BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of Springfield School District 19	))))	FINDINGS OF FACT, CONCLUSIONS, AND FINAL ORDER Case No. 25-054-044

I. BACKGROUND

On June 17, 2025, the Oregon Department of Education (the Department) received a written request for a special education complaint investigation from the parent (Parent) of a student (Student) residing in the Springfield School District 19 (District). The Parent 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 Parent 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 July 2, 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 July 16, 2025.

The District submitted some responsive documents on July 8, 2025. The District submitted a *Response* on July 15, 2025, denying the allegations, providing an explanation, and submitting additional documents in support of the District's position. The District submitted additional documents on July 23, 2025. On July 25, 2025, the District submitted a *Revised Response*, indicating the District no longer contested one of the allegations. The District submitted the following relevant items:

1. District's Written *Response* to Complaint, 7/15/25
2. Notice of Team Meeting on 6/5/24, 5/20/24
3. Prior Written Notice (P), 6/5/24
4. Special Education Placement Determination, 6/5/24
5. Individualized Education Program (IEP), 6/5/24
6. Reevaluation Checklist, 5/16/25
7. Notice of Team Meeting on 5/16/25, 5/7/25
8. PWN, 3/4/25
9. Parent/Guardian Consent for Individual Evaluation, 3/4/25

[1] OAR 581-015-2030(12) and 34 CFR § 300.152(a).
[2] OAR 581-015-2030(12) and 34 CFR § 300.152(b).

10. Disability Statement Speech or Language Impairment (SLI), 5/16/25
11. Disability Statement Developmental Delay (DD), 5/16/25
12. Assessment Summary Form (DD Reevaluation), 5/14/25
13. Speech or Language Impairment Evaluation Record, 5/14/25
14. Release of Information, 3/17/25
15. Medical Statement, 4/22/25
16. Developmental History, 3/17/25
17. PWN, 5/16/25
18. Email to Parent with eligibility documents, 5/16/25
19. Parent's "Dissension Letter," 5/23/25
20. IEP Progress Report, 4/7/25
21. Staff Contact List, 7/15/25
22. Email exchanges between District Staff and Parent, 7/2/25-7/10/25
23. Email exchanges amongst District Staff, 6/21/24-7/10/25
24. Email exchanges between Parent, District Staff, and the Department, 6/10/25-7/2/25
25. Email exchanges between District Staff and Parent, 8/20/24-6/26/25
26. District Complaint filed by Parent, 1/28/25
27. Student's Report Card, 2023-24 and 2024-25 School Years
28. Student Profile, 2023-24 School Year

The District provided the following supplemental documents on July 23 and 25, 2025:

29. Break & Skills Group Pull Out Schedule from Case Manager, 9/16/24
30. Email exchange between Assistant Principal and Teacher, 2/11/25 - 2/12/25
31. Email exchange amongst District Staff, 5/12/25 - 5/13/25
32. Emails from Case Manager to Teacher with Schedule, 9/13/24 - 9/16/24
33. Seesaw Message History between Parent and Teacher, 9/6/24 - 5/7/25
34. District's Written *Revised Response* to Complaint, 7/25/25

The Parent submitted documents on July 23, 2025 and July 29, 2025. The Parent submitted the following relevant items:

1. Letter from Developmental Pediatrician, 4/29/24
2. Data Reports from Student's ABA Provider, 1/5/25 – 5/23/25
3. Parent's Response to Documents submitted by District, 7/29/25

The Complaint Investigator interviewed the Parent on July 22, 2025. On July 23, 2025, the Complaint Investigator interviewed District personnel. Virtual interviews were conducted instead of on-site interviews. 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 June 18, 2024, to the filing of this Complaint on June 17, 2025.

