Case Manager instructed them to do.

    c. The Teacher reported the EA pushed into the classroom to help students receiving special education services, and the EA collected data to help determine which small groups students should be placed in. The Teacher noted they had an educational assistant in their classroom room every day, all year, helping with students who needed individualized support. The Teacher also provided individual support to the Student but did not deliver any of the Student's SDI. The EA worked with the Student on their IEP goals, particularly in writing.

26. The District reported that, during the third week of school, the Student started being pulled out of the general education classroom to receive their SDI in reading, through participation in a small reading group. SDI for writing was primarily provided to the Student in the classroom.

27. The District reported a new special education teacher (the Special Education Teacher) started working as a substitute in the second or third week of the 2024-25 school year, before being officially hired for the open position on October 8, 2024. The Special Education Teacher took over as the service provider but the Case Manager remained the case manager for the fourth-grade caseload. The Special Education Teacher provided the Student with push-in support in the classroom, as well as pull-out services in the resource room.

28. The Special Education Teacher reported that, as a substitute, they followed a substitute plan and did not yet have access to full IEPs for students on their caseload. They did have access to the Student's "IEP at a Glance," which included IEP goals. The Special Education Teacher specifically recalled delivering SDI to the Student in both the regular classroom and the resource room while working as a substitute. The Special Education Teacher stated they, the EA, and the Teacher worked together to implement the Student's IEP and met periodically to discuss the Student's progress.

29. Internal District emails indicated school staff reported the following about the implementation of the Student's SDI during the 2024–25 school year:

    a. The Special Education Teacher reported, "[The Student] received Reading intervention in [the resource room] from 12:40-1:10 Mondays, Tuesdays and Thursdays. [They] used the Read Well Curriculum. Writing minutes were served via push in/pull out support in both [the Teacher's room] and [the resource room]. [The Student] was a hardworking student but did have frequent absences."

    b. The Principal confirmed that "Reading Interventions were provided for [the Teacher's] classroom" in the 2024–25 school year "during the 12:40-1:10 block of time and that writing was served through a push-in and pull-out model designed to maximize inclusion."

    c. The Teacher stated that the Student attended the reading group in the resource room "once [the Special Education Teacher] started" and they "received a lot of push[-]in support" in the classroom.

30. The Director reported the EA "pushed into [the Student's] [l]anguage arts block every day and helped provide SDI support for a small group of students," including the Student.

31. District staff reported the following about the implementation of the Student's IEP accommodations:

    a. The EA could not recall much about the Student's IEP accommodations but stated they always try to do exactly what a student's individual IEP requires. The EA remembered offering a lot of tools for writing and providing extra processing time for the Student, for example, by taking the Student to the back of the classroom and working with them one-on-one. When asked about visual supports, the EA stated the Student had visuals taped to their desk but was not sure if the visuals were individualized for the Student or were the same as for every student in the class.

b. The Special Education Teacher reported the Student had an individualized visual schedule taped to their desk.

c. The Teacher reported that, before the Special Education Teacher started, the Student did not have individualized visuals. However, there were visuals on desks and around the classroom for class expectations and other rules. Once the Special Education Teacher started working with the Student, they created individualized visuals that were displayed on the Student's desk.

   Except for the lack of individualized visuals for the first couple of weeks, the Teacher reported they were very aware of the Student's accommodations and they were implemented. For "explicit instruction linking prior experiences," the Teacher reported they tied new material to things the Student learned previously. The Teacher reported the Student did need extra processing time, which included taking the Student to the back of the classroom for extra time to work on assignments.

32. When asked if they had any concerns about the Student in the classroom, the Teacher reported the Student needed some reminders about classroom expectations, primarily for talking at inappropriate times. It was also noted that this was a common issue amongst fourth graders in their class.

