BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of Salem-Keizer School District 24J	))))	FINDINGS OF FACT, CONCLUSIONS, AND AMENDED FINAL ORDER[1] Case No. 25-054-035

I. BACKGROUND

On May 19, 2024, 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 Salem-Keizer School District (District). The Parents alleged that the District had violated one or more provisions of the Individuals with Disabilities Education Act (IDEA). The Department conducted a special education complaint investigation pursuant to Oregon Administrative Rule 581-015-2030.

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.[2] 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.[3]

In a phone call on May 21, 2025, the Parents explained the allegations in the Complaint in more specific detail. Prior to filing the Complaint, the District began evaluating the Student for special education.

On May 23, 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 June 6, 2025.

On June 6, 2025, the District submitted a *Response* to the Complaint. The *Response* did not contest any of the allegations in the Complaint.

On June 16, 2025, the Parent submitted a response to the allegations and discussed the District's *Response* the Department's Complaint Investigator.

The Complaint Investigator reviewed all the documents and submissions provided by the parties.

[1] On July 18, 2025, The Department issued a final order in this matter. On July 21, 2025, the District, through its attorney, requested clarification of a training requirement. The Department issues this amended final order.
[2] OAR 581-015-2030(12) and 34 CFR § 300.152(a)
[3] OAR 581-015-2030(12) and 34 CFR § 300.152(b)

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 19, 2024, through to the filing of this Complaint on May 19, 2025.

Allegations	Conclusions
Evaluation and Reevaluation Requirements (Predetermination) The Parents alleged that the District violated the IDEA when it did not conduct an evaluation of the Student following the Parents' request for an initial evaluation. (OAR 581-015-2105; 34 CFR § 300.301 & § 300.303)	**Not Contested** The District does not contest this allegation.
Child Find The Parents alleged that the District violated the IDEA when following behavior referrals, reports of the Student's suicidal ideation, and the Parents presenting the District with the Student's psychological report, the District did not identify, locate, or evaluate the Student as a student with a disability. (OAR 581-015-2080; 34 CFR § 300.111, § 303.302, & 34 CFR § 301)	**Not Contested** The District does not contest this allegation.

REQUESTED CORRECTIVE ACTION
The Parents request that the District: • Expedite the evaluation of the Student; • Ensure that all areas of "educational performance" are considered, including social emotional learning, peer relationships, and subject including physical education and music; • Measure the adverse impact of the Student's disabilities relative to their own capabilities and potential for educational progress, aligning this measurement with TAG services; • Include all the Student's disabilities in the evaluation process; • Work to increase understanding and acceptance of Neurodiversity through training, plans for Autism Acceptance Month, and develop interventions that support high-

functioning Autistic students in the least restrictive environment.

III. FINDINGS OF FACT

1. The Student is six years old and is currently enrolled in a District elementary school.

2. During the spring of 2025, the Parents raised concerns about the Student's needs for special education. Prior to filing this complaint, the District began the process of evaluating the Student for special education.

3. On May 19, 2025, the Parents filed this Complaint.

IV. DISCUSSION

The Parents alleged two IDEA violations, which the District does not contest.

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

V. CORRECTIVE ACTION

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

Action Required	Submissions	Due Date
1. The District will complete the evaluations undertaken for the Student and hold an eligibility meeting.	The District will submit documentation demonstrating that it conducted evaluations for the Student and held an eligibility meeting, including the meeting notice, meeting minutes, and accompanying Prior Written Notice.	**November 6, 2025**
2. If the Student is found eligible for special education and related services,	If eligible, the District will submit documentation	**December 8, 2025**

the District will develop an IEP for the Student.	that it convened an IEP meeting, including the meeting notice, minutes, IEP, and accompanying Prior Written Notice.	
3. If the Student is found eligible for special education and related, services, the District will convene an IEP meeting with the Parents to determine an appropriate amount of compensatory education and a plan for delivery.	If eligible, the District will submit documentation of the IEP meeting where the discussion regarding compensatory education was held, including the meeting notice, minutes, and other documentation describing the type and amount of compensatory education that the District will provide. Evidence showing compensatory education was provided.	**December 8, 2025** **September 15, 2026**
4. The District will ensure that all building staff responsible for making referrals for special education eligibility determinations are trained in recognizing the relevance of medical and psychological information either observed or obtained from Parents.	Training agenda/materials to ODE for review/approval. Sign-in sheet for training.	**September 15, 2025** **December 15, 2025**

Dated: this 11th Day of September, 2025



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Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

Emailed: September 11, 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).