

BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of Mt. Angel School District)	FINDINGS OF FACT,
91)	CONCLUSIONS,
)	AND FINAL ORDER
)	Case No. 25-054-013

I. BACKGROUND

On March 5, 2025, the Oregon Department of Education (Department) received a written request for a special education complaint investigation from a former contracted school Psychologist (Complainant) on behalf of a student (Student) residing in the Mt. Angel School District (District). The Complainant requested that the Department conduct a special education investigation under OAR 581-015-2030. The Department confirmed receipt of this Complaint and forwarded the request to the District.

Under state and federal law, the Department must investigate written complaints that allege violations of the Individuals with Disabilities Education Act (IDEA) and issue an order within sixty days of receipt of the complaint.¹ This timeline may be extended if the Complainant and the District agree to the extension in order to engage in mediation or local resolution or for exceptional circumstances related to the complaint.²

On March 7, 2025, the Department's Complaint Investigator sent a *Request for Response (RFR)* to the District identifying the specific allegations in the Complaint to be investigated and establishing a *Response* due date of March 21, 2025.

The District submitted a *Response* on March 21, 2025, denying the allegations, providing an explanation, and submitting documents supporting the District's position. The District submitted the following relevant items:

1. District's Written *Response* to Complaint, 03/21/2025
2. File Review of Existing Information/Student Referral, 11/13/2024
3. Student Health Records, no date
4. Meeting Notes for Evaluation Planning, 11/14/2024
5. Confidential Evaluation Report, 02/27/2025
6. Special Education Notice of Team Meeting, 10/16/2024
7. Prior Notice about Evaluation/Consent for Evaluation, 11/14/2024
8. Prior Notice about Evaluation/Consent for Evaluation, 11/14/2024, amended

¹ OAR 581-015-2030(12) and 34 CFR § 300.152(a)

² OAR 581-015-2030(12) and 34 CFR § 300.152(b)

9. Messages between [the Case Manager] and [the Parent], 11/13/2024-02/12/2025
10. Special Education Notice of Team Meeting, 02/20/2025
11. Confidential Evaluation Report, 02/27/2025
12. Confidential Evaluation Report, 02/26/2025
13. Statement of Eligibility for Special Education Developmental Delay (92), 02/27/2025
14. Statement of Eligibility for Special Education Intellectual Disability (10), 02/27/2025
15. Meeting Notes for Eligibility, 02/27/2025
16. Cover Sheet, [the Student's] Home Language Survey (HLS) 2024-25
17. Home Language Survey 24-25 School Year, 08/08/2024

The Complaint Investigator interviewed the Complainant on April 2, 2025. On April 8, and April 11, 2025, the Complaint Investigator interviewed District personnel. The Complaint Investigator reviewed and considered all of these documents, interviews, and exhibits in reaching the findings of fact and conclusions of law contained in this order. This order is timely.

II. ALLEGATIONS AND CONCLUSIONS

The Department has jurisdiction to resolve this Complaint under 34 CFR §§ 300.151-153 and OAR 581-015-2030. The Complainant's allegations and the Department's conclusions are set out in the chart below. The conclusions are based on the Findings of Fact in Section III and the Discussion in Section IV. This Complaint covers the one-year period from March 6, 2024 to the filing of this Complaint on March 5, 2025.

Allegations	Conclusions
<p>Evaluation Planning</p> <p>The Complaint alleged that the District violated the IDEA by not conducting an evaluation planning process that included the necessary elements or professionals to make appropriate decisions regarding the evaluation for the Student.</p> <p>(OAR 581-015-2115(1)(a)(2)(3)(4); 34 CFR § 300.305(a)(1))</p>	<p>Not Substantiated</p> <p>The District did conduct an evaluation planning process that included the necessary elements and professionals for the three-year reevaluation.</p>
<p>Consent for Evaluation</p> <p>The Complaint alleged that the District violated the IDEA by not fully informing the Parent in their native language of all information relevant to the activity for which consent was sought.³</p>	<p>Not Substantiated</p> <p>There was sufficient evidence that the District provided all relevant information to the Parent in their requested and</p>

³ The Complainant expressed allegations about consent for the initial and 3-year reevaluation. Only the reevaluation fell within the complaint timeline and was investigated.

