BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of	)	FINDINGS OF FACT,
Tillamook School District 9	)	CONCLUSIONS,
	)	AND FINAL ORDER
	)	Case No. 26-054-033

I. BACKGROUND

On March 5, 2026, the Oregon Department of Education (Department) received a written request for a special education complaint (Complaint) from the parent (Parent) of a student (Student) residing in the Tillamook School District (District). The Complaint requested that the Department conduct a special education investigation under OAR 581-015-2030. 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 Parents and the District agree to the extension to engage in mediation or local resolution or for exceptional circumstances related to the complaint.[2]

On March 16, 2026, 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 March 24, 2026. The District requested and received an extension to submit its *Response* by March 30, 2026. The District submitted the following relevant items:

1. District's Written *Response* to Complaint, 3/30/26
2. Section 504 Eligibility Report and Accommodation Plan, 10/05/22
3. Medical Statement 12/19/22
4. Letter from the Parent, 9/27/22
5. Meeting Minutes, 9/27/22
6. Prior Notice and Consent for Initial Provision of Special Education Services, 1/18/23
7. Statement of Eligibility for Special Education, Other Health Impairment (OHI), 1/13/23
8. Prior Written Notice (PWN) Eligibility,1/13/23
9. Statement of Eligibility for Special Education, Autism Spectrum Disorder (ASD), 1/13/23
10. Statement of Eligibility for Special Education, Developmental Disability, 1/13/23
11. Statement of Eligibility for Special Education, Emotional Behavior Disability, 3/11/23

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

12. Meeting Minutes, 1/13/23
13. Individualized Education Program (IEP), 1/18/23
14. PWN, 1/18/23
15. IEP, 1/09/25
16. Progress notes, 2024-25 SY
17. PWN, 10/17/25
18. Team Minutes,10/17/25
19. PWN, 11/03/25
20. PWN/Consent for Evaluation, 11/10/25
21. Parent Addendum to 10/17/25 Minutes, No Date
22. PWN Evaluation, 11/25/25
23. Team Minutes, 11/25/25
24. Statement of Eligibility for Special Education, OHI, 1/09/26
25. IEP, 1/09/26
26. Team Minutes, 1/09/26
27. File Review Summary,1/09/25
28. Statement of Eligibility for Special Education: OHI and ASD combined form, 1/09/26
29. Statement of Eligibility for Special Education: OHI only, 1/09/26
30. PWN, 1/09/26
31. IEP At a Glance and Special Education Placement, 1/09/26
32. PWN, 11/03/25
33. Statement of Eligibility for Special Education, OHI, 3/02/26
34. Statement of Eligibility for Special Education, ASD,3/02/26
35. Occupational Therapy Report, 11/24/25
36. Psychological Evaluation, Mid-Valley Counseling, with parent redactions, 11/24/25
37. Team Minutes, 3/02/26
38. Psychoeducational Evaluation Report, 2/27/26

On April 14, 2026, at the request of the Complaint Investigator, the District provided the following additional information:

1. Psychoeducational Evaluation Report, 1/13/23

The Parent submitted documents in support of their Complaint on March 9, 2026. On April 7, 2026, the Parent submitted a *Reply* to the District's *Response*, providing an explanation and rebuttal, along with additional supporting documents. In all, the Parent submitted the following relevant items:

1. Parent Rebuttal to District Response, 4/07/26
2. Email to Team, 12/01/25
3. DSM-5 Criteria for Autism Spectrum Disorder
4. School Communication Chronologies; 8/25/25-4/01/26, and 9/12/24-6/05/25
5. Psychoeducational Report 2/27/2026
6. Parent Evidence of Progress, provided at 3/02/26 Meeting
7. Parent Statement of Objection, 3/23/26

8. File Request Chronology,10/21/25 through 2/26/26

On March 11, 2026, the Complaint Investigator interviewed the Parent. The Complaint Investigator interviewed District personnel on April 8, 2026. Virtual and telephone interviews were conducted instead of on-site interviews. The Complaint Investigator reviewed and considered all 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 March 6, 2025 to the filing of the Complaint on March 5, 2026.

