

BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of)	FINDINGS OF FACT,
Springfield School District 19)	CONCLUSIONS,
)	AND FINAL ORDER
)	Case No. 25-054-028

I. BACKGROUND

On May 7, 2025, the Oregon Department of Education (the Department) received a written request for a special education complaint (Complaint) from the parents (Parents) of a student (Student) residing in the Springfield School District (District). The Parents requested that the Department conduct a special education investigation under OAR 581-015-2030. The Department confirmed receipt of this Complaint and forwarded the request to the District.

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

On May 14, 2025, the Department's Complaint Investigator sent a *Request for Response (RFR)* to the District identifying specific allegations in the Complaint to be investigated and establishing a *Response* due date of May 28, 2025. On May 27, 2025, the District submitted a *Response*, disputing the allegations described in the Complaint. The District submitted the following relevant items:

1. District Response, 3/28/2025
2. District Response Table of Contents
3. Student IEP, 5/2/2024
4. Prior Written Notice, 5/2/2024
5. Special Education Placement Determination, 5/2/2024
6. Notice of Team Meeting, 4/30/2024
7. Notice of Team Meeting, 5/30/2024
8. Notice of Team Meeting, 5/21/2024
9. Notice of Team Meeting, 5/20/2024
10. Notice of Team Meeting, 4/30/2024
11. Vent, Ownership, Mirror, Plan (VOMP) Process document, undated
12. Reevaluation Process document, 12/2/2024

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

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

13. Notice of Team Meeting, 9/9/2024
14. Notice of Team Meeting, 9/20/2024
15. Notice of Team Meeting, 11/19/2024
16. Prior Written Notice, 9/12/2024
17. Parent/Guardian Consent for Individual Evaluation, 9/12/2024
18. Statement of Eligibility for Special Education, Other Health Impairment (80), 12/2/2024
19. Statement of Eligibility for Special Education, Autism Spectrum Disorder (82), 12/2/2024
20. Eligibility Summary Statement, 12/2/2024
21. Psychoeducational Report, 11/22/2024
22. Speech & Language Assessment Report, Social Communication Report, 11/22/2024
23. Pediatric Neuropsychological Evaluation, 8/14/2024
24. Psychoeducational Assessment Report, 6/2/2017
25. Multidisciplinary Team Report, 6/20/11
26. IEP Progress Report – Annual Goal, 1/31/2024
27. Prior Written Notice, 12/2/2024
28. Progress Reports for IEP Goals, 5/7/2024—5/7/2025
29. Email correspondence between Parents and District
30. Meeting transcript
31. Meeting minutes, 10/1/2024
32. Email: Fw: [Student's] OT, 5/6/2024
33. Meeting notes, 5/2/2024
34. Meeting Documentation & Timeline for [Student]
35. List of relevant District staff

On June 3, 2025, the Parents submitted additional documents in support of their Complaint. On June 9, 2025, and June 16, 2025, the Parents provided copies of audio recordings of relevant IEP team and evaluation planning meetings. On June 12, 2025, the Department's Complaint Investigator interviewed the District's Director of Special Education, and School Psychologist regarding the allegations in this matter. On June 16, 2025, the Department's Complaint Investigator interviewed the Parents. 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 Parents' 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 8, 2024, to the filing of this Complaint on May 7, 2025.

Allegations	Conclusions
<p>Evaluation and Reevaluation Requirements</p> <p>It was alleged that the District violated the IDEA when it did not conduct a reevaluation of the Student before determining the Student’s eligibility as a child with a disability.</p> <p>(OAR 581-015-2105; 34 CFR § 300.301 & § 300.303)</p>	<p>Not Substantiated</p> <p>The District conducted an evaluation of the Student, presented the results to the Parents ahead of the December 2, 2024, eligibility determination meeting, and discussed the results at that meeting.</p>
<p>General Evaluation and Reevaluation</p> <p>It was alleged that the District violated the IDEA when it</p> <ul style="list-style-type: none"> (a) did not provide notice to the Parents before conducting a reevaluation of the Student which described the proposed evaluation procedures as the result of evaluation planning; (b) did not obtain informed written consent from the Parents before conducting the reevaluation; (c) did not use a variety of assessment tools and strategies in the reevaluation conducted by the District, specifically, information provided by the Parents such as information from the Student’s physician, information about the Student’s adaptive skills, results of tests such as the ABAS-3 and BASC-3, and information from the Student’s community Neuropsychological Evaluation; (d) did not conduct a reevaluation that was sufficiently comprehensive to identify all the Student’s special education and related services needs. <p>(OAR 581-015-2090, 581-015-2110; 34 CFR § 300.304 & § 300.305)</p>	<p>Not Substantiated</p> <p>On September 9, 2024, the District sent notice to the Parents of the September 12, 2024, evaluation planning meeting to evaluate the Student’s possible eligibility for special education under the category of Autism Spectrum Disorder (ASD). On November 19, 2024, the District sent a meeting notice indicating that the purpose of the meeting was to determine the Student’s eligibility and decide whether the Student is eligible or continues to be eligible for special education.</p> <p>On September 12, 2024, the Parents provided written consent for the District to evaluate the Student.</p> <p>The District’s consent forms include the various assessment tools and strategies the District would use and did use to evaluate the Student.</p>