Allegations	Conclusions
(OAR 581-015-2090(1); 34 CFR § 300.503(c)(1)(ii))	preferred language for the reevaluation.
<p>Reevaluation Procedures</p> <p>The Complaint alleged that the District violated the IDEA by not conducting a comprehensive reevaluation of the Student when the evaluation did not assess the Student’s health, vision, hearing, or fine or gross motor skills. Further, it is alleged that the evaluation did not account for the Student’s English Language Learner status or the Student’s absences, and the evaluation did not include a school psychologist.⁴</p> <p>(OAR 581-015-2110(3)(4(a)(A)(B)(d)(e)(f)(D); 34 CFR § 300.304(b)(1)(4)(6(c)(1)(i)(ii)(iv))</p>	<p>Not Substantiated</p> <p>There is sufficient evidence that the District included all necessary specialists and assessments to address all areas of concern in the Student’s most recent reevaluation.</p>

REQUESTED CORRECTIVE ACTION
<p>The Complainant requested the following corrective action:</p> <ul style="list-style-type: none"> • “Revisit the evaluation process, address the health concerns, provide clear communication, and document school absences.” • “... [C]onduct missed screenings, meet with the school team, a reevaluation that includes the full consideration of [the Student’s] educational history, [include] a school psychologist in the evaluation, and fully inform the Parent.”

III. FINDINGS OF FACT

IDEA regulations limit complaint investigation to alleged violations occurring no more than one year before the Department’s receipt of the special education complaint. This Complaint Investigation did not consider any IDEA violations alleged to have occurred before March 6, 2024. Any facts listed below relating to circumstances or incidents earlier than that date are included solely to provide the context necessary to understand the Student’s disability and special education history.

1. The Student, who is in third grade, has been eligible for special education since kindergarten under the eligibility category of Developmental Delay (DD).

⁴ The Complainant expressed allegations about procedures for the initial and 3-year reevaluation. Only the reevaluation fell within the complaint timeline and was investigated.

2. The District *Response* clarified that the evaluation conducted during the 2024-25 school year was not an initial evaluation. The District indicated that an eligibility meeting was held on February 27, 2025, and the team determined that the Student continued to be eligible for special education services. The Student's initial evaluation occurred about three years ago, when the Student was in kindergarten.
3. A Special Education Notice of Team Meeting, dated October 16, 2024, indicated that a meeting was scheduled for November 11, 2024 to review information about the Student, decide if additional testing was needed, and develop or review an Individualized Education Program (IEP). The required attendees listed were the Speech/Language Pathologist (SLP), Regular Education Teacher, Special Education Teacher, and the Parent.
4. The Case Manager sent reminder emails to the Parent about the November 14, 2024 meeting on November 8, 2024 and November 13, 2024.
5. According to the District *Response*, the Student's three-year reevaluation was due by June 1, 2025. The District held an evaluation planning meeting on November 11, 2024 which included the Student's Case Manager, the SLP, the Regular Education Teacher, the Occupational Therapy (OT) Consultant, the School Psychologist, and the Parent. During the meeting, team members and the Parent discussed a list of assessments. The Parent left with a copy of the agreed-upon assessments.
6. A File Review dated November 13, 2024 detailed a request for reevaluation of the Student. The document indicated:
 - a. The Student had a developmental delay.
 - b. The Student had a Functional Behavior Assessment (FBA) and a Behavior and/or safety plan.
 - c. Additional evaluation data was needed, which included:
 - i. Behavior Assessment System for Children; and
 - ii. Behavior Rating Inventory of Executive Functioning.
 - d. The Student required a hearing screening.
 - e. The Parent would make an appointment with a vision specialist.
 - f. The Student had consultation services with an OT and required a Visual Perception Assessment.
 - g. A Decision to Evaluate section stating that the team decided to evaluate the Student, that the Parent provided consent on November 14, 2024, and that there was a due date of February 27, 2025.
7. A Prior Notice about Evaluation/Consent for Evaluation dated November 14, 2024 indicated the team proposed reevaluating the Student. It stated the team would meet on or before February 27, 2025 to determine eligibility for special education services.
8. Meeting Notes dated November 14, 2024 indicated that:
 - a. The evaluation planning meeting for the Student's three-year reevaluation occurred prior to their annual IEP meeting.