Allegations	Conclusions
When IEPs Must Be in Effect The Complaint alleged that the District violated the IDEA by not providing special education and related services in accordance with the Student's IEP. (OAR 581-015-2220; 34 CFR § 300.323)	**Not Contested** The District does not contest this allegation.
Determination of Eligibility The Complaint alleged that that the District violated the IDEA when it failed to identify the Student as a student with a disability who needs special education and related services. (OAR 581-015-2129; 34 CFR § 300.306)	**Not Substantiated** The District conducted a timely three-year reevaluation of the Student. Based on relevant information, including evaluation results and input from team members, the IEP team determined the Student was no longer eligible for special education services. The District noted that the Parent disagreed with the decision and provided prior written notice (PWN). The District complied with IDEA requirements and appropriately made the Student's eligibility determination.

REQUESTED CORRECTIVE ACTION
The Parent requested the following corrective action: • An in-depth review of the IEP team's mishandled procedure and process. • An immediate transfer of both of the Parent's children to a different elementary school.

III. FINDINGS OF FACT

IDEA regulations limit complaint investigations to alleged violations occurring no more than one year before the Department's receipt of the special education complaint. This Complaint Investigation did not consider any IDEA violations alleged to have occurred before June 18, 2024.

Any facts listed below relating to circumstances or incidents earlier than that date are included solely to provide context necessary to understand the Student's disability and special education history.

1. The Student is seven years old and recently completed the first grade.

2. The Student is not currently eligible for special education services.

3. The Student was initially evaluated for Early Childhood Special Education (ECSE) Services in May 2022, at age three, "due to concerns about [their] development." Assessments indicated the Student was delayed in the areas of adaptive, social-emotional, and cognitive. The Student was "somewhat delayed" in the area of communication. An evaluation report noted that the Student's teacher and the Parent recorded a high level of internalizing problems. The Student was found eligible for ECSE Services under the eligibility category of developmental delay (DD).

4. In 2023, the District developed an Individualized Education Program (IEP) for the Student as part of the Student's transition to kindergarten. The Student started receiving school-age special education services in kindergarten at a District elementary school (the School) at the beginning of the 2023-24 school year.

5. The Parent reported that the Student was diagnosed with attention deficit hyperactivity disorder (ADHD) and autism spectrum disorder (ASD) during the 2023-24 school year.

6. The Parent provided the Investigator with a letter from the Student's Developmental Pediatrician, dated April 29, 2024. The letter indicated that the Student was previously evaluated by a different provider who reported diagnoses of ASD and mixed development disorder. It is unclear whether this letter was shared with the District at the time.

7. On June 5, 2024, the District convened the Student's annual IEP meeting.

8. The Student's June 5, 2024 IEP (June 2024 IEP) included the following, among other things:

    a. Student Strengths: "very friendly… described by [their] teacher as being a model student… is social with peers and adults, working well with any peer in class."

    b. Parent Concerns: "[The Parent] doesn't have any concerns at this time. [The Parent] did want to add in a goal around little deal/big deal since this is something that [the Parent] has been working on at home and is making a big difference in [the Student's] reaction to issues that occur."

    c. Present Levels: "[The Student] does not receive any academic services at this time."

    Developmental and Functional Performance: "Social skills/Behavior (JUNE/2024): [The Student] was going to small group social skills in the beginning of the year but after an

early meeting a month into school the team and parent decided that [the Student] did not need pull out services and would benefit from more time in the general education setting. Currently [the Student] only needs and receives a quick check in twice a day to go over expectations for asking what [the Student] needs and how to go about it. The other support [the Student] currently needs is extra bathroom breaks where [the Student] walks with an adult to the health room's bathroom… At the beginning of the year the big concern for [the Student] from [the Parent] was [the Student's] ability to ask for basic needs (asking for help, signal when [the Student] needed to use the bathroom or get a drink of water). According to [the Student's] teacher this is not an issue in the class anymore. [The Student] may need extra reminders but can advocate for [their] own needs."

d. How the Student's disability affects involvement in progress in the general education curriculum: "[The Student's] difficulty advocating for [their] own physical needs may impact [their] ability to access the general education environment and curriculum."

e. Annual Goals: Two goals in the area of social skills (verbally initiate adult or peer interactions that aim to meet a physical or emotional need; accurately determine the size of a problem, determine the appropriate emotional response, and return to the task at hand).