Allegations	Conclusions
	Those evaluations included elements that identified the Student's needed areas of accommodation.
<p>Evaluation Planning</p> <p>It was alleged that the District violated the IDEA when it did not review existing evaluation data regarding the Student as part of the Student's most recent reevaluation.</p> <p>(OAR 581-015-2115; 34 CFR § 300.305)</p>	<p>Not Substantiated</p> <p>The evaluation report produced by the District included a discussion of the Student's medical evaluation and the evaluation results of assessments conducted by the District.</p>
<p>Determination of Eligibility</p> <p>It was alleged that the District violated the IDEA when, in the evaluation or reevaluation report it produced, the District did not appropriately describe and explain the result of the evaluation conducted. Specifically, it is alleged that the District omitted information related to the Student's difficulty engaging in social contact, communication needs relevant to developing and maintaining relationships, and the Student's difficulty displaying an appropriate emotional response to others. It is alleged that the evaluation report also omitted ASRS findings, and that the Student's additional identified weaknesses and deficiencies were not addressed by the District.</p> <p>(OAR 581-015-2120; 34 CFR § 300.306, § 300.308, & § 300.111)</p>	<p>Not Substantiated</p> <p>The evaluation report produced by the District included a discussion of the evaluation data gathered by the District, as well as that included in the Student's Pediatric Neuropsychological Evaluation. The evaluation included a discussion of the Student's communication, organization, and social needs.</p>
<p>IEP Team (Predetermination)</p> <p>It was alleged that the District violated the IDEA when required members of the Student's IEP team were not present for the Student's scheduled December 2, 2024, IEP meeting. It was alleged that these team members were not present for the scheduled IEP team, because the District had predetermined the outcome of the Student's eligibility for special education.</p>	<p>Not Substantiated</p> <p>The District had the required IEP team members present for the December 2, 2024, meeting where the Student's eligibility was determined.</p>

Allegations	Conclusions
(OAR 581-015-2210; 34 CFR § 300.344, § 300.321, § 300.324(a)(3) & (b)(3)).	

REQUESTED CORRECTIVE ACTION
<p>The Parents requests that the District:</p> <ul style="list-style-type: none"> • Restore the Student’s OHI eligibility; • Educate staff regarding the impact on the educational performance of children with autism and accompanying disabilities, especially difficulties these children may have with articulating their struggles; • Allow the Student an opportunity to participate in, and be heard regarding, their special education decisions making, including allowing the Student time ahead of such decision making to consider and offer comments; • Hire an outside autism specialist to work with the Student and that this person be involved in providing future supports for the Student’s education; • Implement the supports recommended by the Student’s community psychologist.

III. FINDINGS OF FACT

- 1) The Student in this matter is 16 years of age and attends the 10th grade in a District high school. At the start of the 2024-25 school year, the Student was eligible for special education under the eligibility category of Other Health Impairment (OHI).
- 2) The Student performs well in class, is highly intelligent, enjoys competitive review games in class, and displays kindness in the educational environment. The Student is a thorough note taker and love competitive review games. The Student is a good self-advocate, follows-up with teachers, and is creative in their thinking.
- 3) The Student and their Parents selected a high school other than their neighborhood school, participated in a full regular class environment with supports and accommodation in the general education classroom. The Student received individual instruction from general education teachers in consultation with a special education teacher in support of the Student’s social communication skills. The Student also received practice in a 30-minute social skills group with a Speech Language Pathologist (SLP).
- 4) The Student’s eligibility category of OHI stemmed from their medical diagnoses of Attention-Deficit/Hyperactivity Disorder (ADHD), Disorder of the Central Nervous System, and Specific Developmental Disorder of Motor Function.
- 5) On January 31, 2024, the District produced an IEP progress report for the Student’s

Social/Pragmatic goal. The Student was then showing significant progress toward meeting the goal and was expected to meet the goal by the next IEP review.

- 6) The Student's May 2, 2024, IEP included a measurable annual goal in Transition. The Student's Transition goal included the Student exploring career areas of arts, music, and finance, and identifying specific careers they are interested in pursuing by adding them to their list of careers in a database by May 2025. The Student would receive 60 minutes per year of instruction in Transition Services.
- 7) The Student's May 2, 2024, IEP included measurable annual goals in Social Skills/Communication. The Student's Social Skills goals included having the Student correctly identify humor or sarcasm in verbal communication in 8 out of 10 instances, as measured by clinician/teacher observation and informal assessments. The IEP also included the Student's use of a graphic organizer template enabling the Student to (1) state the problem, (2) identify at least two solutions, (3) list pros and cons for each solution, (4) determine the best solution, and (5) explain why that is the best solution with 80% accuracy in 4 out of 5 opportunities as measured by clinician observations. The goal further envisioned that given the use of social scenarios of conflict and a VOMP with 80% success in 4 out of 5 opportunities as measured by clinician/teacher observations and/or informal assessments. Success with this goal is measured by all parties feeling heard and establishment of a plan agreed upon by all parties that will prevent a recurrence of the same issue. The Student would receive 60 minutes per year of instruction in Social Skills/Communication Services.
- 8) The Student's IEP also included a variety of supplementary aids and services including: obtaining copies of teacher-presented materials posted online; teacher check-in after an activity/assignment is given to ensure Student understands expectation and can explain their next steps; daily check-ins for understanding, redirect off-task behavior, identify next steps, and monitor oral and written work to ensure its appropriateness; movement/sensory breaks to refocus and calm down when frustrated; instruction/review on how to access the District's student information system to see class schedule, grades, and assignments, with regular prompts to access this information. The supplementary aids and services also included: weekly check-ins with their advisory teacher to go over grades, missing assignments, and assignment extension requests; check in 2x/week with Special Education Teacher to identify assignments on which the Student needs more time, missing assignments, refinement of assignments that earned score of 2 or lower, barriers to completing work, and other topics as they arise; pairing verbal directions with written instructions for assignments/activities, with rubrics; breaking down big assignments/projects into chunks with deadlines; Student may submit assignments early; flexible deadlines on assignments, up to 3 weeks, beyond that if extenuating circumstances are confirmed by teachers, then deadlines negotiated. Supplementary aids and services also included check in with the Student's Special Education Teacher to inform/remind the Student about their accommodations; Student will have a copy of the VOMP process for working through conflicts with peers and group work; separate settings for tests, quizzes, and assignments; time and a half on tests, quizzes, and assignments; may listen to music

