BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of Oregon City School District 62	)))	FINDINGS OF FACT, CONCLUSIONS, AND FINAL ORDER Case No. 26-054-041

I. BACKGROUND

On March 23, 2026, the Oregon Department of Education (Department) received a written special education complaint (Complaint) from the parent (Parent) of a student (Student) residing in the Oregon City School District (District). The Parent 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 Parent and the District agree to the extension to engage in mediation or local resolution or for exceptional circumstances related to the complaint.[2]

On April 3, 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 April 17, 2026. On May 6, 2026, the Department's Complaint Investigator requested additional documents from the District.

With the *Response*, the District submitted the following relevant items:

1. District *Written Response* to Complaint, 4/17/26
2. Individualized Education Program (IEP), 9/20/24
3. Individualized Education Program (IEP), 5/20/25
4. Special Education Placement Determination, 9/20/24
5. IEP Progress Report, 3/14/25
6. Notice of Team Meeting, 5/20/25
7. Special Education Placement Determination, 5/20/25
8. Notice of Team Meeting, 2/02/26
9. Consent for Evaluation 3/10/26
10. Notice of Team Meeting, 3/19/26
11. Notice of Team Meeting, 3/20/26

[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. Speech Therapy Data, 5/1/25-4/8/26
13. Winter 2026 Family Report (academic--MAP report)
14. IEP Progress Report, 3/13/26
15. Team Meeting Notes, 5/20/25
16. Evaluation Planning Meeting Notes, 3/10/26
17. Prior Written Notice (PWN) -Evaluation, 3/10/26
18. PWN, 3/11/26
19. PWN-Placement, 5/20/25
20. PWN, 5/20/25
21. PWN, 3/11/26
22. STAR Math and STAR Reading scores, 5/16/25
23. Email exchanges between staff and the Parents, 5/25/25 to 4/3/26
24. Additional Synergy Registration logs (supplemental request)

On March 30, 2026, the Complaint Investigator interviewed the Parent and Parent 3. On April 21, 2026, following the interview, the Parent and Parent 3 submitted documents in support of their Complaint. In all, the Parent and Parent 3 submitted the following relevant items:

1. Parent Rebuttal to District Response, 4/24/2026
2. Email exchanges between District and the Parents, 12/10/25 to 4/21/26

On May 1, 2026, the Department's Complaint Investigator interviewed the District's Special Education Director.

On May 2, 2026, the Department's Complaint Investigator conducted a second interview with Parent 3.

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 24, 2025, to the filing of the Complaint on March 23, 2026.

Allegations	Conclusions
When IEPs Must Be in Effect It was alleged that the District violated the IDEA by not providing special education and accommodations in accordance with the Student's IEP. (OAR 581-015-2220; 34 CFR §300.323)	**Not Substantiated** The record does not support that the District failed to implement the Student's IEP.
Parent Participation It was alleged that the District violated the IDEA by interfering with the Parent's ability to participate in decisions with respect to the identification, evaluation, IEP and educational placement of the Student. This included (1) providing the Parent with inaccurate information about the purpose of the meetings, and (2) terminating Parent requested meetings when the Parents raised substantive concerns. (OAR 581-015-2190, & OAR 581-015-2195; 34 CFR §300.501)	**Not Substantiated** The record supports that the District clearly identified the purpose of meetings. When the Parent raised concerns about the Student's progress, the District convened an IEP team meeting to address the concerns. The District added Parent 3 to the District's SIS system when the Parent requested.
Access to Student Education Records It was alleged that the District violated the IDEA by denying the Parent's access to the Student's education records. (OAR 581-015-2300; 34 CFR §300.501(a))	**Not Substantiated** The District provided the Parent with the records the Parent requested. After the Parent delegated parental rights to Parent 3 the District shared pertinent information with them.
Review and Revision of IEPs It was alleged that the District violated the IDEA when it failed to address the Student's unique educational needs. Specifically, the District failed to address the Student's limited progress and revise the IEP, as the IDEA requires. (OAR 581- 015-2225; 34 CFR §300.324(b))	**Not Substantiated** The District timely reviewed and revised the Student's IEP to address the Parent's and the District's concerns about the Student's lack of academic achievement in math.
Evaluation and Reevaluation Procedures	**Not Substantiated**

Allegations	Conclusions
It was alleged that the District violated the IDEA by failing to conduct an appropriate evaluation of the Student's special education needs in the areas of ADHD and Dyscalculia. (OAR 581-015-2110; 34 CFR §300.304)	The record supports that the Student's IEP team addressed the Student's academic needs by making changes to the Student's IEP and later moving to conduct additional evaluations of the Student.
Prior Written Notice It was alleged that the District violated the IDEA by not providing the Parent with prior written notice (PWN) within a reasonable time before the District proposed to initiate, change, or refuse the evaluation request made by the Parents, denying the opportunity to understand the District's reasoning and preventing the ability to take appropriate action. (OAR-581-015-2310; CFR §300.503)	**Not Substantiated** The record does not support that the Parent requested that the District reevaluate the Student. Therefore, the District was not required to provide PWN.
Free Appropriate Education (FAPE) Due to the alleged IDEA violations detailed above, the Complaint alleges that the District failed to provide the Student with a free appropriate public education. (OAR 581-015-2040; CFR §300.101)	**Not Substantiated** The record supports that the District provided the Student a FAPE.