Allegations	Conclusions
Education Records The Complaint alleged that the District violated the IDEA by failing to provide copies of all education records within required timelines before relevant evaluation and identification meetings, resulting in a denial of Parent's ability to fully participate in the District's decisions. (OAR 581-015-2300; 34 CFR § 300.501(a))	**Substantiated** The District failed to provide the Parent with the Student's education records in a timely manner.
General Evaluation Procedures The Complaint alleged that the District violated the IDEA by not conducting a comprehensive special education evaluation sufficiently comprehensive to identify all of the Student's special education and related services needs. Specifically, the Parent alleged that the District did not utilize historical information regarding the student's eligibility under Autism Spectrum Disorder. (OAR 581-015-2110(3)(a); 34 CFR § 300.304)	**Not Substantiated** The District conducted a comprehensive evaluation of the Student in all areas of suspected disability.

REQUESTED CORRECTIVE ACTIONS
The Complainant requests corrective action as follows: 1. Provide training to all District staff involved with oversight of Student educational records specifically on requirements and timelines required to facilitate parental access to all records to safeguard parental participation. 2. Coordinate with Parents to identify and receive documents parents allege are missing from the recently provided Student Special Education Record. 3. Provide training to special education staff about inclusion of parent information and incorporating historical information into evaluation planning and determinations. 4. Provide verification of District compliance with corrective actions.

III. FINDINGS OF FACT

IDEA regulations limit complaint investigations 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 March 6, 2025. 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 9 years old and is in the fourth grade. The Student resides and attends school within the District.

2. Prior to becoming eligible for special education, the Student received accommodations detailed in a 504 Plan dated October 5, 2022. The 504 plan describes the Student's struggles with focus in the classroom and becoming overwhelmed. The Student's 504 team developed a plan without a listed diagnosis although the 504 Plan notes possible ADHD or ASD, writing that "formal assessments are in progress".

3. The Student was referred to the District Social Emotional Learning Team in February of 2022 for behavior concerns after "several rounds of behavior interventions were attempted, but not successful".

4. On Sept 27, 2022, the District held an Evaluation Planning Meeting for the Student. At the meeting, the Parents presented a letter to the Evaluation Planning Team requesting a comprehensive evaluation of the Student to determine their eligibility for special education. The Parents specifically noted concerns for service needs related to suspected Autism Spectrum Disorder (ASD). The District and Parents agreed to a comprehensive evaluation of the Student to determine eligibility for special education under the categories of ASD, Emotional Behavior Disability (EBD), and Developmental Delay (DD).

5. As part of its initial evaluation of the Student, the District completed a comprehensive assessment of the Student and summarized the results in the Psychoeducational Report dated January 13, 2023 (2023 Evaluation Report). The 2023 Evaluation Report included assessments of the Student's cognitive and academic development, behavior rating scales, observations, developmental history, and a file review of educational records. The report notes that the Student's "sensory and emotional regulation differences are impeding [their] ability to participate and be [their] best self at school." The results of the evaluation included, but were not limited to:

    a. Brigance Inventory of Early Development-3rd Ed.:
        i. Academic Skills/Cognitive Development-Below Average
        ii. Adaptive Behavior: Daily Living-Average
        iii. Social and Emotional Development-Below Average

    b. Behavior Assessment System for Children, 3rd Edition (BASC-3): Behavioral Symptoms Index scores fell within the Clinically Significant range as rated by the Student's teacher and the Parent.

    c. Behavior Rating Inventory of Executive Functioning-2nd Ed. (BRIEF-2): Elevated score areas indicate that the Student has varied level of difficulty depending on their environment in tasks dependent on focus, executive function, initiating tasks and holding/utilizing information.

    d. Social/Communication Assessments:

        i. Clinical Evaluation of Language Fundamentals (CELF-5): The Student's pragmatic language score for use of appropriate social language both verbally and nonverbally was in the Average Range. On the Pragmatics Checklist, the Student met criteria for adequate acquisition of pragmatic communication skills.

        ii. Assessment and report summaries address the seven specific communication areas of concern for ASD eligibility determination. Reports and examples from the Speech Language Pathologist, Parent report, and teacher are provided.