during individual work time; access to fidgets; grouped with at least 1 positive peer in working teams and Confluence groups, teacher can check in with SLP for clarifying information; may submit a scan or a digital picture of work completed on paper; and, at the start of terms, the Student will receive a printed copy of their scheduled, including classes, locations, teachers, blocks, class times, and teacher emails, with a copy emailed to Parents.

- 9) On May 2, 2024, the District sent the Parents Prior Written Notice (PWN), documenting the changes to the Student's IEP to include changes to their social skills and transition skills goals, and changes to the Student's accommodations. The Student's IEP team determined that the Student would attend classes with non-disabled peers in the general education setting with specially designed instruction (SDI) provided in the general education classroom, more individualized instruction in areas of need, and a class format that provides a more beneficial learning style, with one 30-minute pull-out Social Skills Group per week. This placement included more than 80% of the day in the general education environment.
- 10) On August 14, 2024, the Student's Community Physician completed a Pediatric Neuropsychological Evaluation to determine whether the Student met the medical criteria for a diagnosis of ASD, and how the Student could best be supported at home and school. The assessment determined that the Student met the criteria for the medical diagnosis of ASD, Severity Level 1, "requi[r]ing some support, with accompanying language impairment and without accompanying intellectual impairment." The assessment also affirmed the Student's existing diagnosis of ADHD, and Developmental Coordination Disorder (DCD). The assessment recommended that the Student receive "services and supports specific" to the Student's symptoms. The assessment recognized that "[s]chools have their own process for determining whether a student qualified for services and support, though they typically take into consideration results from private evaluations..." The assessment results included a variety of suggested supports for the Student.

The evaluation indicated that it relied on a history form for relevant background information completed by the Parents, clinical interviews with the Parents, medical records provided by the Student's Physician and Parents, and copies of education records provided by the Parents. Among the education records reviewed were school evaluations, IEPs, and the Student's transcripts.

- 11) On September 9, 2024, the District sent the Parents a Notice of Team Meeting for an IEP team meeting scheduled for September 12, 2024. The notice indicated that this was for an evaluation planning meeting to decide whether the Student should be evaluated for special education eligibility.
- 12) On September 12, 2024, the team met for the purpose of evaluation planning. This meeting covered the planned observations and assessments and explained their purpose to the Parents. During that meeting the Parents advocated for less testing in favor of the District relying on the private medical diagnosis. The evaluation planning team discussed the differences between the medical diagnosis and rationale for those evaluations as compared

with the District's responsibility to determine eligibility and need for SDI as a result.

- 13) On September 12, 2024, the District sent the Parents PWN documenting the Parent's request for a re-evaluation of the Student to determine if the Student qualified for special education services under the category of ASD. The PWN indicated that the Student's Parents had "requested a re-evaluation to determine if [the Student] qualifies for special education services under the category of Autism Spectrum Disorder."
- 14) On September 12, 2024, the District sent the Parents a consent for evaluation of the Student as requested by the Parents. The consent indicated that, as part of the process, the District would evaluate the Student's behavior, social skills, and speech and language, as well as administering the Autism Spectrum Rating Scales (ASRS), Social Skills Improvement System (SSIS) Rating Scale, and the Kauffman Test of Educational Achievement (KTEA-Brief); conduct structured and direct observations; obtain a medical/health statement; review the Student's developmental history; conduct a file review, seek the parents' input through an ASD interview, and seek teacher input. Also included in the consent were the Comprehensive Assessment of Spoken Language Second Edition (CASL-2), an evaluation of individual oral language skills; Test of Problem Solving-2 (TOPS-2), an adolescent diagnostic test of problem solving and critical thinking; and informal teacher and student checklists related to social skills. The consent stated that the Student was "referred for a reevaluation to determine if [they are] eligible for special education services under the category of Autism Spectrum Disorder, [the Student] is currently eligible under the category of Other Health Impairment."
- 15) On September 12, 2024, the Parents provided consent for these evaluations.
- 16) On November 19, 2024, the District sent the Parents a Notice of Team Meeting for an IEP team meeting scheduled for December 2, 2024. The notice indicated that this was for an IEP amendment meeting to review information about the Student and decide whether the Student is eligible or continues to be eligible for special education and complete an eligibility determination; consider the Student's transition needs or services for a student age 15 or older; develop or review the Student's IEP; determine a special education placement. The meeting notice included the Parents, the Student, a District Representative, two staff identified as individuals interpreting the Student's evaluations, a regular education teacher, a special education teacher, the Parents' Lawyer, and the District's Lawyer. (D044)
- 17) On November 22, 2024, the District completed a Psychoeducational Report for the Student. The Student was referred for evaluation due to Parents' concerns regarding the Student's social skills and communication, and their impact on the Student's education. The evaluation noted the Student's August 2024 medical diagnosis of Autism. The evaluation noted that the Student came to Oregon in 2015 without a current IEP, but that the Student was evaluated for special education eligibility in 2017 and found eligible as a student with OHI. At the time of the evaluation, the Student received SDI in communication skills and transition services, with classroom accommodations. The Psychoeducational Report