REQUESTED CORRECTIVE ACTIONS
The Complaint requests: 1. Provide comprehensive re-evaluation in all areas of suspected concern, update the IEP and provide compensatory time as appropriate. 2. Staff corrective action/training if necessary. 3. Provide written acknowledgement of the mishandling of these issues and specific commitments to improving guidance and procedures relevant to monitoring student progress, IEP implementation, and student evaluation. 4. Compensatory services for missed supports.

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 24, 2025, or following the filing of this complaint. 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 in this matter is eight years old and attends the third grade in a District elementary school.

2. The Student is eligible for special education services under the category of Developmental Delay. The District initially found the Student eligible on September 21, 2023. As part of the initial evaluation, the District completed a variety of academic, adaptive and communication assessments. As part of these assessments that District administered the Kaufman Test of Educational Achievement, 3rd Edition (KTEA-3). Math sub-test KTEA-3 indicated a Computation- Standard Score of 95, or 37th percentile (average range), Concepts and Application- Standard Score of 90, or 25th percentile (average range), and Composite - Standard Score of 91, or 27th percentile (average range).

3. On September 20, 2024, the Student's IEP team formulated an IEP for the Student. The IEP indicated that the Student's re-evaluation due date is September 21, 2026. At that time the Parents did not list any new concerns for the Student. The Present Levels section of the Student's IEP indicated that on May 24, 2024, the District collected the following relevant assessment data: (a) STAR Early Literacy Assessment, scaled score of 849, or 46th percentile. (b) STAR Math Assessment, scaled score of 761, or 5th percentile, (c) The Spring (2024) report card showed "progressing mastery and mastery that satisfactorily meets the end-of-the-year grade level learning standards".

   The Student's September 20, 2024, IEP included specially designed instruction (SDI) in Communication Skills, and Self-Management. The Student received 45 minutes of SDI per month in Communication Skills, and 60 minutes per week in Self-Management. The Student's IEP also included 400 minutes per year in the related service of Occupational Therapy (OT). The Student's IEP included accommodations such as the use of visuals, additional time for departures, and check for understanding of directions.

   The Student's IEP team determined the Student's placement would be greater than 80% in the general education setting.

4. On March 14, 2025, the District produced an IEP Progress Report indicating that the Student made progress on their goals in Communication, OT, and Self-Management. The District's progress report codes indicate that 4's represent progress made toward the goal, and likely to be met by the next IEP, and 5's represent performance at or above the requirement to meet this goal by the next IEP. The Student's progress reported included all 4's and 5's.

5. On April 9, 2025, the Speech Language Pathologist (SLP), sent an email to the Case Manager and classroom teacher (Teacher), passing on information that the Parent had shared with the Teacher; "Parents are very concerned about [the Student's] academic performance and want

[them] to be tested." The SLP closed with summation data from Reading and Math scores, saying [the Student's] early literacy and reading scores look fine, but look at [their] math". The email goes on to share the Student's Star Math scores from July 2024 through March 2025, showing scores in the Urgent Intervention range.

6. On April 11, 2025, the Teacher emailed the Case Manager asking that they "set up an amendment IEP meeting for [the Student] to add math goals…" and that the request was approved by a District administrator.

7. On April 17, 2025, the SLP sent an email to the school team saying "we discussed [the Student] at our SPED meeting yesterday. [The Special Education Facilitator] agreed that we should add goals for math at this time with an IEP amendment. We will look at other disability areas next year when [their] three-year re-evaluation is due." The email goes on to ask the Case Manager to contact the Parents "to arrange an IEP meeting for this asap? It would be awesome for [the Student] to get math support before summer."

8. On May 1, 2025, District staff exchanged emails discussing changing the requested IEP Amendment meeting to an Annual IEP team meeting, given that the Student's Annual IEP was due by September 19, 2025.

9. On May 2, 2025, District staff exchanged emails discussing the need to amend the Student's IEP to add goals to support the Student's lack of progress in math. Staff note in these exchanges that "it would make sense to go ahead a get this out of the way now instead of doing an amendment and then turning around and doing an IEP meeting shortly afterwards," observing that the annual review date for the Student's IEP was September 21, 2025.

10. On May 2, 2025, the District sent a meeting notice and invitation to the Parent for a May 20, 2025, IEP team meeting. The District previously communicated with the Parent about the Parent attending virtually.

11. On May 5, 2025, the District sent the Parent a Notice of Team Meeting, for an IEP Meeting scheduled for May 7, 2025. The District did not convene the May 7, 20205 IEP team meeting.

12. On May 12, 2025, District staff exchanged emails observing that the Parent declined the District's meeting invitation, had not attended the Student's last IEP team meeting, and that the District was interested in having the Parent attend the IEP team meeting scheduled for May 20, 2025, to discuss adding math goals to the Student's IEP.

