

On May 2, 2021, the Parent again expressed concern about the Student’s writing skills and asked for consideration of IEP eligibility and services. The District did not respond to this request. In June 2021, the Parent informed staff at the Student’s school that a private evaluator had determined that the Student had mild Autism Spectrum Disorder. The Parent sent to the District a neuropsychological report documenting the diagnosis.

On November 1, 2021, the District agreed to conduct an initial evaluation for special education.

On November 16, 2021, in lieu of submitting Response to this complaint, the District submitted to the Department a Proposed Stipulated Corrective Action. The District did not dispute the allegation in the complaint but proposed corrective action.

The Complaint Investigator discussed with both parties the nature and content of a Stipulated Corrective Action, and the parties agreed to that resolution of the Complaint.

This order is timely.

II. ALLEGATIONS AND CONCLUSIONS

The Department has jurisdiction to resolve this complaint under 34 CFR §§ 300.151-300.153 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 May 12, 2020, to the filing of this Complaint on May 11, 2021.

Allegation	Conclusion
<p><u>Initial Evaluations</u></p> <p>The Complaint alleged that the District violated IDEA requirements for an initial evaluation. Complaint alleges that the District has reason to suspect that the Student has a disability and may need special education because the Parent had repeatedly expressed concern about the Student’s academic performance and had requested a special education evaluation.</p> <p>(OAR 581-015-2105(3); 34 CFR §300.301)</p>	<p>The District did not contest this allegation.</p>

III. FINDINGS OF FACT

1. The Student is 9 years old and a 3rd grade student at a district school.
2. The District has not contested the allegations made in the Complaint in this matter and the parties have consented to Stipulated Corrective Action, as set forth in the Corrective Action table, below.

IV. DISCUSSION

The Complaint alleges an IDEA violation which the District does not contest.

The Department does not make a substantive determination on the allegations of the Complaint.

Based on the District not contesting the allegations of this Complaint, the Department orders and the District stipulates to the following Corrective Action:

V. STIPULATED CORRECTIVE ACTION

*In the Matter of Eugene School District 4J
Case No. 21-054-036*

Action Required	Submissions	Due Date
The District will conduct an evaluation to determine if the Student qualifies for an IEP as a student with a disability as defined by the IDEA. The District has already secured the Parent's consent for an initial evaluation and will complete the evaluation within the 60 school day timeline required by OAR 581-015-2110(5)(a).	The District will submit to the Department all documents and materials related to the Student's initial evaluation and eligibility determination.	February 28, 2022

<p>If the Student is found eligible for special education, the Student's IEP team will meet to develop an IEP and to consider whether compensatory education is warranted and, if so, what form and amount of compensatory education the Student will receive.</p>	<p>The District will submit to the Department all materials related to the initial IEP meeting, including but not limited to: meeting minutes, IEP, and Prior Written Notices.</p>	<p>March 31, 2022</p>
<p>Regardless of the outcome of the Student's evaluation and subsequent eligibility determination, the District will conduct staff training of licensed and administrative staff at the Student's school in the area of IDEA Child Find obligations.</p>	<p>The District will submit to the Department all materials used in the Child Find training.</p> <p>The District will also submit a list of staff who attended the training.</p>	<p>June 20, 2022</p>

Dated: this 21st day of December, 2021



Tenneal Wetherell
Assistant Superintendent
Office of Enhancing Student Opportunities

Emailing date: December 21, 2021

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).)