indicated that the District reviewed the Student's medical diagnosis of ADHD, Disorder of Central Nervous System, and Specific Developmental Disorder of Motor Function. Evaluations conducted by the District determined that the Student had average mathematics and writing skills and above average reading skills. The Student was then passing all of their classes with A's. The Student sometimes demonstrated an "outburst" with peers and struggled to work well in groups when peers challenged their ideas. The Student showed some need for extensions for work, but generally did not require additional support. The Student demonstrated some behaviors that impeded their learning but was generally on-task and got along with peers. Teacher rating scales for the Student's social/communication were in the average range overall, with slight elevation shown in peer socialization and social emotional reciprocity. The Psychoeducational Report recommended a variety of accommodations to support the Student.

Teachers reported that the Student's ability to navigate teamwork was improving during the 2024-25 school year. The Student displayed some behaviors impeding learning such as confronting different ideas around assignments, impatience, and infrequent outbursts toward peers. The Psychoeducational Report noted that the Parents ranked the Student's characteristics of ASD more highly than what was observed in the educational environment.

- 18) The November 22, 2024 Psychoeducational Report indicated that it drew from the following sources: file review, developmental history, medical statement, Kaufman Test of Educational Achievement, Teacher Report, Parent Interview, Classroom Observation, Unstructured Observation, Autism Spectrum Ratings Scales, and Monteiro Interview Guidelines for Diagnosing the Autism Spectrum, Second Edition (MIGDAS-2).

The District's School Psychologist also included references to the Student's Pediatric Neuropsychological Evaluation in their own evaluation and report regarding the Student. The District's School Psychologist noted that private evaluations' conclusion that the Student exhibited behaviors "consisted with ASD" including their social communication, "eye contact, gaze, facial expression, and overall quality of emotional responses..."

The Report included Autism Spectrum Rating Scales (ASRS) data from the Student's Teachers and Parents. The report included ratings from teachers indicated that the Student was in the average range generally, and "slightly elevated range in the peer socialization scale...and the social/emotional reciprocity scale..." The report included interpretation of this data which "...suggest that [the Student] may have difficulty using verbal and non-verbal communication appropriately to initiate, engage in, and maintain social contact." In the school environment these scores suggest that the Student "...may have a limited willingness and capacity to successfully engage in activities that develop and maintain relationships with [their] peers and/or a limited ability to provide an appropriate emotional response to another person in a social situation."

- 19) On November 22, 2024, the District completed a Speech & Language Assessment Report to assess the Student's Social Communication skills. The assessment determined that the

Student expressed confidence in their social skills, with reservations regarding their non-verbal communication, and difficulty reading others' facial expressions and body language when the speaker's words did not match their non-verbal communication. The assessment determined that the Student displayed some degree of difficulty with social language skills in only one of the three required domains within the school setting. Previously the Student demonstrated challenges in all three settings. As of the date of the assessment, the Student displayed difficulty only with Developing, Maintaining, and Understanding Relationships. The Student's scored in the average range for receptive and expressive language skills.

- 20) On December 2, 2024, the Student's team assessing the relevant reevaluation data met to consider the Student's eligibility. Present for the meeting were the District's Director of Special Education, the Student's Special Education Teacher, Speech Language Pathologist, Principal, and School Psychologist, the District's Lawyer, the Parents, the Student, and the Parents' Attorney. The Principal announced during the meeting that they were also present as a regular education teacher for the Student. The District indicated that the Student's Special Education Teacher also acts as a classroom teacher at times.
- 21) On December 2, 2024, the Student's eligibility team determined that the Student met the eligibility criteria to be eligible as a child with OHI and ASD. However, the eligibility team also determined that that, while the Student had OHI and ASD as defined in the relevant rules, these disabilities did not have an adverse impact on the Student's developmental progress and the Student did not require special education services because of these disabilities. Therefore, the eligibility team determined that the Student was not eligible for special education. At the time of the meeting the Parents indicated their disagreement with the team's decision.
- 22) On December 2, 2024, the District sent the Parents PWN documenting the Student's IEP team finding that the Student met eligibility criteria for ASD and OHI, but was not eligible for special education, as the Multidisciplinary Evaluation Team found that the Student did not require special education services in those areas. The PWN listed the documents, assessments, and tests relied upon in making that determination.
- 23) On December 4, 2024, the District sent an email to the Parents informing them of the availability of the documents relevant to the Student's recent evaluation and eligibility meeting.
- 24) On December 5, 2024, the Parents, responding to the District's December 4, 2024 email, asked for "all of the data that was collected to create these reports including the answers and responses to surveys, testing questions and answers," including "[e]verything and anything that was considered for this determination."
- 25) On December 6, 2024, the District, responding to the Parents' December 5, 2024 email, providing information related to many of the assessments conducted. The District observed that it could not, due to confidentiality, provide the testing protocols. The District offered

the Parents an opportunity to view the protocols and the Student's answers but could not make copies.