- b. The team members present for the evaluation planning meeting were the Parent, the General Education Teacher, the SLP, the OT (via video conference), the Case Manager, and the School Psychologist.
 - c. As part of the autism spectrum disorder (ASD) eligibility, the team needed to consider any vision problems. The notes acknowledged a vision screening in 2023, which showed the Student had vision problems. The Parent agreed to schedule an appointment with a vision specialist.
 - d. Required assessments were discussed and provided to the Parent, who gave consent.
9. A Consent to Evaluate was dated November 15, 2024 and signed by the Parent. Although it was a reevaluation, the box for “initial evaluation” was checked. The Parent gave consent for the following assessments to consider eligibility categories of intellectual disability (ID) and ASD:
- a. Assessments of Academic Achievement:
 - i. Test of Early Mathematics Ability;
 - ii. Test of Early Reading Ability; and
 - iii. Test of Early Written Language.
 - b. Assessments of Cognitive Ability:
 - i. Wechsler Intelligence Scales; and
 - ii. Stanford-Binet Intelligence Scale.
 - c. Assessments of Adaptive Behavior:
 - i. Vineland Adaptive Behavior Scales
 - d. Assessments of Behavioral/Social-Emotional:
 - i. Behavior Assessment System for Children
 - e. Assessments of Attention:
 - i. Behavior Rating Inventory of Executive Functioning
 - f. Assessments of Autism:
 - i. Autism Spectrum Rating Scales
 - g. Assessments of Communication:
 - i. Functional Communication Assessment
 - ii. Other:
 - (1) Observation; and
 - (2) Hearing Screening.
 - h. Evaluation Procedures:
 - i. Observation
 - ii. Other:
 - (1) File Review;
 - (2) Medical Statement; and
 - (3) Vision Information.
10. These assessments were also detailed in a Student Assessment List dated November 14, 2024.
11. A contact log entry indicated that on January 28, 2025, the Parent asked the Case Manager about a form the Student brought home and what they needed to sign. The Case Manager

responded that the forms were part of the reevaluation process and asked the Parent to sign and return them as soon as possible. The Case Manager also answered the Parent's questions about how to complete the forms.

12. A contact log entry indicated that on February 12, 2025, the Case Manager shared with the Parent that a hearing and vision screening was recommended for the Student as part of the reevaluation process. The Case Manager indicated they would complete the forms to have the screenings done, and included instructions on how the Parent could opt out.
13. Contact logs showed that the Case Manager communicated with the Parent on February 19, 2025 and February 20, 2025, and asked if the Parent could attend a meeting on February 27, 2025. On February 20, 2025, the Parent confirmed they could attend the meeting, and the Case Manager responded that they would send a Meeting Notice.
14. A Special Education Notice of Team Meeting dated February 20, 2025 indicated a meeting was scheduled for February 27, 2025 to review information about the Student and determine if they continued to be eligible for special education. It listed the required attendees as the Parent, the Regular Education Teacher, the Special Education Teacher, the Director of Special Services, the SLP, and the Autism Specialist.
15. On February 20, 2025, the Parent signed consent to a change to a different standardized intelligence assessment to better match the Student's ability. The Parent consented to changing the assessment to a Kaufman Assessment Battery for Children. Additionally, the evaluation planning team, which included an OT, decided that no additional assessments for fine motor and sensory differences were necessary because assessments had been completed on April 27, 2022.
16. According to the District *Response*, a medical statement was not required for either eligibility category the team was considering. The District indicated that the Case Manager made four attempts to get copies of any medical statements within the 60-school-day timeline but received no response. The District stated the Parent confirmed the medical information was accurate during the February 27, 2025 meeting.
17. In their *Response*, the District stated that two hearing screenings were attempted, but were inconclusive. A third screening was held on February 28, 2025, which the Student passed. It was included as an addendum to the evaluation report.
18. The evaluation planning team conducted the Vineland Adaptive Behavior Scales, which captured gross motor and fine motor rating scores from the Parent and a teacher.
19. The Learning Specialist's Evaluation Report, dated February 26, 2025, indicated that the Student was due for a three-year reevaluation for eligibility in special education.
 - a. Assessment components included:
 - i. Test of Early Reading;
 - ii. Review of Authentic Writing Samples;