        iii. Social Responsiveness Scale-2nd Ed. (SRS-2): Total scores fell in the Severe range, indicating a significant number of behaviors and symptoms typically associated with ASD. Social Awareness was rated Mild at school and Severe at home. Social Cognition was rated as Severe across environments. Social Communication and Restrictive and Repetitive behaviors were rated as Moderate/Severe. Social Motivation was rated Mild at home and Severe at school

    e. Medical Statement dated December 16, 2022: The Student's medical provider "noted that there are current behavioral symptoms for Autism and ADHD, and the family is currently awaiting an evaluation from OHSU. [They] added that [the Student] dysregulates quickly and is frequently uncooperative."

f. Review of Behavior Records: Data showed 35 behavior referrals in the past year, with a highlighted note that "behavior has improved significantly since November 2022".

g. Developmental History: No medical complications noted. All developmental milestones were met on time apart from toileting. A developmental concern regarding tantrums is noted.

h. Childhood Autism Rating Scale, 2nd Ed.-High Functioning (CARS2-HF): Raw score of 32, 35th percentile, indicates the Student is likely autistic, and has a Severe level of behaviors related to ASD

i. CARS2-Questionairre for Parents or Caregivers- Parents rated Thinking/Cognitive Integration and Consistency of Intellectual Response as typical. Rated as Mildly atypical were: relating to people, visual response, body use, listening response, fear/anxiety, verbal communication, and non-verbal communication. Rated as Moderately atypical were: social/emotional understanding, expression/expression of emotions, adaptation to change, and sensory response. There were no categories reported as Severely Abnormal

j. The report summarizes the results saying the characteristics found in the assessments are strongly associated with Attention-Deficit /Hyperactivity Disorder (ADHD), with elevated concerns within the Student's executive functioning skills such as behavior and emotion regulation, as well as sensory sensitivities to their environment. "Although [the Student's] symptoms do overlap with many ASD characteristics, it seems that the ADHD-type behaviors are more often interfering with [their] ability to access [their] education at this time." The report ends with a Venn diagram comparing the overlap in symptomatology between ASD and ADHD.

6. On January 13, 2023, the Evaluation Team reviewed the assessment results from the 2023 Evaluation Report with the Parents and determined that the Student was eligible for Special Education services under the category of OHI. The team also determined the Student did not meet eligibility criteria for the categories of Autism Spectrum Disorder (ASD), Emotional Behavior Disability (EBD), or Developmental Delay (DD). Eligibility Statements for each area considered were completed separately and signed by the team. Parents agreed with the eligibility decisions at that time.

7. The Statement of Eligibility (ASD) completed on January 13, 2023 found the Student ineligible under this category because [they] did not demonstrate persistent deficits across multiple contexts in the first 3 domains evaluated; Social-emotional reciprocity, nonverbal communication, and ability to establish and maintain relationships.

8. The Student's Initial IEP dated January 18, 2023 (January 2023 IEP) includes the following, among other things:

   a. Student strengths, interests, and preferences: The Student "is a bright, funny and unique 6-year old student [with] many strengths, including having extensive knowledge about [their] favorite subjects, being a strong athlete, and having determined leadership skills." Preferences: "[The Student] benefits from routine and reminders of school readiness

skills." "[They are] social [so] it is important for [them] to build relationships with the people [they work] with."

b. Present Levels of Functional Performance: How disability affects involvement and progress in the general education curriculum: "A delay in social-emotional development adversely impacts [the Student's] educational performance by impacting their social awareness, social competence, as well as their ability to engage meaningfully with peers and adults, in social situations/interactions. These struggles also make it challenging for [them] to foster and develop peer relationships, due to social immaturity and tendencies for hyperactivity and limited focus."

c. Specially Designed Instruction:

i. Social/Emotional/Behavioral: 120 minutes/month
ii. Behavior: 120 minutes/month
iii. Adaptive: 120 minutes/month

d. Accommodations: Frequent breaks, visual cues, familiar tester, chunking of assessments, repeat directions, reread prompts, quiet testing space, preferential seating, extended processing time, and access to sensory tools.

e. Supports for School Personnel: Occupational Therapy (OT) Consult, 120 minutes per month

f. Non-Participation Justification: "[The Student] will be removed from the general education setting for approximately 90 minutes per week which equates to 5% of [their] school week."