13. On May 17, 2025, the SLP sent an email to the Teacher asking for feedback on the Student's Communication needs. In the email exchange they note concerns about a drop in STAR testing percentiles: from 16% previously, to 2%, on May 16, 2025. The Classroom teacher replying to the SLPA on May 18, 2025, confirmed the concerns adding, "we had a [math] unit test on Thursday and [the Student] got 0 on it. I think [the Student] needs goals".

14. On May 20, 2025, the Student's IEP team reviewed the Student's test scores, including a May 16, 2025, math assessment for the Student, and an April 20, 2025, STAR reading report. The Student's math assessment scaled score was 797, placing Student in the 2nd percentile, indicating urgent intervention. The District reading assessment scores from April 29, 2025, indicated that the Student received a scaled score of 914, placing them in the 41st percentile for reading.

15. On May 20, 2025, the Student's IEP team revised the Student's IEP. The May 20, 2025, IEP included the following Parent concerns: "Parent [has] previously expressed concern over [The Student's] math skills. [Parent 2] shared that [they have] also struggled with Math. [The Student] seems like [they are] not retaining information and remains confused on every lesson despite intervention. Parents also shared that [the Student] is developing differently than [their] older [sibling]. [They are] worried that [the Student] has dyscalculia. They have been using math manipulatives at home to help increase math sense."

16. The Student's May 20, 2025, IEP indicated in the Present Level of Academic Performance, that the Student then received all academics in the general education classroom. The Educational Resource Center is responsible for self-management goals in support of following classroom rules, completing tasks, and participating in group activities.

    The IEP also included summaries of the Student's present levels in academics. Progress reports produced by the District include a progress rating scale from 1 to 5. The District's progress report codes describe that 5's indicate that performance is at or above what is required to meet the goal by the next review; 4's indicate that progress has been made toward the goal, suggesting the goal would be met by the next IEP review; 3's represent progress made toward the goal, but that the goal may not be met, and that instructional strategies may need to be changed; 2's represent that progress is not sufficient to meet the goal by the time the IEP is reviewed, and an IEP review should be held immediately; and 1's indicate that a student did not work on the goal during the reporting period.

    The Student's April 29, 2025, STAR Reading Assessment scaled score of 914, or the 41st percentile, indicated that the Student was then at/above benchmark level. Also noted were 3s and 2s on the progress reporting for the Student's past year IEP goals.

    The Student's May 16, 2025, STAR Math assessment scaled score of 797, or the 2nd percentile, was in the Urgent Intervention zone. School staff noted that the Student mostly earned scores of 1's in math which demonstrates that the Student was then struggling in math. The Student received Tier 1 math interventions that year working in a special group in November and December of 2024. The IEP indicated that "After 6 weeks of intervention 3 times per week, [the Student] showed no growth or understanding of the concept [of odd and even numbers]". The Student also showed little growth after intervention in place values. "This supports the teachers and parents (sic) concerns that [the Student] is having trouble retaining and understanding the Math concepts [..] taught."

    The IEP also included the Student's progress toward IEP goals in the following areas:

i. Self-Management: "[The Student] continues to make progress in [their] positive behavior skills." The IEP noted that the Student was then using planning and organization skills to achieve their goals, complete assignments, and turn them in.
ii. Communication: "[The Student] does well in 1:1 settings with receptive language skills. [The Student] is able to follow two-part verbal directions containing concept words approximately 70% of the time." The report noted that the Student does not always respond when called on by the teacher, requiring multiple cues and reminders.
iii. Occupational Therapy: The student received 400 minutes this year of Occupational Therapy (OT) direct service, making progress across all goals and tasks. At the time of the meeting the team proposed removal of occupational therapy services due to the Student's progress.

The Student's IEP included Specially Designed Instruction (SDI) in Communication, Self-Management, and Math.

i. The Student's Communication goals included 90 minutes per month in the special education classroom;
ii. The Student's Self-Management goal included 60 minutes per week in the general education classroom;
iii. The Student's Math goal included 120 minutes per week in the special education classroom, as a new goal area.

The Student's IEP included accommodations to assist the Student, such as providing single directions, visuals, check for understanding, simplify oral directions, reminders to stay on task, manipulatives for math concepts, and a separate setting for math assessments.

The Student's IEP outlined supports for personnel such as consult time between the General Education Teacher with both the SLP and Learning Specialist. Additionally, the Student's OT services were changed to consultation with staff for 60 minutes per year.

17. On May 20, 2025, the District completed a Special Education Placement Determination, documenting the IEP team's selecting a placement of 80% or more of day in regular classroom, with pull-out for SDI for the Student.

18. On May 20, 2025, the IEP team took meeting minutes. The Team Meeting Notes (Annual Review), includes information discussed during the IEP development, and lists the Parent concerns shared during the IEP meeting. The notes regarding evaluations state: "Team discussed evaluation process next year."

19. On May 20, 2025, the District issued Prior Written Notice (PWN), documenting the Student's educational placement decision maintaining the Student's placement at 80% or more in the General Education setting. On the same date the District issued PWN detailing the changes to the Student's IEP.