- iii. Test of Early Mathematics; and
 - iv. Classroom Observation.
 - b. A summary stated that the Student's overall academic performance was significantly below that of their same-aged peers on all assessments.
20. The District indicated the eligibility team considered the impact of the Student's attendance. The District stated that a school psychologist was included in the evaluation planning, but that one was not required for the categories the team was considering. The District stated that a multidisciplinary team completed the evaluation after the Complainant failed to do so.
21. An Evaluation Report dated February 27, 2025 indicated that:
- a. The Student was due for a three-year reevaluation for eligibility in special education. The team decided to reevaluate the Student for ASD and ID.
 - b. Assessment components included:
 - i. File Review;
 - ii. Developmental History;
 - iii. Classroom Observation;
 - iv. Unstructured Observation;
 - v. Testing Observation;
 - vi. Test of Early Mathematics Ability;
 - vii. Test of Early Reading Ability;
 - viii. Kaufman Assessment Battery for Children;
 - ix. Vineland Adaptive Behavior Scales;
 - x. Behavior Assessment System for Children;
 - xi. Behavior Rating Inventory of Executive Functioning;
 - xii. Autism Spectrum Rating Scales;
 - xiii. Medical Statement;
 - xiv. Hearing Screening; and
 - xv. Vision Screening.
 - c. The report also included the Student's developmental history, which the Parent completed on January 28, 2025, and interviews with the Complainant on February 20 and 22, 2025.
 - d. The Autism Rating Scales indicated that the Teacher's scores indicated that the Student may have had many behavioral characteristics similar to children identified with ASD.
 - e. The report was completed by the Autism Specialist, the SLP, the Learning Specialist, the Testing Specialist, and the Special Services Director.
22. A Statement of Eligibility for Special Education Autism Spectrum Disorder, dated February 27, 2025, indicated that the team reviewed:
- a. Existing information about the Student;
 - b. A developmental history;
 - c. Information from the Parent and other individuals knowledgeable about the Student's historical and current characteristics that are associated with ASD;
 - d. Three observations of the Student's behavior;

- e. A social communication assessment conducted by an SLP;
 - f. The Autism Spectrum Rating Scale;
 - g. Vision and hearing screenings;
 - h. Test of Early Reading and Early Mathematics;
 - i. Vineland Adaptive Behavior Scales; and
 - j. Behavior Rating Inventory of Executive Functioning.
 - k. The team determined that the Student was eligible for special education under the category of ASD.
23. A Statement of Eligibility for Special Education Developmental Delay, dated February 27, 2025, indicated that the team reviewed:
- a. Existing information about the Student.
 - b. A developmental history.
 - c. Kaufman Assessment Battery for Children.
 - d. Test of Early Reading and Early Mathematics.
 - e. Student observation.
 - f. Vineland Adaptive Behavior Scales.
 - g. The team determined that the Student was not eligible for special education under the category of DD.
24. A Statement of Eligibility for Special Education Intellectual Disability, dated February 27, 2025, indicated that the team reviewed:
- a. Existing information about the Student.
 - b. Kaufman Assessment Battery for Children.
 - c. Vineland Adaptive Behavior Scales.
 - d. Developmental history.
 - e. Test of Early Reading and Early Mathematics.
 - f. Functional Communication Assessment.
 - g. Behavior Rating Inventory of Executive Functioning.
 - h. The team determined that the Student was eligible for special education under the category of ID.
25. Meeting Notes dated February 27, 2025 indicated that:
- a. Team members present at the eligibility meeting included the Parent, the Grandparent, the General Education Teacher, the SLP, the Case Manager, the Autism Specialist, and the Director of Special Services. An interpreter was also present.
 - b. The purpose of the meeting was to determine the Student's continued eligibility for special services.
 - c. The Student was found eligible for special services in the categories of ASD and ID.
 - d. All members present signed that they were in agreement for each category, including the Parent.
 - e. The Parent took copies of the eligibility reports.
26. The District *Response* stated, "... the Parent communicates with the District exclusively in English. The Parent has never indicated an inability to communicate in English, nor has [the

Parent] ever indicated that English is not [their] primary language The information provided to the District by the Parent specifically requested that the District communicate with the Parent in English.”

- a. The Student’s Grandparent primarily communicated in Spanish, so the District provided an interpreter for the Grandparent.
- b. The Student had never been identified as an English Language Learner.

27. A document from the student information system for the 2024-25 school year, dated August 8, 2024, indicated:

- a. Spanish was the primary language used in the home, and English was the secondary language.
- b. The Student spoke English more frequently at home.
- c. Spanish was the first language the Student learned.
- d. The Parent preferred to receive communication from the School in English.
- e. The Student Registration Form, dated August 16, 2021, also indicated the Parent’s preference for phone and written communication to be in English.

28. On March 5, 2025, the Complainant filed this Complaint.

29. During an interview with the Complaint Investigator, the Complainant stated they were briefly contracted with the District to provide school psychologist services. They worked a total of six days for the District: two days per week for three weeks between January 31, 2025 and February 24, 2025.

30. The Complainant alleged that no school psychologist was present at the Student’s reevaluation planning meeting. However, this meeting occurred before they were hired for the District, so they were not invited. The Complainant also claimed that a “very limited” developmental history existed, and they could not locate historical documentation supporting the Student’s previously identified developmental delays in academics, cognitive skills, fine motor skills, gross motor skills, and speech. This led to several phone conversations with the Parent, during which the Parent allegedly revealed being unaware of the Student’s prior eligibility, three-year IEP history, or the current intellectual disability assessment. The Complainant argued that signing consent and being fully informed were not the same, especially since the Parent had indicated a lack of awareness regarding the Student’s special education history.