9. The District convened the Student's next annual IEP meeting on January 12, 2024 (January 2024 IEP). Pertinent information in the January 2024 IEP includes the following:

a) Present Levels: "[The Student] has made a lot of progress since 1st grade. [They have] made progress towards [their] behavior, social/emotional and adaptive goals. [They are] able to use coping strategies to regulate their emotions and following classroom procedures."
b) Parents Input: Parents are happy with the progress made in the Student's behaviors and social/emotional skills but also expressed concern that the Student doesn't fall behind in academics.
c) Goals were continued and updated in Social/emotional, Adaptive, and Behavior areas. Total Specially Designed Instruction lists 6 hours per month.
d) End of year progress notes from June 6, 2024, show progress across goals.

10. The Student's IEP was again renewed on January 9, 2025. Goals continued in Reading/Language Arts, Adaptive self-management, and behavior (transitioning), social skills, and written language. Parents expressed concerns with writing skills.
Description of how disability affects progress: "[The Student] has made significant progress in [their] ability to participate in classroom activities and enjoys participating with [their]

peers. [The Student] struggles to keep up with the pacing of writing during classroom assignments and demonstrates struggles in reading in the general education setting." Nonparticipation extent of removal from general education was described as "250 minutes per week which equates to 12% of [their] school week. End of year progress notes show progress across goals.

11. The Student's IEP Team met on October 17, 2025 to plan for the Student's three-year re-evaluation. The IEP team decided to conduct a file review to determine the Student's continued eligibility under the category of OHI. The Parent listed concerns such as "do not want sensory or work tolerance to influence decisions in Educational pathway". Other discussion items included:
    a) Data will be used from the previous evaluation, rather than conducting a new psychoeducational evaluation.
    b) The evaluators will look at curriculum-based measures.
    c) Decisions on eligibility will be decided upon file review.
    d) The Parents are concerned the Student will lose eligibility, that Student has socially regressed, behaviors to be misunderstood, doesn't have a friend in class, not connected to students in class. The Parents requested time to think about consenting.

12. On October 17, 2025, the District sent the Parents a list of proposed assessments along with a description of each. Proposed assessments:
    a. Observation
    b. Woodcock-Johnson Tests of Achievement 4th Ed.
    c. Behavior Assessment System for Children, 3rd Ed.
    d. Behavior Rating Inventory of Executive Functioning, 2nd Ed.
    e. File Review: Cumulative review of past testing, IEP goals, services, minutes, and current curriculum-based measures.

13. On October 21, 2025 the Parent made the initial written request to the District requesting a copy of the Student's "complete education file. If we proceed with the evaluation, we want to ensure we know what information the school documented and is therefore considering."

14. A PWN/Consent for Evaluation was created on November 10, 2025. It states "[The District] Stands ready to move forward on a comprehensive evaluation". The District provided the Parent a list of proposed assessments in all areas on October17, 2025. Parent signature obtained on November 12, 2025.

15. The Parent sent an Addendum with 14 concerns and corrections from the October 17, 2025 Evaluation Planning meeting. Primary concerns noted were:
    a. parents shut down from discussing eval requests
    b. progress vs regression in light of parental tutoring
    c. pattern of struggles with the District

16. The Parent signed Consent for Evaluation on November 12, 2025.

17. The Parents provided the District a copy of a private Psychological Report from Mid-Valley Counseling Center dated November 24, 2025. Assessments used and relevant results include:

    a. Weschler Abbreviated Scale of Intelligence 2nd ed., Intellectual ranges in Superior and Above Average range
    b. Wide Range Achievement Test 4th Ed., Academics in-range (Math 6.1 grade equivalency) Reading, spelling ranges are grade equivalent
    c. Child Behavior Checklist, interviews, observations, and Vanderbilt Assess Scale
    d. Australian Scale for Aspergers' (ASAS)- Score fully Supports both ADHD and ASD
    e. The Childhood Autism Rating Scale (CARS)- also supports diagnosis of ASD
    f. Vineland Adaptive Behavior Scale suggests borderline scores in communication and Daily Living Skills, and deficits in socialization skills

    The report also provided a medical (DSM-V) diagnosis of ASD, ADHD, Dyslexia, and Enuresis.