20. On November 25, 2025, Parent 3 called the District to inquire about the status of previously requested evaluations for the Student. The District declined to provide that information

because the right to educational information was not given to Parent 3 in the District's system.

21. On December 3, 2025, Parent 3 called the Assistant Superintendent regarding concerns for the Student's education. The Assistant Superintendent responded that they could not share information about the Student because the District's computer system did not reflect that Parents 3 had permission to access the Student's information. The Assistant Superintendent emailed the Parent about Parent 3's contact with the District. Parent 3 was not then in the Student Information System (SIS), so no information could be shared. The email explained to the Parent that "you have the right to add [them] if you want by contacting the school office. You also have the right to request an IEP at any time and parents can bring anyone they want to those meetings."

22. On December 3, 2025, the District sent an email to the Parent indicating that Parent 3 requested support with the Student. The District noted that Parent 3 was not then listed in the District's system as a contact for the Student and therefore District staff did not share information with Parent 3.

23. On December 10, 2025, Parent 3 emailed the Assistant Superintendent reporting an interaction with the School Secretary regarding a permission form and whether it reached the office. The Complainant noted that at "the IEP meeting the faculty added [Parent 3] to all kind of things, however it never made it to the office." Parent 3 sent an email on the same date reporting that the School Secretary mentioned that they were not "on the list for contact, pick-ups or drop offs", despite them requesting that they be added to this list multiple times this year.

24. On December 10, 2025, the Assistant Superintendent responded to Parent 3 reporting that there may be confusion between attending the IEP meeting and being in the contact list in the SIS system. They noted that having someone at the IEP meeting does not mean they are added to the contact list, and no one at the IEP team meeting would have had the ability to add someone. The Assistant Superintendent also reported that parental consent for adding Parent 3 to the SIS was required adding that the "…Student's [Parent] really is going to have to make the request directly to the school office [staff]." They explained that the Parent could make the request via phone, in person, or by email, and that alternatively, the Parent could contact them directly to have Parent 3 added.

25. On December 10, 2025, the Assistant Superintendent sent an email to the Building Principal, the Special Education Director, and the Associate Director of Student Services, alerting them to a potential issue; specifically, Parent 3 believed they were added to the contact list during an IEP meeting but was not. The email related their efforts to follow-up with the Parent about Parent 3, and relating the processes reported to the Parent.

26. On December 10, 2025, the Parent replying to the Assistant Superintendent, stated that they wanted Parent 3 to have full access to the Student's education records and staff.

27. On December 11, 2025, the Assistant Superintendent sent the Parents an email thanking them for following the District's process and confirmed that Parent 3 was added to the District's SIS system.

28. On December 11, 2025, the District documented the intention to call the Parent to confirm that Parent 3 should be added as a contact for the Student. On the same date the District documented by email, "looks like [Parent 3] was added so it must have worked out." The District sent an email to the Parent on the same day confirming that Parent 3 was added as a contact for the Student, and that the Parent and Parent 3 could then move on to sharing whatever concerns they may have about the Student's education and IEP with the District.

29. On January 14, 2026, the Math Instructor responding to the Parent's request for a math progress report, invited the Parent to schedule a Zoom conference to discuss their concerns further.

30. On February 2, 2026, the District sent an email to the Parent confirming receipt of the Parent's "message in regard to [the Student's] IEP." The District noted that the Student's three-year reevaluation was due before the end of the school year. The District proposed meeting on March 10, 2026, to review assessments for that reevaluation.

31. On February 2, 2026, Parent 3 responded that the proposed March 10, 2026, date was agreeable to the Parents.

32. On February 2, 2026, the District sent the Parents a Notice of Team Meeting, proposing a meeting scheduled for March 10, 2026, to review existing information and decide if additional testing was needed.

33. On March 3, 2026, the District shared academic assessment results. The Student's Winter 2026 Family Report, MAP reports, indicated that the Student was then displaying high average growth in Mathematics, and lower than average growth in Language Arts.

34. On March 10, 2026, the District held an IEP Evaluation Planning meeting for the Student. As part of this meeting, the Parent signed a Consent for Individual Evaluation. The Consent lists a full array of assessments including Intelligence, Adaptive Behavior, Speech/Language, file review, parent and teacher input, and observations.

    Notes from the March 10, 2026, Evaluation Planning Meeting indicate that the team discussed the Student's current eligibility areas of Speech/Language Impairment and Developmental Delay. The team decided to assess in additional eligibility areas because the Student would age out of Developmental Delay. The team decided to consider Specific Learning Disability as a possible eligibility category. The Parent voiced concerns about math, suspecting dyscalculia because the Student was a good reader but struggled with numbers. The Parent noted that after working on place value all year the Student did not display an understanding of the concept. The Parent also voiced concerns with the Student's emotions; their ability to express thoughts and feelings, the Student missing math time in

the classroom and lack of progress with the pull-out model for math. The Parent explained their reservations about whether the Student's needs were being met in the pull-out model and that the Parent might potentially like to remove pull-out math services. The District questioned whether the Parent wanted to revoke special education services. The Parent clarified that they would only like to revoke the pull-out math services until the team found an alternative effective instruction model for the Student in math.