- 26) On December 7, 2024, the Parents, responding to the District's December 6, 2024 email, inquired why the District could not make copies of the testing protocols and answers as previously reported. The Parents reported that the Student was having difficulty understanding and processing the IEP team's determination that the Student was no longer eligible for special education.
- 27) On December 8, 2024, the District, responding to the Parents' December 7, 2024, email, explained that the protocols for the standardized assessments which are copyrighted and required to be kept confidential. The District explained that this restriction was on the part of the publishers of the assessments, not a District rule.
- 28) On January 28, 2025, the District sent an email to the Parents that included a list of the assessments and rating scales that were part of the Student's most recent evaluation. The District also included the status of each evaluation, including whether the protocol was maintained, whether the District had access to the information, and whether the protocols were copyrighted.
- 29) On January 28, 2025, the Parents sent an email to the District asking for additional information underlying the decision to find the Student not eligible for special education, including surveys provided to teachers and staff, emails or other relevant input provided by District staff.
- 30) On February 3, 2025 the Parents sent an email to the District clarifying that they had asked the District to evaluate the Student for ASD and not OHI. The Parents reported not recalling providing consent for a reevaluation for OHI.
- 31) On February 3, 2025, the District, responding to the Parents, wrote that the District did not conduct further testing associated with OHI. The District had considered adding an ASD. The District explained its responsibility to consider eligibility for special education. The District noted that the Student fits into the categories of OHI and ASD and must also determine whether the Student requires special education as a result.
- 32) On February 5, 2025, the District provided the Parents with additional test results and data that the Parents requested. The Parents requested age equivalency for the provided test scores. The District provided the information on the same date.
- 33) On February 10, 2025, the District provided the Parents with additional age equivalency data for assessments delivered to the Student.
- 34) On February 19, 2025, the Parents sent an email to the District indicating that the Student's Community Psychologist requested additional information to understand the educational

decision-making around eligibility as compared with the medical diagnosis of ASD.

- 35) On February 19, 2025, the District, responding to the Parents, explained that the District believed that the testing it conducted was sufficient and accurate. The District indicated that it incorporated the recommendations and assessment from the Student's Neuropsychological Evaluation into its reports and did not challenge or disagree with any of the Student's diagnoses. The District observed that it collected further information in an "attempt to determine how the diagnoses impacted the education setting (as set forth in the IDEA)."
- 36) On February 24, 2025, the District sent the Parents additional assessment information related to the Student.
- 37) On March 4, 2025, the Student sent an email to the District outlining their struggles. The Student reported that they forget what people ask them to do multiple times, they have to redo assignments, they miss verbal instruction or misunderstand them, they forget to turn in assignments, and sometimes lose assignments. The Student also reported that they struggle with the following: math, social cues, their mind wandering off, organizing physical things, organizing events, organizing their thought to communicate, transitioning, and completing tasks quickly. The Student also reported that they are slower in such areas as reading than other students and have a hard time catching up, they feel overwhelmed, and often worry that others will not support them or will dismiss their needs. The Student reported that they struggle with staying productive, consistency, starting projects, remembering medication, maintaining friendships, relating to others appropriately, maintaining conversations, and the perspectives of others. The Student indicated that they have sensitivity to sounds, suffer from the speech disorder palilalia, struggle with change, have difficulty processing a great deal of information in a short period, have trouble switching from one task to another, and struggle with planning and executing plans. The Student further reported struggling with problem solving, being aware of problems when things do not go to plan, making changes to solve problems, controlling their emotions, spatial awareness, feeling anxious or depressed, group projects, and recognizing when communication breakdowns occur and how to resolve them.
- 38) On April 21, 2025, the School Psychologist sent an email to the Parents updating them on their meeting with the Student to demonstrate the use of organizational planning and structures to assist the Student with managing their assignments.
- 39) On April 24, 2025, the Parents sent an email to the District reporting that the Student experienced high levels of anxiety that evening regarding school work and completing assignments. The Parents explained that the Student was unable to express what they needed to accomplish for school, and asked the District for assistance, including the addition of a planner.
- 40) On May 7, 2025, the Parents filed this Complaint.

- 41) On May 13, 2025, the School Psychologist provided an update on the use of the planner for the Student's organizational needs. The School Psychologist also provided an update on the Student's progress and accommodations and use of support offered by the District.
- 42) On June 9, 2025, the Parents provided a recording of the Student's December 2, 2024, IEP team meeting as part of their response in this matter as their *Reply* to the District's *Response*.
- 43) On June 12, 2025, the Department's Investigator interviewed the District's Director of Special Education and the School Psychologist.

The District explained that the reevaluation of the Student was triggered by the Parents providing the District with a copy of the Student's August 14, 2024 Pediatric Neuropsychological Evaluation. The District noted that the Parents sent the pediatric report to the District ahead of the September 12, 2024 evaluation planning meeting. The District reported that because of the evaluation planning meeting, the District agreed to assess the Student for eligibility for the new category of ASD and general reevaluation of the Student. The District noted that the Parents provided consent for the reevaluation on September 12, 2024.