33. The Parents reported the following about the 2024-25 school year and the implementation of the Student's IEP, among other things:

    a. "[The Student] did not feel supported at [the School]. [The Student] reported that during some pull out tutoring sessions, [their] instructor stood over [them] in a way that made [the student] feel uncomfortable and pressured. [The Student] was told that if [they] did not finish [their] work, [they] would lose recess. This created stress and discouragement rather than the supportive instruction IDEA requires."

    b. "At [the School], [the Student's] IEP was not visibly implemented, and [their] teacher appeared unaware of [their] educational needs."

    c. "There was no visual evidence that [the Student's] IEP was implemented consistently in the classroom."

    d. When asked what the implementation of the Student's IEP looked like, the Parents reported they did not know. They were not aware of a specific schedule for SDI delivery. The Parents believed the Student was not appropriately supported at school because of what the Student reported at home, as well as the Parents' observation that the Student was often stressed and exhausted.

e. The Parents stated the Student reported that visual supports were never created or implemented in the classroom. The Parents had no knowledge about whether other IEP accommodations were implemented.

34. When asked about the claim of withholding recess, the Teacher reported, "I strongly oppose the practice of keeping students in from recess… I can confirm that I have never kept this student in for incomplete work. Additionally, recess coincides with my contracted lunch period, during which I do not have students in my care."

35. The Principal reported students only miss recess if given "detention as a consequence of violating our community agreements." This would only be assigned by the Principal and "would never be a teacher decision."

36. Internal District emails indicated school staff reported the following about the Parents' access to the Student's education records:

    a. The Special Education Teacher reported, "I did not receive a request for any records from [the Parents] via phone, email or in person."

    b. The Principal stated, "I never received a formal request of this nature."

    c. The Teacher stated, "I never received any request for educational records."

    d. The School Counselor stated, "I never received a formal request."

37. There is no indication that the Parents ever requested copies of the Student's education records from the District.

38. The District provided a copy of an IEP progress report for the Student with progress updates dated November 1, 2024, which included the following information:

    a. Reading: "This fall we have been focusing on gathering baseline data as students are entering [the School]. Here is your child's baseline data. Fastbridge Reading: Autoreading 460 (high risk)… Reading 448 (high risk)."

    b. Writing: "[The Student] is working on mastery of this goal as evidenced by: With support and a prompt, [the Student] was able to complete three sentences on a topic. [They] did not use proper punctuation, and continues to need support with spelling and editing [their] work."

39. The Director reported first quarter IEP progress reports are given to parents at the School's Parent-Teacher conferences in November. If a parent does not attend conferences, a student's IEP progress report is mailed home. End of semester progress reports are emailed to parents and sent home with students.

40. The Principal reported Parent-Teacher conferences occurred on or about November 6, 2024.

41. School staff reported the following about meeting with one of the Parents at Parent-Teacher conferences in November 2024:

    a. The Parent, the Student, the Teacher, and the Special Education Teacher met to discuss how the Student was doing at school.

    b. The Special Education Teacher recalled handing documents to the Parent, including the Student's IEP progress report and assessment scores. The Special Education Teacher noted the progress the Student had made, but the Parent primarily discussed their other child.

    c. The Teacher tried to communicate that the Student had been working hard and accomplished a lot, and the Teacher was very proud of the Student. The Parent seemed happy about how the Student was doing and the services the Student was receiving.

42. The Parent reported the following about the November 2024 Parent-Teacher conferences:

    a. "IEP appeared unsupported and unimplemented. There were no visible indicators during conferences that staff understood [the Student's] needs."

    b. The Teacher did not seem to know what the Student needed in the classroom. The Teacher mentioned they frequently had to repeat information to the Student. When the Parents asked about visual supports and reminders, the Special Education Teacher stated they could make visuals for the Student, which indicated that visuals had not yet been provided.

43. The Parents claimed the Student was bullied by peers during the 2024-25 school year and the District did nothing to intervene.

    When asked about this, District staff could not recall any specific instances of bullying. If this did occur, staff did not observe any impact on the Student from bullying at school. District staff reported they knew of some social emotional issues the Student had at school. Specifically, the Student was relatively immature for their grade, emotional, and had a hard time forming relationships, but staff worked with the Student to support them in these areas. In the classroom, staff helped the Student develop relationships with peers, and the Student participated in "lunch bunch" groups focused on social-emotional learning with the School Counselor.

44. The Parents reported the Student stopped attending the School in December 2024 because of their concerns about bullying, the Student's safety, and the lack of appropriate support.

45. Both parties reported the Student did not return to the School after winter break.

46. In January 2025, the Parents applied for the Student to transfer to a different school district (the New District).

47. The Parents reported the New District accepted the transfer request on January 16, 2025.

48. The Student was unenrolled from the District on January 16, 2025.

49. On January 21, 2025, the New District asked the District to send copies of the Student's education records to the New District.