   Present Levels for Goals: "[The Student] is getting much better at asking for help when needing it or requesting something. At the beginning of the year [the Student] would often just sit there and not say anything as [they] stared at the work or around the room. After consistent coaching from [their] teacher [the Student] has now started to raise [their] hand. [The Student] sometimes still needs a couple prompts throughout the day… This will be done through check in and check out times in the morning after breakfast and before going home."

   "[The Student] has been working at home and at school on appropriate emotional responses to given scenarios and problems. [The Student] has a tendency to react strongly to things that are minor problems. This has been more of an issue at home but has had some smaller occurrences here. This will be done through check in and check out times in the morning after breakfast and before going home."

f. SDI: Social Skills (25 minutes per week), anticipated location "General Ed class / Resource Room."

g. Accommodations: nonverbal signal for help, bigger tasks broken down into smaller tasks, frequent adult check-ins for understanding of curriculum, testing accommodations (testing for mastery; additional time when allowed), bathroom accommodations (bathroom protocol, including five prompted bathroom breaks throughout the day), and extra processing time for answering questions.

h. Non-Participation Justification: "[The Student] will be removed from their regular education classroom for up to 25 minutes per week to receive social skills services."

"The team has determined that [the Student] needs structured specialized push in instruction in social skills to make progress towards their IEP goals."

9. Of the two options listed in the June 5, 2024 Special Education Placement Determination, the IEP team selected "Regular classroom (>=80%) with learning center supports." The rationale for the selection was, "[The Student] needs small group specially designed instruction for social skills in order to make progress towards [their] goals."

10. An August 30, 2024 email exchange between the Parent and office staff at a different District elementary school indicated the Parent made a school transfer request for the Student, but the requested school did not have space for any additional students entering the first grade.

11. When asked by the Investigator, the Parent stated they wanted to transfer the Student because they did not have confidence in the Student's IEP team at the School.

2024-25 School Year

12. On September 3, 2024, the Student started the 2024-25 school year as first grader with a new case manager (the Case Manager).

13. The Teacher reported the following about the Student during the 2024-25 school year:

    a. The Student was pulled out of class by various educational assistants for bathroom breaks and social skills instruction. At the beginning of the school year, the Student was pulled out of class more than once a day.

    b. The Student followed directions, was well behaved, and was able to ask questions when they did not understand something. The Student was well spoken and able to advocate for themselves, which they did in a respectful and polite way. The Student was happy, worked hard, and seemed to enjoy school. At times, the Student needed more processing time and might take some extra time before answering a question asked. The Teacher offered the accommodations listed in the Student's IEP, but the Student did not seem to need anything beyond what the rest of their peers needed. The Teacher did not feel that the Student needed special education services as they already had the skills described in their IEP goals. The Teacher noted that they had previously worked as a special education teacher.

    c. In the first half of the 2024-25 school year, the Parent's biggest concern about school was related to the Student's bathroom protocol. Later, the Parent brought up bullying concerns. The Parent did not express any academic concerns.

d. The Parent reported behavior issues that occurred at home, but these were not seen at school. The Teacher stated the Student's behavior in class was better than their peers.

14. The Case Manager reported it was unclear to them why the Student had an IEP. The Student came into the first grade with the skills identified in the Student's IEP goals. By the first progress reporting period, the Student had already met their IEP goals. The Case Manager indicated that the IEP team should have had a meeting at the beginning of the school year to discuss whether the Student continued to need special education services. The Case Manager speculated that staff were afraid to initiate this conversation with the Parent.

15. Emails from the Parent to the Teacher and the Assistant Principal from September and October 2024 evidenced the Parent's reported concerns about the Student's bathroom plan.

16. Starting on September 17, 2024, the Parent reported concerns to the Teacher about peers bullying the Student at school. These reports continued through the rest of the school year, and were also shared with the Case Manager, the Assistant Principal, and the Principal.