The District explained that they took this opportunity to assess the Student generally. The District reported that the Student was performing well academically, and that they were then only receiving SDI in Social Skills/Communication, and Transition. The transition services focused on assisting the Student with job search skills.

The District reported that the evaluation results were provided to the Parents and their Lawyer for their review ahead of the December 2, 2024, eligibility determination meeting. The District noted that the Student's IEP included little SDI and consisted mainly of accommodations. During the December 2, 2024, eligibility determination meeting, the team determined that the Student was no longer eligible for special education, as they showed no need for special education. The Parents disagreed with this determination.

The Director of Special Education reported that had the team found the Student eligible, the appropriate IEP team members were present to immediately transition into an IEP team meeting to formulate a new IEP for the Student.

The School Psychologist reported that they had reviewed the Student's Pediatric Neuropsychological Evaluation, and that this review was referenced in their report. The School Psychologist further reported that the ASRS data noted by the Parents was included in their evaluation. The School Psychologist explained that the difference between the t-score and raw score were discussed, and that the t-score is used rather than the raw score, because the t-score is standardized. They further discussed how those scores would impact the assessment of a student in early childhood as compared with the Student in this case

who is in the 10th grade. The School Psychologist explained that having reviewed the Student's Pediatric Neuropsychological Evaluation, they noted that the Student's behaviors were consistent with ASD.

The School Psychologist agreed with the Parents' assessment that the Student displayed some masking behaviors and further noted that the Student's Pediatric Neuropsychological Evaluation indicated that the Student was given a medical diagnosis as a child with ASD yet scored very low for concerns related to ASD.

- 44) On June 16, 2025, the Department's Investigator interviewed the Parents regarding the allegations in this matter. The Parents explained their understand that the District was responding to their request to evaluate the Student for the additional eligibility category of ASD, based on the outside evaluation they provided. The Parents noted that they were not aware that such an evaluation would also include considering the Student's current eligibility categories, potentially resulting in the District finding that the Student was no longer eligible for special education for the existing eligibility category.

The Parents reported understanding that they provided consent for the ASD evaluation rather than an evaluation of the Student's existing eligibility categories. The Parents expressed dismay that the District found the Student ineligible for special education. The Parents reported that the Student still required support for a variety of needs including assistance organizing schoolwork, recalling assignments, turning in assignments on time, and appropriate social communication, among other concerns. The Parents disputed that the Student was not still in need of special education.

The Parents reported their impression that the District weighed their own evaluations and assessments of the Student more than the private assessment obtained by the family. The Parents questions the relevance of the District administered tests over those conducted by the private evaluator. Overall, the Parents highlighted how the District had not prepared the Student for the eligibility determination. In support of the Parents' allegations that the Student required specially designed instruction, the Parents highlighted the ASRS data, which indicated that the Student still had areas where they needed support.

IV. DISCUSSION

Evaluation and Reevaluation Requirements

The Parents alleged that the District violated the IDEA when it did not conduct a reevaluation of the Student before terminating the Student's eligibility as a child with a disability.

School districts must conduct an evaluation or reevaluation before determining that, a child is a child with a disability, a child continues to have a disability or changing a child's eligibility. An evaluation must be conducted to determine whether a child is eligible for special education

services when a district suspects or has reason to suspect that the child has a disability which has an adverse impact on the child's educational performance, and that the child may need special education services because of the disability. A district must designate a team to determine whether an initial evaluation will be conducted. The team may make this decision without a meeting.³

On September 9, 2024, the District sent the Parents a meeting notice for an evaluation planning meeting scheduled for September 12, 2024. The notice indicated that this was for an evaluation planning meeting to decide whether the Student should be evaluated for special education eligibility. On September 12, 2024, the Parents signed a consent form for the District to evaluate whether the Student qualified for special education services. Thereafter the District administered the assessments, and gathered the specific information indicated in the consent. The District provided copies of the evaluation results to the Parents and their Lawyer in November ahead of the December 2, 2024, eligibility determination meeting. The results of the reevaluation were then discussed with the Parents, the Student, and their Lawyer at the December 2, 2024, eligibility determination meeting.

The Department does not substantiate this allegation.

General Evaluation and Reevaluation Procedures

The Parents alleged that the District violated the IDEA when it: did not provide notice to the Parents before conducting a reevaluation of the Student which described the proposed evaluation procedures as the result of evaluation planning; did not obtain informed written consent from the Parents before conducted the reevaluation; did not use a variety of assessment tools and strategies in the reevaluation conducted by the District, specially, information provided by the Parent such as information from the Student's physician, information about the Student's adaptive skills, results of the tests such as ABAS-3 and BASC-3, and information from the Student's community Neuropsychological Evaluation; and, did not conduct a reevaluation that was sufficiently compressive to identify all the Student's special education and related service needs.