18. On November 25, 20225, the IEP Team met regarding parent concerns with the evaluation. Meeting notes list the Parent's concerns about lack of ASD eligibility and whether needs are being met through the Student's OHI IEP. The notes also list proposed testing. The Parent requested a copy of the Student's education file.

19. On January 9, 2026, the team re-established the Student's eligibility for special education under the category of OHI, after reviewing findings of the file review**.**

20. PWN from January 9, 2026 description of actions: determine eligibility for continuation of IEP, Student found eligible under OHI, other options: consideration of another eligibility category. Testing is continuing and team will reconvene within the 60-day timeline to discuss additional testing results." Update IEP accommodations, service minutes and goals.

21. An annual IEP Meeting was held on January 9, 2026. The Student is now in 4th Grade and showing overall progress according to school reports. Relevant information in this document includes:
    a) Parent noted concern with writing skills
    b) Present Levels Academic/Functional: unchanged
    c) Special factors: Marked yes for assistive tech, and behavior impeding learning is changed to no.
    d) Goals selected:
        i. Reading/Language Arts- identifying the main idea, answering inferential questions and using text to explain answers
        ii. Social Skills- improve social cue-recognition and reciprocal friendship behaviors
        iii. Writing-producing a clear topic and, 2 pieces of relevant textual evidence and a concluding sentence
        iv. Self-Advocacy-independently request assistance from a teacher or peer during class time

22. On January 13, 2026, the District emailed what they believed to be the Student's entire Special Education file. The Parents are concerned that information is missing from the

records. The District informed the Parents that they received the full contents of the Student's file.

23. On February 23, 2026, the Parent sent an email to the School Psychologist acknowledging receipt of a readable copy of the new Psychoeducational Evaluation report and expressing concerns about the short timeline of four days to review the document and prepare documentation and clarification for the upcoming Eligibility Meeting. The Parent requested a later date for the meeting. The Parent also reminded the District that they have not received all of the Student's educational records, specifically noting that the file is missing the original District Psychoeducational Evaluation.

24. By February 23, 2026, the Parent specified that the Special Education file was at the least missing the Psychoeducational Report from 2013 used in establishing the Student's initial eligibility for special education. The District was unable to locate and send the missing report prior to the Eligibility Determination meeting on March 3, 2026. During the investigation of this complaint, the Investigator confirmed that a) the school psychologist did utilize the missing report in completion of their file review and Psychoeducational Report dated Feb 27, 2026 because their employer, the Education Service District, had their own copy of this report, and b) the District ultimately located the missing report, discovering that the report failed to be uploaded into their new technology format the previous year. The missing report was finally sent to the Parents as late as April 14, 2026. Additionally, the District did not provide a copy of the Cumulative File, which was accessed through other staff at another building at the end of March 2026.

25. Responding to the Parent's concerns about the timeline to preview the testing results, the District moved the meeting to March 3, 2026, giving the Parent a full week to preview the report.

26. On March 3, 2026, the Eligibility Team reviewed the Psychoeducational Evaluation results. The District completed a comprehensive assessment and summarized the results in the Psychoeducational Report dated February 27, 2026, reviewed as part of the triennial evaluation of the Student for Special Education eligibility. The results of the evaluation included, but were not limited to:

    a. Academic/School Performance, File Review 1/09/25, prior testing results

    b. Woodcock-Johnson Tests of Achievement-4th Ed.:
        i. Broad Achievement- Average
        ii. Broad Reading-Average
        iii. Broad Math-Average
        iv. Broad Written Language- Slightly Below Average

    c. Behavior Rating Inventory of Executive Functioning-2nd Ed. (BRIEF-2): Across settings the Student demonstrates executive functioning challenges, with greater severity reported at home than at school. Common areas of concern include flexibility, emotional regulation, task initiation, working memory, and planning/organization. The profile suggests rigidity,

emotional dysregulation, and difficulty managing complex or changing task demands, with more pronounced difficulties observed by parents.