31. The Complainant explained that their allegation stemmed from the current Special Services Director telling them they had lacked a psychologist since November 2024. The Director had reportedly been fulfilling all psychologist-required duties, including cognitive assessments, writing psychoeducational evaluations, interpreting assessments, and determining special education eligibility. The Complainant believed the Director lacked the necessary licensure and was only licensed as an administrator.

32. The Complainant explained that evaluation planning should include data tracking and all relevant specialists. In this case, despite the Student having deficits in five areas, the OT,

physical therapist (PT), SLP, and school psychologist were not involved in the meeting. A single sentence from the teacher stated the OT felt no further assessment was needed, which contradicted the requirement that every area of initial eligibility requires a subsequent demonstration of ineligibility through reassessment. The Complainant claimed that not only were the necessary personnel absent from planning, but the Student was also not assessed in all deficit areas, nor was ineligibility in any area documented.

33. The Complainant alleged the Parent was not fully informed in their native language. During a developmental history, the Parent reportedly did not know the Complainant's role or the purpose of the interview, which the Complainant believed to be uncommon for a reevaluation. The Parent reported the Case Manager telling them the Student had autism, but the Parent disagreed with the autism possibility and felt unheard. The Complainant, therefore, believed the Parent had not attended an evaluation planning meeting. The Complainant claimed the Parent did not understand "intellectual disability" until it was explained and was unaware of that evaluation, believing the Case Manager had already diagnosed autism and the Parent was just signing paperwork as instructed. Following their discussion with the Parent, the Complainant also notified the Case Manager that the Parent requested a Spanish interpreter and the Grandparent to attend the next meeting.
34. The Complainant admitted that the developmental history with the Parent was conducted in English because the Parent speaks English, the student information system lists their preferred language as English, and the Parent fully knows and can describe their child. The Complainant believed that while the Parent is conversationally fluent in English, they lack full education and did not understand the complex language used in legal forms and discussions about diagnoses like ASD. The Complainant further believed that, even if the content was discussed and consent was given, the Parent was not fully informed during the initial evaluation planning, the subsequent one, the eligibility meeting, or any of the annual IEP meetings, as evidenced by their unawareness that their child was in special education.
35. The Complainant also claimed the Student missed an entire school year, which consisted of two six-month periods spent in Mexico, where they allegedly spoke only Spanish and received no education. This lack of education occurred before their assessment in the third grade.
36. The Complainant noted that the Student's initial evaluation for developmental delay lacked input from the OT, PT, school psychologist, and speech-language pathologist, as did the reevaluation planning, despite their potential three years of service. According to the Complainant, for ID or ASD eligibilities, exclusionary factors like vision and hearing require current screenings, which the District allegedly lacks. The Parent reported the Student's vision issues to the Complainant. However, the Complainant alleged that no health, vision, or hearing data was in the initial file, and the District deemed these assessments unnecessary for the reevaluation.
37. The Complainant claimed the reevaluation was almost complete when they left the District. They mentioned that they were scheduled for two in-person days with the Student, but on

the first day in February 2025, the Special Services Director had them focus on a different student, gathering information through observations and staff interviews due to those parents' influence. This prevented the Complainant from conducting the cognitive assessment for the Student's reevaluation at that time.

38. During an interview with the Complaint Investigator, the Special Services Director explained that, following the departure of the previous school psychologist in winter and before the Complainant's arrival, the Director managed the organization of evaluations, including tracking timelines and necessary assessments, including the Student's. Once the Complainant was hired, the Director's focus shifted to ensuring adherence to evaluation timelines and the completion of all required assessments. Subsequently, after the Complainant's dismissal, the Special Services Director took on a significant role in finalizing various components of the Student's evaluation.
39. When asked about their specific licensure, the Special Services Director detailed their educational background: a bachelor's in social work and Spanish, a master's in special education, and a professional administrative license. They are also on track to complete their doctorate next month, with their dissertation focusing on the overlap between learning disabilities and English Language Learners.
40. The Special Services Director explained that, following the Complainant's departure, completing the Student's evaluation was a collaborative effort with the Autism Specialist, the SLP, and the Case Manager. An intelligence quotient (IQ) assessment was conducted by a Testing Specialist from the ESD, who participated in a school psychology program with specialized IQ testing courses. While the Complainant initially sent out adaptive and behavior rating scales, many had to be repeated by the Parent and teachers due to the Complainant incorrectly entering information in a partial eligibility report, requiring revisions for accuracy and completeness. The Director reportedly used the score reports from the ESD for these scales in the comprehensive report. The Autism Specialist completed the Autism Spectrum Rating Scale (ASRS) portion. Each team member contributed their specific area of expertise to the evaluation.
41. According to the Special Services Director, the Student is not classified as an English Language Learner (ELL). While the team considered the influence of language due to the Grandparent primarily speaking Spanish, the Parent and the Student have reportedly always spoken English, and the Parent does not require an interpreter. An interpreter is provided for the Grandparent to ensure their full participation. The Student has never received English learner or English language development services. The Parent has consistently completed forms in English and indicated no preference for other languages. Although the Student's language development was initially delayed, they are now speaking more and starting to use some Spanish words, making Spanish their second language, with English being their first language.
42. To ensure the Parent's understanding, the Special Services Director explained that, during the eligibility meeting, they paused after each paragraph, used plain language, and consistently asked the Parent if they understood or had questions. They offered to review