50. An email exchange between the District and the New District indicated the District sent a link to the Student's education records to the New District on January 21, 2025, the same day the records were requested.

    On February 27, 2025, the New District responded, stating the staff member at the New District who requested and received the link recently retired. The New District wrote, "I apologize. The link expired… Can you please send us a new link to import the special education records?"

    The District replied by email on the same day, February 27, 2025, with a new link providing access to the Student's records.

51. The Parents reported the District Superintendent sent them an official transfer approval letter on January 23, 2025.

52. The Parents reported the Student started attending school in the New District on January 27, 2025. They claimed the New District appropriately supported the Student and the Student's engagement and success in school quickly improved.

53. There were no IEP meetings convened for the Student during the time they attended the District in the 2024–25 school year. Apart from the Student's IEP progress report, no special education documents or notice of procedural safeguards were sent to the Parents during this time.

54. On September 15, 2025, the Parents filed this Complaint.

55. The Parents alleged, "The district repeatedly failed to provide us with required procedural safeguards[.]" "[The Student's] IEP was not finalized until June 5, 2024… Even after the IEP was drafted, procedural safeguards were not provided, and we were denied access to required documentation" in violation of OAR 581–015–2315. "Even after the IEP was implemented, the supports were not consistently provided."

56. The District's September 26, 2025 *Response* included the following, among other things:

a. "[The Student] received the specified number of minutes outlined in [their] IEP for reading and written language instruction[.]"

b. "Throughout the pre-planning, eligibility, and [IEP] process, the district consistently provided and made procedural safeguards readily available to the student's family. We have ample documentation demonstrating that the safeguards were shared on numerous occasions, ensuring that parents were informed of their rights and the procedures involved in the special education process. Specifically, procedural safeguards were included in meeting invitations, which contained direct links to the relevant documents and noted on the meeting notes for each stage of the special education evaluation and eligibility process."

c. "The family was given access to the student's special education records… all special education records were properly processed and documented throughout each stage of the special education process… Following each meeting, we ensured that documentation was sent home to the parents within one or two working days …. Signatures from the parents were obtained through this secure and efficient electronic process and are noted on the cover sheet of all of the meetings that were held during the specified time… the district is not aware of any additional requests for records[.]"

IV. DISCUSSION

When IEPs Must Be in Effect

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

School districts must provide special education and related services to a student with a disability in accordance with the student's IEP.[3] The district must ensure that each staff member, including service providers, has access to a student's IEP and is informed of their specific responsibilities for implementing the IEP and the specific accommodations, modifications, and supports in accordance with the IEP.[4] "IEP Teams and other school personnel should be able to demonstrate that, consistent with the provisions in the child's IEP, they are providing special education and related services and supplementary aids and services."[5]

"IEP Teams must implement policies, procedures, and practices relating to… how a child's progress towards meeting annual goals will be measured and reported," to ensure that the district offers "an IEP reasonably calculated to enable a child to make progress appropriate in

[3] OAR 581-015-2220(1)(a); 34 CFR § 300.323(c).
[4] OAR 581-015-2220; 34 CFR § 300.323.
[5] Questions and Answers on *U.S. Supreme Court Case Decision Endrew F. v. Douglas County Sch. Dist.,* Re-1, 71 IDELR 68 (EDU 2017).

light of the child's circumstances."[6] "IEP Teams should use the periodic progress reporting required [by the IDEA] to inform parents of their child's progress."[7]

There is no expectation that IEPs be implemented with perfection under the IDEA. "[A] district does not violate the IDEA unless it is shown to have materially failed to implement the child's IEP. A material failure occurs when there is more than a minor discrepancy between the services provided… and those required by the IEP."[8]

The Parents' claims related to the 2023-24 school year did not occur within the complaint period. There was one IEP implemented during the complaint period, the May 2024 IEP. The Student's IEP stated the Student would receive SDI in reading and writing for a total of 150 minutes per week. The anticipated location was listed as schoolwide.

While it is unclear why District staff did not have access to the Student's full IEP at the start of the 2024-25 school year, staff were able to implement the Student's IEP using the "IEP at a Glance," which included the Student's IEP goals, services, and supports. District staff reported the Student received pull-out services for SDI in reading, three times a week in a small reading group. SDI in writing was provided through both pull-out and push-in support from the Special Education Teacher and the EA.