d. Social Responsiveness Scale-2nd Ed.(SRS-2): ratings by Teacher, father, and mother. Social motivation and restrictive interests rated by school as Normal, while the parents rated same as Severe for outside of school environment.

e. Social/Communication Assessments: As part of its initial evaluation of the Student. The results of the evaluation included, but were not limited to, the following:
   i. Direct Interaction- Double Interview from Social Thinking Dynamic Assessment.
   ii. Clinical Assessment of Pragmatics (CAPS)-All four pragmatic language areas scored in average range.
   iii. Neurodivergent Student Profile

f. Observations: Total of 5 conducted in various settings by the Autism Consultant, the School Psychologist, and the Speech Language Pathologist.

g. Parent Interview Based on DSM-5 ASD.

h. Assessment findings in the seven specific areas of concern for ASD determination. Reports and examples from the Speech Language Pathologist, Parent report, and teacher report.

i. The report summarizes the results saying, "[The Student] definitely presents as neurodivergent, with many strengths and characteristics that can be consistent with autism as well as ADHD. The 7 Domains listed above are used to determine whether a child meets the eligibility criteria for Autism Spectrum Disorder educationally. A student who meets criteria must demonstrate historical/current and pervasive deficits across multiple contexts in the first three domains, and at least two domains from the remaining four. Information for these domains is collected through multiple sources, by a variety of professionals trained in identifying characteristics associated with Autism Spectrum Disorder."

27. On March 3, 2026, the Team completed a combined-form Eligibility Summary for both OHI and ASD to consider both eligibility areas together. The Team decided to use a file review for OHI re-eligibility as the information had recently been reviewed at the January 9, 2026 meeting. The Student was found eligible for Special Education in the category of OHI. Using the new information presented in the February 27, 2026 Psychoeducational Report, the Student was found not eligible for Special Education in the category of ASD. The completed form does note as 'Determined at team meeting' that the ASD considerations showed no Need for Special Education, and no Adverse Impact under ASD eligibility. Parents disagreed and would not sign this document.

28. Concerned that the Student should continue with their January 9, 2026 IEP services under the previously established category of OHI, and for better clarity around the decisions, the District created separate Eligibility for Special Education statements for both OHI (meets eligibility), and for ASD (Does not meet eligibility).

29. The Statement of Eligibility for Special Education: ASD dated March 3, 2026, lists a Team determination that the Student did not demonstrate characteristics of ASD for all three social communication deficits; specifically, the Team determined the Student had not demonstrated deficits in social-emotional reciprocity, or in nonverbal communicative behaviors used for social interaction.

31. Team Meeting notes from March 2, 2026 note the following Parent concerns:
"Parents concerned that [medical]ASD diagnosis is not represented in [the Student's] accommodation [they receive] at school".
"Autism is impacting [the Student's] interpretation of information".
"Parents concerned that data that is collected is not being transferred from school to school".
The Parents would like historical information to be added into the evaluation report.
The Parents do not agree with the evaluation that was conducted. The Parents informed the District that they reserve the right to request an IEE, after the draft psychoeducational report used in the Eligibility Meeting is reviewed.
Request the District add medical statements into the evaluation.
The Parents did not sign eligibility paperwork or notes.
The Parent requested a copy of the Student Cumulative File, and that it be certified. The Parents believe the evaluation is incomplete.

32. On March 5, 2026, the Parents filed this complaint.

IV. DISCUSSION

Education Records

The Complaint alleges the District violated the IDEA by failing to provide copies of all education records within required timelines and before relevant evaluation and identification meetings, resulting in a denial of Parent's ability to fully participate in District's decisions.

The IDEA incorporates by reference the requirements of the Family Educational Rights and Privacy Act (FERPA).[3] These provisions require that a school district must comply with parental requests to inspect and review their child's education records without unnecessary delay.[4] In Oregon, this means that education records requested by a parent must be provided before any meeting regarding an IEP, and in no case more than ten business days after the request has been made.[5] 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.