numbers in detail, schedule separate meetings, or discuss privately if the group setting was overwhelming. The Parent was repeatedly invited to ask questions by various assessors but did not. The Director followed up a week later, and the Parent still had no questions or concerns. The Director claimed the Complainant never directly shared concerns about the Parent not knowing their child was in special education, only sending a vague email about a Family Educational Rights and Privacy Act (FERPA) concern that required further clarification. Upon follow-up with the Parent about the Complainant's later-specified concern, the Parent reportedly did not want to take any further action.

43. The Special Services Director did not believe any of the assessments that were conducted required a licensed school psychologist. Similarly, no assessments were reviewed at the eligibility meeting that were deemed solely interpretable by a school psychologist. While not a licensed school psychologist, the Director explained they had taken courses on interpreting results and did not know of any reviewed disabilities they would not be qualified to interpret. They have not taken specific courses on every administered test, but have taken general courses on standardized assessment administration and used information from generated reports. The Director believed they were qualified for Level A in psychometric assessment administration. They did not know the qualification level of the ESD testing specialist who conducted the IQ assessment, but confirmed the specialist was qualified to administer IQ tests and mentioned their relevant coursework.
44. The Special Services Director claimed that records clearly indicated that the evaluations and disability areas were explained to the Parent, who understood. They noted a history with the Parent, who has consistently resisted the Student being identified as a student with a disability due to their functional limitations, which the Parent does not fully acknowledge. This resistance to labels and the need for support has been an ongoing conversation since kindergarten and was not specific to this meeting.
45. The Special Services Director explained that the Complainant had approximately one month to reevaluate the Student. However, when the reevaluation was due in a week, and the Complainant reported that nothing had been done, indicating the Student would be found ineligible, the Director intervened, stating this was unacceptable and demanding completion to avoid violating Child Find and the Student's right to a free appropriate public education (FAPE).
46. The Special Services Director recalled that the District addressed the Student's health by requesting a medical statement multiple times from the Parent through different methods. Although the Parent said they would schedule an appointment, they did not. The medical statement was sought not due to any suspicion of physical issues but to rule out other factors, as the Parent had never indicated any such concerns. The Student's vision and hearing screenings were conducted annually in January or February, and the District also utilized information from the Student's regular eye doctor. The Special Services Director reported that this was all done in accordance with Oregon Administrative Rules (OARs) and eligibility report standards.

47. Additionally, the Special Services Director explained that the team addressed fine and gross motor skills by including the OT in the consent meeting, which was documented. The OT did not recommend further testing, indicating the current services were still meeting the Student's needs, as noted in the written record.
48. Furthermore, the Special Services Director shared that the evaluation team considered the Student's absences, noting that absences were not excessive in the last two years. The earlier absences, when the Student went to Mexico in kindergarten and first grade, were not considered impactful on the potential eligibilities of ID and ASD, as these conditions would persist regardless of attendance. Furthermore, given the Student's IQ and potential autism diagnosis, the team was not considering a Specific Learning Disability (SLD), which would be more directly affected by a lack of instruction.
49. The Special Services Director believed the Complainant's assertion that the evaluation was improperly conducted stemmed from a lack of involvement and assumptions, as the Complainant allegedly had virtually no participation with the District or this specific evaluation and had never met the Student.
50. During an interview with the Complaint Investigator, the Case Manager explained they have been the Student's case manager since the end of kindergarten, providing approximately 1.5 hours of daily specialized instruction in reading, writing, math, and behavior. They communicate with the family through parent-teacher conferences, IEP goal progress notes, and annual IEP review meetings. The Parent has requested that all communication be in English, which is the language used.
51. The Case Manager shared their belief that the Parent understands the information provided in English, as the Parent grew up and was educated in English within the District and has allegedly never claimed not to understand school processes. While acknowledging the Parent likely speaks Spanish and spends time in Mexico with their Spanish-speaking family, the Parent has consistently requested all school communication in English. The Parent even brought a Spanish medical form to the school during the Student's first-grade year for interpretation, indicating a stronger understanding of English.
52. The Case Manager explained the Student's reevaluation process: Previously identified with a developmental delay, the District considered autism the most likely eligibility. During the November [2024] IEP review, in consultation with the former school psychologist and the Autism Specialist, they planned assessments for ASD and ID. The ESD Testing Specialist did the IQ test. The ESD scored behavior rating scales, the Autism Specialist interpreted autism scales, the Special Services Director helped with some interpretation, and the Case Manager did academic assessments. The Autism Specialist also interpreted behavior and autism observations.
53. The Case Manager further explained that, for the reevaluation, new assessments were not conducted for fine motor and sensory skills, as the OT had completed a full evaluation in kindergarten, its impact was still evident, and the OT recommended no new testing at the IEP review/evaluation planning meeting. The SLP recently completed hearing screenings as part of the Student's speech reevaluation, and the Student reportedly passed. A scheduled