35. On March 10, 2026, the District sent the Parent a PWN for Evaluation, listing the proposed actions and assessments by which the District sought to collect additional data. The PWN indicated that the team rejected the option not to evaluate given that the district suspects the Student may continue to have an educational disability and additional data was needed to continue eligibility and to identify specific educational needs.

36. On March 11, 2026, the District sent the Parent PWN describing the Parent-requested temporary stop to special education math services, pending an IEP amendment meeting April 9 or 10, 2026. The PWN indicated that interim services would be consultation from the learning specialist to the general education teacher regarding IEP math goals.

37. On March 13, 2026, the District issued an IEP progress report for the Student. The progress report provided an update on the Student's progress toward all goals since the May 20, 2025, IEP meeting. The Student showed adequate progress towards their Communication and Self-Management goals, scoring 4's in both categories. The Student's progress toward their Math goal decreased from 4 in the fall of 2025, to a 2 by March 13, 2026. The progress report indicated that despite twice weekly intervention for four weeks, the Student demonstrated only small growth in understanding place values.

38. On March 18, 2026, the School Secretary changed the SIS log to give educational rights to Parent 3.

39. On March 19, 2026, the District Office Administrative Assistant communicated with the Parent regarding adding Parent 3 to the Student's educational rights and ability to access IEP documents. The Student SIS log is changed back to 'No' for educational rights. On the same date, the Parent responds to the Administrative Assistant confirming that Parent 3 should be provided educational rights for access to, and information regarding the Student's education file.

40. On March 19, 2026, the District sent the Parent a Notice of Team Meeting for an IEP meeting scheduled for April 10, 2026, during conference days. The District included Parent 3 on the notice.

41. On March 19, 2026, Parent 3 sent an email to the District, in response to the March 19, 2026, Notice of Team Meeting, asking whether "…that was the absolute earliest date available?"

42. March 20, 2026, the Case Manager sent a copy of the Student's May 20, 2025, IEP to Parent 3 as requested.

43. On March 20, 2026, Parent 3, responding to the Case Manager wrote, “Thanks for IEP. [The Parent and Parent 3] “are missing the Evaluation Consent forms…filled-out during that meeting (2025) for the dyscalculia, adhd (sic) and any other evaluations.”

44. March 20, 2026, the Case Manager sent an email response to the Parent 3 along with a copy of the PWN and the Consent for Evaluation form, both dated March 10 2026.

45. On March 20, 2026, after receiving the Consent for Evaluation forms, Parent 3 sent an email to the Case Manager saying, “Thank You. These appear to be only from 2026. We were referring to the 2025 consent forms.”

46. On March 20, 2026, Case Manager replies that they will try to find an earlier time when required team members are available. The Case Manager also sent the copy of the Student’s IEP dated May 20, 2025.

47. On March 20, 2026, the District sent a new IEP Meeting Notice for an April 3, 2026 meeting, to develop or review an IEP and placement for the Student.

48. On March 23, 2026, the Parent 3 filed this Complaint

49. On April 17, 2026, the District submitted its *Response*, to this Complaint. The District denied the allegations in the *Request for Response*. As part of the *Response*, the District noted that while the Parent did add Parent 3 to the Student’s profile, the Parent had not completed the required written authorization to allow Parent 3 educational rights for the Student. The Parent completed this written paperwork on March 19, 2026.

50. On April 22, 2026, the Parent submitted a *Reply* to the District’s *Response*. The Parent reported that the District attempted to use Parent 3’s legal relationship to the Student as a basis for dismissing this Complaint and did not take into consideration that the Parent designated Parent 3 to act on their behalf because the District was unresponsive to the Parent’s requests. The Parent reported that the District’s actions delayed granting of these educational rights, in writing, until March 19, 2026. The Parent also alleged that the District’s pattern of not responding to Parent’s questions and repeated requests for information constituted interference with their ability to meaningfully participate in their child’s education. The Parent’s *Reply* included email correspondence, sent after the filing of this Complaint, questioning the District’s rationale and timing of the Student’s reevaluation.

51. On May 1, 2026, the Department’s Complaint Investigator interviewed the District’s Special Education Director (Director). The Director reported that at the May 25, 2025, meeting, the Parent and Parent 3 only signed IEP -attendance forms for the May 25, 2025, IEP Meeting. The SLP reported that no forms starting the evaluation process were signed.

    The Director reported that all student IEPs are available through the District’s online computer system. Teachers can access IEPs electronically for any student. The Director noted that this removes the need to have printed physical copies in the classroom.

52. On May 2, 2026, the Department's Complaint Investigator interviewed the Parent and Parent 3.

The Parent reported that in August 2025 they used the District's online SIS Registration, Parent-Vue, to add full Educational Rights for the Student for Parent 3. The Parent reported that at the May 20, 2025, IEP meeting, the Parent and Parent 3 signed forms. The Parent described signing a permission form giving Parent 3 access to the Student's Educational Rights in the District SIS. The Parent believes that they signed permission for this to occur. The Parent reported that they did not receive a copy of this form due to a broken copy machine. The Parent discussed their concerns with the IEP team, reporting that the team unanimously agreed that evaluation in the area of math was needed, but reported that the IEP team did not have time left at the end of the 2024-25 school year to complete the evaluation, and that the team would instead evaluate the Student in the Fall. The Parent reported signing the Permission to Evaluate form during this meeting. The Parent was unable to produce a copy of this document during the interview. The Parent also reported having added Parent 3 to the SIS system themselves in times prior.