[3] OAR 581-015-2300; 34 CFR § 300.501(a); 34 CFR §§ 99.1 to 99.38
[4] OAR 581-015-2300(2); 34 CFR § 300.501(a)
[5] OAR 581-015-2300(3)(a)

The Parents made multiple requests for the Student's full educational file starting on October 21, 2025 and continuing past several special education meetings; namely the November 10, 2025 Evaluation Planning Meeting, January 9, 2026 Eligibility Determination Meeting, and January 9, 2026 IEP Meeting. The Parents did not receive what the District described as the complete special education records until January 13, 2026; more than 6 weeks after the initial request. The Student's cumulative file was not provided to the Parents until March 2026. Even then, the educational records the Parent's received did not include the Student's 2023 Evaluation Report, which the Parents specifically sought to review prior to the January 9, 2026 Eligibility Determination Meeting. That Report was not produced by the District until April 14, 2026.

The Department substantiates this allegation.

General Evaluation Procedures

The Parent alleges that the District violated the IDEA by not conducting a comprehensive special education evaluation sufficiently comprehensive to identify all of the Student's special education and related service needs. Specifically, the Parent alleges that the District did not utilize historical information regarding the Student's eligibility under the category of Autism Spectrum Disorder.

School districts must ensure that a reevaluation of each child with a disability is conducted if the school district 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 parents or teacher requests a reevaluation. A reevaluation for each child with a disability may occur not more than once a year, unless the parent and school district agree otherwise; and must occur at least every three years, unless the parent and school district agree that a reevaluation is unnecessary.[6]

Children should be assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities. In conducting evaluations, the school district 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. Assessment and evaluation materials should include those tailored to assess specific areas of educational need. The school district should 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 education program for the child. Assessment tools should be technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors. Additionally, school districts must ensure that assessments and other evaluation materials used are: 1) appropriately selected and administered; 2) used for the purposes for which the assessments or measures are valid and reliable; 3) administered by trained and knowledgeable personnel;

[6] OAR 581-015-2105(4); 34 CFR § 300.303

and 4) administered in accordance with any instructions provided by the producer of the assessments.[7]

As part of the assessment for a child suspected of having an autism spectrum disorder, school districts must conduct a Developmental History, and consider "information from parents and other knowledgeable individuals regarding the child's historical and current characteristics that are associated with autism spectrum disorder,..".[8] Developmental History in this rule is defined as "gathering information about prenatal and birth history (…), meeting of developmental milestones; socialization and behavioral patterns; health and physical/medical history; family and environmental factors; home and educational performance(…)"[9].

In this case, the evidence demonstrates that the District conducted a thorough and comprehensive evaluation of the Student in all areas of suspected disability. When the District conducted an initial evaluation of the Student for special education, the Student did not meet eligibility criteria for ASD. At the March 3, 2026 Evaluation Planning Meeting, the District again agreed to the Parent's request to evaluate the Student for eligibility under the category of ASD. The evidence demonstrates that the District used a wide-range of information sources, both historical and current, to make eligibility decisions, including Parent information and developmental information, and included the Parents in discussions and deliberations. A private assessment containing a medical diagnosis of ASD was reviewed and discussed by the team. It is important to note that a medical diagnosis of ASD does not necessarily mean that a child will qualify for special education under the IDEA eligibility criteria for ASD. The team utilized appropriate assessments and reasonably determined that the Student did not meet the criteria necessary to determine eligibility for special education under the category of ASD.

The Department does not substantiate this allegation.

V. CORRECTIVE ACTION

In the Matter of Tillamook School District #9
Case No. 026-054-033

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

Action Required	Submissions	Due As Soon As Possible But Not Later Than
The District will develop and conduct training for all staff responsible for providing access to student education records on the District's responsibility to provide parents of	Training agenda and materials to ODE for review and approval. Sign-in sheet from training.	June 15, 2026 October 15, 2026

[7] OAR 581-015-2110; 34 CFR § 300.304
[8] OAR 581-015-2130(1)
[9] OAR 581-015-2000

students with disabilities access to their student's education records.		

Dated: this 4 Day of May, 2026



Ramonda Olaloye
Assistant Superintendent,
Office of Enhancing Student Opportunities

E-mailing Date: May 4, 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).)