vision screening for the reevaluation was canceled due to snow and completed after the evaluation; therefore, information from the first-grade vision screening was initially used. The specifics of the first-grade screening's recommendations were unclear, but the Parent provided information about the Student receiving glasses before the reevaluation and eligibility were finalized.

54. The Case Manager wanted to clarify that the Complainant consistently referred to the reevaluation as an initial evaluation despite the School's familiarity with the Student. The Case Manager believed the Complainant's perspective might be based on a single conversation with the Parent, who may have shared information with the Complainant that they had not shared with the School. While the School welcomes feedback, the Case Manager suggested the Complainant's understanding might be based on potentially incomplete information from the Parent.

IV. DISCUSSION

Evaluation Planning

As part of a reevaluation, the child's IEP team and other qualified professionals, as appropriate, must review existing evaluation data that includes evaluations and information provided by the parents of the child, current classroom-based, local, or state assessments, classroom-based observations, and observations by teacher and related services providers.⁵ The team may conduct a review without a meeting. If a meeting for this purpose is held, parents must be invited to participate.⁶ If the IEP team determines that no additional data are needed to determine whether a child with a disability has further educational and developmental needs, the team must notify the parent of the reasons for the determination, and the right of parents to request an assessment to determine if more services are needed. The agency is not required to conduct an assessment of the child unless requested to do so by the child's parent.⁷

The Complaint alleged that the District violated the IDEA by not conducting an evaluation planning process that included the necessary elements or professionals to make appropriate decisions regarding the evaluation for the Student.

The Student, who had been receiving special education services since kindergarten under the eligibility category of DD, underwent a three-year reevaluation during the 2024-25 school year. An evaluation planning meeting for this reevaluation occurred on November 11, 2024, and was attended by the Student's Case Manager, the SLP, a General Education Teacher, the OT, the former School Psychologist, and the Parent. During this meeting, the team and the Parent discussed and agreed upon a list of assessments, a copy of which was provided to the Parent. This shows that a planning process did take place and involved the relevant professionals. While

⁵ OAR 581-015-2115(1)(a); 34 CFR § 300.305(a)(1)

⁶ OAR 581-015-2115(2); 34 CFR § 300.305(a)(1)

⁷ OAR 581-015-2115(4); 34 CFR § 300.305(a)(1)

the Complainant alleged the absence of a school psychologist at this meeting, the findings indicate that a school psychologist did participate in the meeting. The Complainant also suggested a lack of involvement from other specialists despite identified deficits; however, the planning meeting included the OT and SLP. The decision regarding the need for further assessment in specific areas, like OT, was made with the input of the relevant specialist during this planning phase and is documented in District records. Finally, the evaluation planning meeting occurred before the Complainant's employment with the District, and therefore, they had no firsthand knowledge of what occurred during the meeting.

Based on the findings, there is sufficient documentation that the District did conduct an evaluation planning process that included the necessary elements and professionals for the three-year reevaluation.

The Department does not substantiate this allegation.

Consent for Evaluation

The Complaint alleged that the District violated the IDEA by not fully informing the Parent in their native language of all information relevant to the activity for which consent was sought.