17. The Student's IEP Progress Report for November 25, 2024, included a progress code of "5" ("Performance is at or above what is required to meet the goal by the next review") for both IEP goals and stated, "[The Student] is consistently demonstrating skills within [their] classroom" for both goals.

18. In a December 2, 2024 message to the Teacher, the Parent stated they wanted the School to stop having educational assistants pull the Student from class for scheduled bathroom breaks. "[The Student] and I talked about it And [*sic*] if [the Student is] advocating for [themselves] three times a day [the Student] said [they are] doing really well which [the Student] is let's just you know give [the Student] a chance and see what happens."

19. The Teacher reported being surprised by the Parent's request to stop the scheduled bathroom breaks, noting that this issue seemed to be the Parent's biggest concern since the start of the school year.

20. In a December 17, 2024 message to the Teacher, the Parent shared that the Student reported getting yelled at by two peers at school and stated the School needed to address the issue quickly as the Student "comes home escalated about these things at least every other day."

21. In another December 17, 2024 message to the Teacher, the Parent expressed concerns about bullying at recess and noted that the Student was "diagnosed this past summer with adhd [*sic*]." For the Student, "the pressure and expectations of school help [them] to focus and function. It takes all [the Student's] energy to keep it together during the school day. The very moment we get in the car to go home, [the Student] is disregulated [*sic*]. [Their] emotions are all over the place… [the Student] is rigid and needs to get the pent up energy out! There are tears and yelling and whining… every day… I am grateful that [the Student] is so happy & joyful at school, but that comes at a cost for [the Student], and for me."

22. The Parent stated that the Student was coming home and communicating that they were being hit by peers at school, but the Student was not going to the Teacher and advocating for themselves.

23. Starting in January 2025, the Parent requested to come to the School to observe the Student because of their concerns about bullying.

24. In a January 5, 2025 email to the Case Manager, the Parent reported, "[The Student] has been having significant challenges every day at school. Every day when I pick [the Student] up, [the Student] is escalated and has numerous meltdowns beginning as soon as we get in the car. [The Student] communicates things that happened throughout [their] day involving some other students, that are unkind and distressing to [the Student]. Sometimes I need to piece [the Student's] story together, and that doesn't always give me a clear picture. This is why I want to observe." The Parent noted they also asked to volunteer in the Student's classroom "to gain a better understanding of the dynamics in [the Teacher's] classroom and [the Student's] peer interactions."

    The Case Manager responded, stating they would check on the District's policy for observation and that the Case Manager would conduct on observation of the Student at recess.

25. In a January 8, 2025 message to the Teacher, the Parent stated, "I know you have a lot on your plate with 20+ kids in your class, but I need you to empathize with my circumstances. Every single day after school [the Student] has numerous intense meltdowns. [The Student] isn't regulated & it's my job to observe [the Student] in [their] environments and make a plan to diminish [the Student's] emotional challenges. I do not expect you to provide the information that I need, because you do not have the resources… I've been communicating about my concerns with you for about 2 months now."

26. On January 8, 2025, the Case Manager conducted an informal observation of the Student in the classroom and on the playground, in response to the Parent's concerns. The Case Manager provided the Parent with a copy of their observation notes the following day, which indicated Student was participating in class, following directions, playing with peers at recess, and appeared to be having fun. The Case Manager did not observe anything concerning.

27. The Assistant Principal reported that they accompanied the Parent during the Parent's observations at the School, as required by District policy. During these observation times, the Assistant Principal did not see anything concerning, nor did the Parent mention that they observed anything concerning.

28. The Parent reported that:
    a. During their observations at the School, the Student was not exhibiting appropriate self-advocacy skills.
    b. Other students were having issues with the same peer that was bullying the Student.
    c. The Teacher was dismissive of other students when they reported these problems.

29. In a February 11, 2025 message to the Teacher, the Parent stated the Teacher's attempts to prevent bullying did not work and the Student continued to be bullied on the playground. "[The Student] cannot fix this and [they] shouldn't be expected to, [the Student is] a kid and needs more support than you have been able to provide… My frustration over the situation is growing. [The Student] is consistently asking me to come to school with [them], which means [the Student] needs my support."