In conducting evaluations, the school district must use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child. This assessment data should include information provided by the parent. The school district should not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate education program for the child. Assessment tools should be technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors. Districts must ensure that assessments and other evaluation materials used are appropriately selected and administered, administered by trained and knowledgeable

³ OAR 581-015-2105(1)—(4)

personnel, and administered in accordance with any instructions provided by the producer of the assessments. Assessment and evaluation materials should include those tailored to assess specific areas of educational need. Children should be assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities. Districts must ensure that the evaluation is sufficiently comprehensive to identify all the child's special education and related service needs.⁴

For students suspected of having ASD, a comprehensive evaluation must be conducted. The comprehensive examination must include a developmental history, information from parents, observations, a social communication assessment, a Standardized Autism Identification Tool, and a medical examination, among other sources of reference. Additional assessments may also be administered to determine a student's needs. A medical diagnosis of autism spectrum disorder is not required to determine eligibility.⁵

On September 9, 2024, the District sent the Parents a meeting notice for an evaluation planning meeting scheduled for September 12, 2024. The notice indicated that this was for an evaluation planning meeting to decide whether the Student should be evaluated for special education eligibility. On September 12, 2024, the District sent the Parents PWN documenting the Parent's request for a reevaluation of the Student to determine if the Student qualified for special education services under the category of ASD. The PWN indicated that the Student's Parents had "requested a re-evaluation to determine if [the Student] qualifies for special education services under the category of Autism Spectrum Disorder." The Parents allege that this PWN did not give them sufficient notice that the District would also reevaluate the Student for eligibility under OHI, the Student's current eligibility category.

On September 12, 2024, the Parents signed a consent form for the District to evaluate whether the Student qualified for special education services. The consent listed the various assessments the District proposed, and information the District intended to gather, to reevaluate the Student. The consent stated that the Student was "referred for a reevaluation to determine if [they are] eligible for special education services under the category of Autism Spectrum Disorder" and that the Student was then "currently eligible under the category of Other Health Impairment."

The Parents alleged that, as part of the reevaluation, the District did not use a variety of assessment tools and strategies in the reevaluation conducted by the District, specifically, information provided by the Parent such as information from the Student's physician, information about the Student's adaptive skills, results of the tests such as ABAS-3 and BASC-3, and information from the Student's community Neuropsychological Evaluation. The Parents also alleged that the District's reevaluation was not sufficiently comprehensive to identify all the Student's special education and related services needs. The Parents further alleged that the

⁴ OAR 581-015-2110(3)—(4)

⁵ OAR 581-015-2130(2)—(3)

District did not consider the Student's needs relevant to their difficulties organizing schoolwork, recalling assignments, turning in assignments on time, and appropriate social communication. District's must conduct a comprehensive evaluation of a student being evaluated for Autism Spectrum Disorder.⁶ Such an evaluation must include a developmental history, information from the parents, observations, social communication assessments, a standardized autism identification tool, a medical examination, and vision and hearing screening. During the September 12, 2024, evaluation planning meeting, the evaluation planning team discussed the required components with the Parents, including the differences between the medical evaluation procured by the Parents, and the educational evaluation. The resulting evaluation conducted by the District included the required evaluation components, including the use of a standardized Autism Identification Tool, in this case the District completed the ASRS and the KTEA-Brief, in addition to reviewing the Student's medical diagnosis.

The District's School Psychologist completed an evaluation of the Student, including in their evaluation information from the Student's private Pediatric Neuropsychological Evaluation. In addition, the District completed a file review, developmental history, Kaufman Test of Educational Achievement, Teacher Report, Parent Interview, Classroom Observation, Unstructured Observation, ASRS, and MIGDAS-2.

As part of the evaluation of the Student, the District determined that the Student had met their existing IEP goals and no longer required SDI in Social Communication Skills and Transition. The District reported that the Student's SDI was then minimal with the majority of the Student's IEP composed of accommodations and supports. On November 19, 2024, the District sent the Parents and IEP team meeting notice for December 2, 2024, indicating that IEP team meeting was to review information about the Student and decide whether the Student is eligible or continues to be eligible for special education. The eligibility team determined, through the assessments and evaluations for evaluating the Student for the additional eligibility category, that the Student no longer required SDI.

The Department does not substantiate this allegation.

Evaluation Planning

The Parents alleged that the District violated the IDEA when it did not review existing evaluation data regarding the Student as part of the Student's most recent reevaluation.

A public agency must use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent. This information may assist in determining whether the child is a child with a disability, and the content of the child's IEP. The public agency must ensure assessments and other evaluation materials used to assess a child are used for the purposes for which the

⁶ OAR 581-015-2130(2)

assessments or measures are valid and reliable, and that the child is assessed in all areas related to the suspected disability. The public agency must also ensure that the evaluation is sufficiently comprehensive to identify all the child's special education and related services needs.⁷ As part of any reevaluation, a child's IEP team must review existing evaluation data, including evaluations and information provided by the parents of a child. The IEP team should also review current classroom-based, assessments, observations, and observations by teachers and related service providers. Based on this review, the IEP team should determine what additional data is needed.⁸

The Parents alleged that the District failed to consider the results of private evaluations conducted by the Student's community prepared Pediatric Neuropsychological Evaluation. That evaluation relied on a history form for relevant background information completed by the Parents, clinical interviews with the Parents, medical records provided by the Student's Physician and Parents, and copies of educational records provided by the Parents. On September 9, 2024, the District sent the Parents a meeting notice for an evaluation planning meeting scheduled for September 12, 2024. The notice indicated that the meeting was for an evaluation planning meeting to decide whether the Student should be evaluated for special education eligibility. On September 12, 2024, the Parents signed a consent form for the District to evaluate whether the Student qualified for special education services. The consent form indicated that the District would evaluate include evaluations of the Student's behavior, speech/language, observations, medical and health statements, and developmental history. The consent form also listed the specific interviews, observation types, and assessments the District intended to utilize. On November 22, 2024, the District completed a Psychoeducational Report for the Student summarizing the results of these evaluations, including the District's consideration of the Student's Pediatric Neuropsychological Evaluation.