The Parents stated there was "no visual evidence that the [the Student's] IEP was implemented consistently in the classroom" and "the Teacher appeared unaware of [the Student's] educational needs". However, the Parents did not identify any specific claims as to how the IEP was not implemented, except the belief that the Student's accommodation for visual supports was not provided in the classroom and the Student improved after transferring to the New District.

District staff maintained that the services and accommodations listed in the Student's IEP were implemented. District staff reported the Student had individualized visuals on their desk starting in the second or third week of the school year. Before that, the Student had access to visuals in the classroom that were provided to all students.

There is insufficient evidence to conclude that the District failed to implement the Student's IEP. Even if there was sufficient evidence to determine that visual supports were not provided, there is no evidence that this would constitute a material failure to implement the IEP.

The Department does not substantiate this allegation.

Notice of Procedural Safeguards

The Complaint alleged that that the District violated the IDEA by failing to provide the Parents with a copy of the Notice of Procedural Safeguards.

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

School districts must give parents a copy of the Notice of Procedural Safeguards at a minimum of one time per year. Additionally, districts must provide a copy to parents upon initial referral or parent request for evaluation; upon request by a parent; and to the child, at least a year before the child's 18th birthday. The Procedural Safeguards Notice must include all of the content provided in the Notice of Procedural Safeguards published by the Department. Required content areas include independent educational evaluations, prior written notice, parental consent, and access to educational records, among others. The Notice of Procedural Safeguards must be written in language understandable to the general public, and in the parent's native language or other mode of communication unless it is clearly not feasible to do so.[9]

The District provided the Parents with copies of the Notice of Procedural Safeguards on several occasions during the Student's special education evaluation and eligibility process. The District also provided Notice of Procedural Safeguards to the Parents with the development of the Student's initial May 2024 IEP. Although the District did not provide the Parents with a copy of the Notice of Procedural Safeguards during the time the Student attended the District in the 2024-25 school year, the District had no obligation to do so until May 2025. There is additionally no evidence that the Parents requested a copy of the Notice of Procedural Safeguards from the District during the 2024-25 school year.

The Department does not substantiate this allegation.

Access to Student Education Records

The Complaint alleged that the District violated the IDEA by failing to comply with the Parents' request to inspect and review records without unnecessary delay and provide copies of these records to the Parent within the required timeline.

School districts must comply with a parent's request to inspect and review their child's education records without unnecessary delay before any meeting regarding an IEP, and in no case more than 10 days after the request has been made.[10] This includes all education records with respect to the identification, evaluation, placement, and provision of FAPE to the child.[11] OAR 581-015-2300 adopted provisions of FERPA for purposes of ensuring the safeguards required for education records of children with disabilities.[12] Under FERPA, "education records" are defined as those records that are (1) directly related to a student; and (2) maintained by an educational agency. This does not include records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.[13]

[9] OAR 581-015-2315; 34 CFR § 300.504.
[10] OAR 581-015-2300; 34 CFR § 300.501.
[11] OAR 581-015-2300(2); 34 CFR § 300.501.
[12] OAR 581-015-2300(1); 34 CFR § 300.501.
[13] OAR 581-015-2300(1); 34 CFR § 99.3.

There is no evidence that the Parents requested access to or copies of the Student's education records from the District during the complaint period.

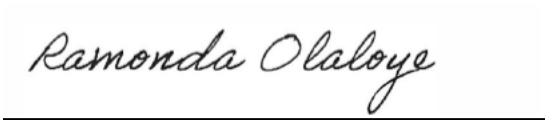
The Department does not substantiate this allegation.

V. CORRECTIVE ACTION

In the Matter Scappoose School District
Case No. 25-054-060

The Department does not order corrective action in this matter.

Dated: this 14 Day of November 2025



Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing Date: November 14, 2025

Appeal Rights: Parties may seek judicial review of this Order. Judicial review may be obtained by filing a petition for review within sixty days from the service of this Order with the Marion County Circuit Court or with the Circuit Court for the County in which the party seeking judicial review resides. Judicial review is pursuant to the provisions of ORS § 183.484. (OAR 581-015-2030 (14).)