30. On March 4, 2025 the District emailed the Parent "the PWN for [the Student's] upcoming Reevaluation IEP meeting" and "a Procedural Safeguards."

31. The PWN dated March 4, 2025 stated, "The IEP team has decided to conduct a reevaluation in order to determine whether or not [the Student] continues to be eligible for and requires special education services… special education law requires the need for reevaluation be considered every three years."

32. The District assigned a school psychologist intern working at the School (the School Psychologist Intern) to lead the Student's reevaluation process. The School Psychologist Intern worked under the supervision of a designated certified District school psychologist (the School Psychologist).

33. The District's March 4, 2025 Consent for Individual Evaluation stated the Student's evaluation would include: behavior (standardized checklists of behavior by individuals familiar with the student); direct observation of the Student's interactions in the classroom or school environment; curriculum-based informal and classroom-based academic assessments (to determine daily functioning with academic skills across the areas of reading, math, written language, and social/behavioral development); developmental history; file review; parent/teacher input, developmental profile; and release of information and medical statement. The Parent signed the form on March 4, 2025.

34. The Parent reported they brought up a communication as a new area of concern. The Parent had concerns about the Student's receptive and expressive communication and suspected it might be impacting the Student's social anxiety, and that the Student's confusion about social situations contributed to escalations in behavior.

35. The School Psychologist Intern reported asking the Parent if the Student had any medical diagnoses, as well as the name and location of the diagnosing provider. The School Psychologist Intern indicated they sent a medical statement to the medical provider identified by the Parent.

    When asked, they did not think they spoke with or received input from the Case Manager as part of the evaluation process, as the Case Manager was on leave at the time.

36. The Parent completed a Developmental History form on March 17, 2025, as part of the evaluation process. The Parent reported:

a. The Student "has ABA services after school, 4 days/week."

b. When asked what the Student likes about school, the Parent wrote "Recess." When asked what the Student likes least about school, the Parent wrote "Social interactions."

c. "[The Student] has been the victim of bullying this year. [The Student] has a difficult time advocating for [themselves]… social interactions are difficult for [the Student]. Mainly because [the Student] becomes overloaded with sensory input during [their] day – which impacts [their] comprehension at social situations. [The Student] gets confused, [the Student] escalates, and it is almost impossible to help [the Student] navigate the experience."

d. "[The Student] has been diagnosed with ASD & ADHD."

37. The Parent sent the District a letter dated April 23, 2025 with a list of concerns and complaints about the bullying issue, indicating that the School was failing to keep the Student safe. The Parent noted that the School's failure to address the bullying problem had caused the Student to "become unbelievably overwhelmed and returning to school after spring break was traumatic." As a result, the Student's "escalating episodes… tripled. They are more frequent and have increased in intensity. [The Student] now resists going to school, asking each day, if I will be in class volunteering. [The Student] becomes quite upset if I am not going to be there… my child is asking for support… [the School] needs to find a way to support [the Student] during [their] school day so [they are] present and able to learn without the consistent disruptions from [their] peer's unmanaged behaviors… [The Student's] academics and attendance are on par with [their] peers, but it will only be a matter of time for these to slip if change isn't made and disruptions are allowed to continue."

38. The Student's April 7, 2025 IEP Progress Report included a progress code of "5" for both goals, but did not include any other information.

39. In an April 9 to 16, 2025 email exchange, the Parent asked the School Psychologist Intern to "intentionally home [*sic*] in an [*sic*] [the Student's] expressive & receptive language skills." The Parent noted, "You will notice during your observations that [the Student] has zero big behaviors and will not disrupt class, not even to ask to go to the bathroom even though [the Student] really has to go. But what is most challenging… is [the Student's] comprehension and clear understanding of what exactly is happening around, especially when [their] peers are involved. For example, if you see [the Student] with [their] friends, you'll see [the Student] laughing and smiling. Which will look like a completely typical exchange. However, I'm asking you to take a closer look… get within an ears shot [*sic*] of [the Student] and really listen to what's going on. You'll often notice that [the Student] is laughing when nobody else is. Or [the Student] is talking over somebody. Or there is another disconnect."