During the September 12, 2024, evaluation planning meeting and the December 2, 2024, eligibility determination meeting, the District explained that differences between a medical diagnosis of ASD and special education eligibility requirements. On December 2, 2024, the District held an eligibility determination meeting. The team determined that, while the Student met eligibility criteria to be considered a child with OHI and ASD, those disabilities did not have an adverse impact on the Student's access to their education and the Student did not need special education as a result. Therefore, the Student was not eligible for special education. The report produced by the District distinguished the Student's medical diagnosis from the Student's educational needs as the result of that diagnosis.

The Department does not substantiate this allegation.

Determination of Eligibility

⁷ OAR 581-015-2110(1)—(4)

⁸ OAR 581-015-2115(1)—(4)

The Parents alleged that the District violated the IDEA when, in the evaluation or reevaluation report it produced, the District did not appropriately describe and explain the result of the evaluation conducted. Specifically, it is alleged that District omitted information related to the Student's difficulty engaging in social contact, communication needs relevant to developing and maintaining relationships, and the Student's difficulty displaying an appropriate emotional response to others. It is alleged that the evaluation report also omitted ASRS findings, and that the Student's additional identified weaknesses and deficiencies were not addressed by the District.

After completing the administration of assessments and other evaluations, a team must determine whether the child is a child with a disability and the educational needs of the child. That team must include the parent, and two or more qualified professionals, at least one of whom is knowledgeable and experienced in the evaluation and education of children with the suspected disability. The team must prepare an evaluation report and written statement of eligibility. The evaluation report must describe and explain the results of the evaluation conducted. The written statement of eligibility must include a list of the evaluation data considered in determining the child's eligibility. That written eligibility statement must also include a determination of whether the child meets the minimum evaluation criteria for one of the disability categories in OAR 581-015-2130 through 581-015-2180 or 581-015-2797.⁹

The Psychoeducational Report prepared by the District evidenced a significantly different degree of concern between staff observations of behavior and social communication needs, and those observed by the family. The Psychoeducational Report included descriptions of the Student's behaviors including outbursts with peers, and struggles working well with groups when peers challenge their ideas. The Student demonstrated a need for extensions for work at times. Teachers reported that the Student's ability to navigate teamwork was improving during the school year. The Student displayed some behaviors impeding learning such as confronting different ideas around assignments, impatience, and infrequent outbursts toward peers. Overall teachers indicated that these were not significant barriers for the Student or that they occurred infrequently. During the December 2, 2024, eligibility determination meeting, the District discussed that the Student's additional service and accommodation needs could be provided through other means, and that the end of specially designed instruction did not mean that the Student would not receive accommodations.

The ASRS data included in the District's evaluation noted that the Student scored in the "slightly elevated range in the peer socialization scale...and the social/emotional reciprocity scale..." The report included interpretation of this data which "...suggest that [the Student] may have difficulty using verbal and non-verbal communication appropriately to initiate, engage in, and maintain social contact." In the school environment these scores suggest that the Student "...may have a limited willingness and capacity to successfully engage in activities that develop and maintain relationships with [their] peers and/or a limited ability to provide an appropriate emotional response to another person in a social situation."

⁹ OAR 581-015-2120(1)—(4)

The Department does not substantiate this allegation.

IEP Team (Predetermination)

The Parents alleged that the District violated the IDEA when required members of the Student's IEP team were not present for the Student's scheduled December 2, 2024, IEP meeting. It is alleged that these team members were not present for the scheduled IEP team, because the District had predetermined the outcome of the Student's eligibility for special education.

School districts must ensure that the IEP Team for each child with a disability includes specific participants. Participants must include, the parents, at least one regular education teacher of the student, a special education teacher of the student, and a representative of the district qualified to speak to the provision of specially designed instruction and commit district resources. The IEP Team should also include an individual who can interpret evaluations, and other individuals, including those invited by the parent. Districts should also invite related services providers, as appropriate, whom the District determines have knowledge or special expertise regarding the child.¹⁰ Districts should also notify parents in advance of the purpose, time, place, and individuals who will attend a meeting.¹¹

On December 2, 2024, the Student's eligibility team met to determine eligibility. The District's Director of Special Education, the Student's Special Education Teacher, SLP, Principal, and School Psychologist were present for the eligibility determination meeting. The Student's Principal announced at the start of the meeting that they were also present as a regular education teacher for the Student. During interviews with the District, they indicated that, had the team found the Student eligible for special education, the meeting would have transitioned into an IEP team meeting to formulate an IEP for the Student.

The Department does not substantiate this allegation.

VII. CORRECTIVE ACTION

*In the Springfield School District
Case No. 25-054-028*

No corrective action is ordered in this matter.

Dated: this 1st Day of July 2025

¹⁰ OAR 581-015-2210(1)(a)—(1)(g)

¹¹ OAR 581-015-2190(2)(b)(A)

Ramonda Olaloye

Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

Emailing Date: July 1, 2025

Appeal Rights: Partied 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 provision of ORS § 183.484. (OAR 581-015-2030 (14).)