Consent means that the parent has been fully informed in their native language of all relevant information and that the parent understands and agrees in writing to the carrying out of the activity for which their consent is sought.⁸

On November 15, 2024, the Parent signed a Consent to Evaluate, which, despite checking the "initial evaluation" box, was intended for the reevaluation and listed assessments for potential ID and ASD, mirroring a Student Assessment List from the previous day. An amended consent form completed on February 20, 2025 approved a change in the intelligence assessment. The District maintained that the Parent communicates exclusively in English and specifically requested all school communication to be in English, although Spanish was listed on District records as the primary home language and the Student's first language. An interpreter was provided for the Spanish-speaking Grandparent to participate in meetings with the Parent. While the Complainant acknowledged the Parent's conversational English skills, they doubted their comprehension of complex educational and legal terminology, suggesting a lack of informed consent throughout the process. However, the District staff, including the Special Services Director and the Case Manager, believed the Parent understood the information provided in English, noting the Parent's consistent preference for English communication and their history of being educated in English within the District. They asserted that they implemented measures to ensure the Parent's understanding and answered their questions if asked.

The findings present conflicting perspectives. While the District provides evidence that the Parent preferred and utilized English for communication, the Complainant raises valid concerns about the Parent's comprehension of complex educational terminology and their reported lack

⁸ OAR 581-015-2090(1); 34 CFR § 300.503(c)(1)(ii)

of awareness regarding the Student's special education history. However, there is sufficient evidence that the District provided all relevant information to the Parent in their requested and preferred language and received written consent from the Parent to carry out proposed reevaluation activities. There is insufficient evidence that the Parent made it known that they did not understand the information or that the District failed to provide a necessary explanation.

The Department does not substantiate this allegation.

Reevaluation

The Complaint alleged that the District did not conduct a comprehensive reevaluation of the Student when the evaluation did not assess the Student's health, vision, hearing, or fine or gross motor skills. Further, it was alleged that the evaluation did not account for the Student's English Language Learner status or absences and did not include a school psychologist.

Districts must follow specific procedures for conducting evaluations to determine if a child has a disability and their educational needs. Districts must utilize a variety of assessment tools and strategies, incorporating parent-provided information relevant to the child's functional, developmental, and academic status, as well as their potential IEP content. No single assessment can be the sole determinant for disability classification or educational programming. Evaluations must also employ technically sound instruments that consider cognitive, behavioral, physical, and developmental factors. Furthermore, assessment materials must be selected and administered without racial or cultural bias, provided in the child's native language or communication mode unless clearly infeasible, and assess all areas related to the suspected disability. The evaluation must be comprehensive enough to identify all special education and related service needs, regardless of the primary disability category, and must include tools that directly inform the child's educational requirements.⁹

The Complainant alleged the Student's evaluation was deficient, lacking assessments in health, vision, hearing, and fine/gross motor skills, failing to account for the Student's potential English Language Learner status or absences at that time, and not including a school psychologist and various other specialists.

The District's *Response* and District records show sufficient evidence that, for the reevaluation, a medical statement was attempted, not because there were concerns, but to rule out any potentialities. The Student's attendance was considered and determined not to impact eligibility. Hearing and vision screenings were conducted, all areas of concern were addressed, including academics, speech and language, and fine and gross motor skills, with multiple specialists participating in the reevaluation process. Furthermore, the Case Manager explained that, for the reevaluation, new assessments were not conducted for fine motor and sensory skills based on OT input. The OT had completed a full evaluation in kindergarten and recommended no new testing as the prior testing was still relevant and the services being provided continued to meet the Student's needs. The Parent agreed with this determination.

⁹ OAR 581-015-2110(3)(4)(a)(A)(B)(d)(e)(f)(D); 34 CFR § 300.304(b)(1)(4)(6)(c)(1)(i)(ii)(iv)

Additionally, a school psychologist was involved in the evaluation planning meeting. The required cognitive assessments were administered by the ESD Testing Specialist. The Student has never been identified as having English Language Learner status, so it was not considered. In conclusion, there is sufficient evidence that the District included all necessary specialists and assessments to address all areas of concern in the Student's most recent evaluation. District records also show the Parent was notified of all decisions regarding assessment.

The Department does not substantiate this allegation.

Dated: this 2nd Day of May 2025

A handwritten signature in black ink that reads "Ramonda Olaloye". The script is cursive and fluid, with the first name "Ramonda" and last name "Olaloye" clearly legible.

Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing Date: May 2, 2025

Appeal Rights: Parties may seek judicial review of this Order. Judicial review may be obtained by filing a petition for review within sixty days from the service of this Order with the Marion County

Circuit Court or with the Circuit Court for the County in which the party seeking judicial review resides. Judicial review is pursuant to the provisions of ORS § 183.484. (OAR 581-015-2030 (14).)