The Parent reported that on or about January 15, 2026, Parent 3 called the school to request an IEP team meeting and to discuss the Parent's concerns but was denied access to records and information again.

The Parent reported that on February 3, 2026, the Parent was included in an email thread about the refusal to set the meeting with Parent 3. The Parent reported that after receiving this email, they called the school to schedule an IEP team meeting. The Parent indicated that the purpose of the meeting was to discuss evaluating the Student. The Parent reported that the District offered a March 10, 2026, meeting date.

The Parent and Parent 3 reported that at the Student's March 10, 2026, Evaluation Planning Meeting, the Parent and Parent 3 met with all new special education staff involved with the Student and explained that Parent 3 lives with Student and Parent 3 is actively involved in the Student's education. Parent and Parent 3 reported that they requested that the District temporarily pause Student's small group math instruction while the team assessed whether it is effectively meeting the Student's needs. The Parent and Parent 3 indicated that the District informed them that the team would need to review how to implement this request appropriately and would follow up.

The Parent reported that on March 18, 2026, Parent 3 called the school to request copies of past IEPs and was again denied by the District. The Parent reported that they then set up a 3-way call with themselves, the Assistant Superintendent, and Parent 3 to give the Assistant Superintendent permission to speak with Parent 3 about the Student. The Parent expressed their frustration with this continuing issue. The Assistant Superintendent reportedly promised to update the Student's [SIS] file.

The Parent also reported that on March 18, 2026, Parent 3 sent an email to the Case Manager and to Parent, complaining about a recent interaction with the School Secretary around the issues of access to the Student's records, claiming they were met with "hostility and accused of being argumentative." Parent 3 denied that representation of their conversation with the school secretary.

53. On May 6, 2026, the Department's Complaint Investigator requested additional documentation from the District, specifically the Synergy Registration log for January through September of 2026. The records provided by the District show that Parent 3 was added to the Student's SIS profile on December 10, 2025. The SIS entry logs do not show Parent 3's addition to the SIS system prior to this date, either by the Parent or the District.

IV. DISCUSSION

When IEPs Must Be in Effect

It was alleged that the District violated the IDEA by not providing special education and accommodations in accordance with the Student's IEP.

Specifically, the Complaint that the District produced no evidence that all the services described in the Student's IEP were delivered. It was alleged that this was evidenced by a lack of progress data and work samples in math, and that the Teacher was not in possession of the IEP and thus unaware of their responsibilities under the IEP.

School districts must provide special education and related services to a student with a disability in accordance with the student's IEP. A district must ensure that each staff member, including service providers, have access to a student's IEP and is informed of their specific responsibilities for implementing the IEP.[3] "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."[4] A school district must provide parents with periodic reports of a student's progress toward their IEP goals following the schedule set forth in the student's IEP.[5]

The record in this case does not support that the District failed to implement the Student's IEP with fidelity. There are no communications in the file suggesting or alleging that the Student's IEP services were not provided. The Student's Teacher had electronic access to the IEP through the District SIS without having a paper copy of the document. Furthermore, the District reported having a system to ensure general education teachers are informed of their responsibilities on student IEPs.

The Department does not substantiate this allegation.

[3] OAR 581-015-2220; 34 CFR § 300.323

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

[5] OAR 581-015-2220(1)(c); 34 CFR § 300.320(a)(3)(ii)

Parent Participation

It was alleged that the District violated the IDEA when it interfered with the Parent's ability to participate in decisions with respect to the identification, evaluation, IEP, and educational placement of the Student.

Specifically, the Complaint alleged that the District provided the Parent with inaccurate information about the types of meetings and purposes of meetings by relabeling the type of meeting requested by the Parent (progress report and evaluation) to generic-titled meetings (Annual IEP Review), and then not allowing discussion of evaluations due to the 'meeting type.' It was also alleged that the District terminated meetings when the Parents raised substantive concerns and questions about the status of the requested evaluations and failed to provide accurate information and guidance on how Parent 3 could access the Student's records as an individual acting in the place of the biological parent.

School districts must provide one or both parents the opportunity to participate in meetings with respect to the identification, evaluation, IEP, and educational placement of the child.[6] The IDEA explicitly requires that schools provide a clear description of the purpose of the meeting when notifying parents.[7] At these meetings "[P]arents have the right to bring questions, concerns, and preliminary recommendations to the IEP Team meeting as part of a full discussion of the child's needs and the services to be provided to meet those needs."[8]

The Parent reported having not received a clear description, or adequate communication, about the purpose of IEP meetings. The Parent reported requesting an IEP team meeting for one purpose, and that the District scheduled a meeting for a different purpose. The Parent reported requesting an IEP team meeting and requesting data on the Student's progress and copies of the Student's IEP as early as May 20, 2025. The record contains emails between staff members in May 2025, observing the need to convene the IEP team to add goals to the Student's IEP to address the Student's struggles in math. District staff observed internally that the Student's annual IEP review date was September 2025, and that it made sense to combine the update and annual review into one meeting rather than two separate meetings. On May 2, 2025, the District invited the Parent to the May 20, 2025, IEP team meeting. The Parent attended the May 20, 2025, IEP team, where the team discussed and updated the Student's IEP goals including addressing the Student's math needs.

On January 14, 2026, the District, responding to the Parent's request, offered to schedule a teleconference to discuss the Parent's concerns further. On February 2, 2026, the District sent an email to the Parent following up on their concerns about the Student's progress and interest in scheduling an IEP team meeting. On March 3, 2026, the District shared academic assessment results with the Parent in response to their requests. On March 10, 2026, the

[6] OAR 581-015-2190(1); 34 CFR § 300.501(b)
[7] 34 CFR §300.322 (b)(1)(i)
[8] *Letter to Northrop* (OSEP 5/21/13), citing 71 Fed. Reg. 46,678 (2006)

District held an IEP Evaluation Planning meeting. At the meeting the Parent signed consent for assessments proposed by the evaluation planning team.

The record supports that during fall of the 2025-26 school year the Parent communicated with the District regarding adding Parent 3 to the District's SIS system to allow Parent 3 to communicate with the District about the Student's education. As part of interviews in this matter, the Parent reported having attempted to add Parent 3 to the list of people with access to the Student's education file and with whom the District had permission to speak. The Parent reported phone conversations with staff and attempts to make changes to the District SIS system through the online parent portal. The record includes SIS system logs which evidence that Parent 3 was given access to the Student's information on December 10, 2025. The record does not evidence requests prior to December 2025, nor parental changes to the SIS system to add Parent 3.

The Parent alleged that the District would end meetings rather that answer questions about the status of the Student's evaluation and progress data related to the Student's math instruction. The record supports that the District scheduled meetings to address the Parent's concerns with the Student's education. The record supports that the District initiated the IEP team process in response to the Parent's concerns about the Student's progress in math as early as April 2025. Thereafter the District scheduled an IEP team meeting for May 20, 2025, to address those concerns. When the Parent and Parent 3 raised concerns about the Student's progress in math in January 2026, the District responded to those concerns on February 2, 2026, inviting the Parent to discuss the concerns further and scheduling an IEP team meeting for March 10, 2026.

The Department does not substantiate this allegation.

Access to Student Education Records

It was alleged the District violated IDEA by denying the Parent's access to the Student's education records.

The IDEA incorporates, by reference, the requirements of the Family Educational Rights and Privacy Act (FERPA). These provisions require that a school district must comply with parental requests to inspect and review their child's education records without unnecessary delay. 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. Under FERPA, "education records" are defined as those records that are directly related to a student; and maintained by an educational agency. Districts "must comply with a parent's request to inspect and review records without unnecessary delay, and provide copies of these records before any meeting regarding an IEP…and in no case more than 10 business days after the request has been made".[9]

[9] OAR 581-015-2300; and 34 CFR § 300.501(a)

It was alleged that Parent 3 made numerous requests for records related to the Student. At the time of these requests, Parent 3 was not yet added to the District's SIS system. During times prior to Parent 3's addition to the District's SIS system, the District declined to share documents with Parent 3. In response to this Complaint, the District noted that the Parent had access to the Student's records. The Parent reported having made numerous attempts to add Parent 3 to the District's system to include Parent 3 in the exchange of information regarding the Student's education. Records in this case, such as emails and IEP team meeting minutes show that the Parent began asking the District to add Parent 3 to the District's SIS system to provide them access to the Student's education records in December 2025. This came after a November 25, 2025, call from Parent 3 requesting records for the Student. By December 11, 2025, the District confirmed receipt of the Parent's confirmation to add Parent 3 to the system. In its *Response*, the District explained that while the Parent added Parent 3 to the Student's educational profile, they did not complete the District-required written permission to delegate educational rights to Parent 3.

At times, Parent 3 was denied copies of the Student's education records. When the Parent, on February 3, 2026, personally requested copies of the Student's IEPs, the District timely provided them with the requested records.

The Department does not substantiate this allegation.

Review and Revision of IEPs

It was alleged that the District violated the IDEA when it failed to address the Student's unique educational needs. Specifically, it was alleged that the District failed to address the Student's limited progress by revising their IEP.

Specifically, the Complaint alleged that the District was not actively addressing the Student's regression in math and should have contacted the Parents and proposed an adjustment to their IEP.

School districts are required to review a student's IEP annually to determine whether the annual goals for the student are being achieved. The IEP should be revised as appropriate to address any lack of expected progress toward the annual goals.[10] The IDEA "cannot and does not" promise any particular educational outcome.[11]

In the Spring of 2025, the Parent communicated concerns about the Student's progress in math to their math teacher. The math teacher in turn passed those concerns on to the Student's IEP team, ultimately resulting in the District convening an IEP team meeting on May 20, 2025, where the Student's IEP was amended to add additional support in math. The Parent raised concerns about the Student's progress in math again in January 2026. The District responded by convening an Evaluation Planning meeting, given that the Student's triennial reevaluation was also nearing. At the meeting

[10] OAR 581-015-2225(1)(a)—(b)

[11] *Endrew F v. Douglas County Sch. Dist. RE-1*, 580 US 386, 398 (2017) (citing *Hendrick Hudson Cent. Sch. Dist. v. Rowley*, 458 U.S. 176, 102 (1982))

the team made changes to the Student's math instruction and obtained the Parent's consent to reevaluate the Student.

At the Evaluation Planning meeting on March 10, 2026, the Student's IEP team discussed the Student's math needs and, at the Parents' request, agreed to a temporary change in how the Student's SDI was provided. The District also obtained consent from the Parent to conduct a comprehensive evaluation of the Student including addressing the math concerns. The record in this case supports that the District did respond to the Student's lack of expected progress by revising the Student's IEP and proposing updated evaluations.

The Department does not substantiate this allegation.

Evaluation and Reevaluation Procedures

It was alleged that the District violated the IDEA by failing to conduct an appropriate evaluation of the Student's special education needs in the areas of ADHD and Dyscalculia.

School districts are required to reevaluate students if the district suspects or has reason to suspect that the student has a disability and may need special education because of that disability. A district must reevaluate the student if the district determines that the educational or related service needs, including improved academic achievement or function performance, warrant a reevaluation or if the child's parents or teacher request a reevaluation.[12]

The Parent alleged that they informed District that the Student's educational needs warranted re-evaluation as early as April 2025. District staff reviewed the Parent's concerns regarding the Student's progress in math as part of the May 20 2025 IEP Meeting, and determined no evaluation was needed immediately, but SDI should be added to the IEP. The Parent reported understanding that they previously signed permission for the evaluation to start automatically in the Fall. The Parents continued to express concerns about the possibility of additional disability areas in the 2025-26 School Year. The District scheduled an evaluation planning meeting and secured permission to begin evaluation on March 10, 2026. IEP team meeting minutes and emails from this period do not evidence a request by the Parent that the District reevaluate the Student sooner.

The Department does not substantiate this allegation.

Prior Written Notice

It was alleged that the District violated the IDEA by not providing the Parent with PWN within a reasonable time before the District proposed to initiate, change, or refuse the evaluation request made by the Parents, denying the opportunity to understand the District's reasoning and preventing the ability to take appropriate action.

As reflected in the Complaint, the Parents specifically take issue with the District failing to send a PWN explaining the District decision not to begin evaluating the Student for potential

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

additional special education eligibility categories as requested by the Parent. It was alleged that instead of reevaluating the Student when requested, the IEP team choose to delay the start of the evaluation into the following 2025-26 school year.

School Districts must provide PWN to parents within a reasonable period of time before the District proposes or refuses to initiate or change identification, evaluation, educational placement, or provision of FAPE to a child.[13] The purpose of PWN is to inform parents of a district's final action on a proposal or refusal to initiate or change elements of a student's special education program. A PWN must be provided "whether or not the proposal or refusal is made during the course of an IEP meeting."[14]

The Parent reported understanding that the District was in the process of reevaluating the Student following the May 20, 2025, IEP team meeting. During interviews with the Department's Complaint Investigator the Parent reported understanding that they provided consent at the May 20, 2025, IEP team meeting for the District to begin reevaluating the Student. The Parent provided additional communications with the District, sent after the filing of the Complaint, inquiring why the District did not respond with PWN denying the Parent's request for an evaluation. The record for the relevant investigation time frame in this case does not contain a request from the Parent for the District to evaluate the Student. Rather, the record supports that the Student's IEP team discussed the timing of evaluations which would occur during the 2025-26 school year, with changes to the Student's IEP, to address concerns about math, implemented during the 2024-25 school year.

The Department does not substantiate this allegation.

Free Appropriate Public Education (FAPE)

Due to the alleged IDEA violations detailed above, the Complaint alleged that the District failed to provide the Student with a free appropriate public education.

To determine if a student has been denied a FAPE, courts must consider whether the school district complied with the procedural requirements of the IDEA, and whether the school district met the substantive requirement to develop an IEP reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances.[15] Not all procedural violations amount to a denial of FAPE. A school district's procedural violation denies FAPE to a student if it results in a loss of educational opportunity or if it seriously infringes on the parents' opportunity to participate in the development of the IEP.[16]

As observed above, the record in this case does not support that the District violated the IDEA.

[13] OAR 581-015-2310 (2); 34 CFR 300,503
[14] *Letter to Chandler* (OSEP 2012)
[15] *Endrew F.*, 137 S. Ct. at 999
[16] W.G. v. Bd. of Trustees of Target Range Sch. Distr. No. 23, 960 F.2d 149,1484(9th Cir. 1992)

The Department does not substantiate this allegation.

V. CORRECTIVE ACTION

In the Matter of Oregon City School District 62
Case No. 026-054-041

The Department does not order corrective action in this matter.

Dated: this 22 Day of May, 2026



Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing Date: May 22, 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).)