    The School Psychologist Intern responded on April 16, 2025, stating they communicated with a District speech language pathologist (the SLP) about the Parent's request for a language

evaluation. "[T]he purpose of my observations are to track and observed for behaviors that are interfering with a student's ability to learn and access their education. This is the training that I've received to conduct my evaluations, and so my focus isn't necessarily on receptive and expressive language skills/deficits interactions… [The SLP's] focus for [their] evaluation will include assessing for receptive/expressive language skills/concerns and so [the SLP] is the most knowledgeable and informed professional to focus on the language area[.]"

In the Parent's response, they stated, "I don't believe that my request for your observations have anything to do with receptive responsive communication." The Parent requested that during the School Psychologist Intern's observation, they have the Teacher "call on [the Student] to answer questions in front of the class. I really want a documentation of what that looks like when I am not present."

40. In an April 11, 2025, email exchange between the Parent and the SLP, the Parent stated they were "specifically requesting an evaluation of [the Student's] expressive, receptive and narrative language skills."

    The SLP responded, stating they could conduct a receptive/expressive language and narrative language assessment for the Student with the permission of the Parent.

41. The District provided a copy of a medical statement, which was completed and signed by the Student's Developmental Pediatrician on April 23, 2025. When asked whether the Student had a health impairment that was permanent or expected to last more than 50 days, the Developmental Pediatrician wrote, "ADHD". When asked whether there were physical or sensory factors that may affect the Student's educational performance, they wrote, "sensory processing difficulty." The Medical Statement did not include any additional information.

42. In an April 28, 2025 message to the School, the Parent made a request to talk about their bullying complaint and the investigation conducted by the Assistant Principal. The Parent stated that their desired outcome was for the Student to be transferred to the other elementary school "beginning the start of the next school year."

43. In a letter to the District dated April 23, 2025 about the Parent's bullying concerns and the School's response, the Parent stated their attempts the build a relationship with the Teacher were unsuccessful and noted, "[the Student] would come home completely dysregulated, [they] would have intense meltdowns and not be able to tell me the complete story of what happened at school… I was reaching out to [the Teacher] to get more information… [the Teacher's] communication with me was quite brief, dismissive and rarely followed through, even regarding [the Student's] IEP goals around toileting."

44. In a May 2, 2025 email to the Principal, the Parent noted that the Student was "coming home with alot [*sic*] of fear, anxiety & confusion resulting in significantly more intense escalations… [The Student] has significant challenges around receptive/responsive communication and needs support conveying [their] thoughts. [The Student] also struggles with social anxiety[.]" The Parent stated the Student wanted the Parent to be at School, so the Parent needed to be

there. The Parent requested to be at the School two days the following week "before, during and after lunch" and "at the end of the day."

45. In a May 9, 2025 internal email to District administration, the Principal stated, "The IEP is next week… [The School Psychologist Intern] is working with [the School Psychologist] on presenting the exit from IEP as all the data is showing. I believe [the Parent] was hoping to keep [the Student] on the IEP."

46. On May 12, 2025, the Parent sent an email to the Principal with the Parent's agenda for the upcoming IEP meeting. The agenda included determine eligibility; review the evidence used to determine the Student met their IEP goals; "[d]iscuss the impacts of peer behavior on [the Student]'s mental health"; and "[d]iscuss supports needed to assist [the Student] to learn and meet [their] goals for next year."

47. On May 13, 2025, the District emailed the Parent a copy of a meeting notice for the May 26, 2025 IEP meeting, procedural safeguards, and the Student's June 2024 IEP.

48. In response to the Parent's May 12, 2025 email request for copies of evaluation reports, the School Psychologist Intern emailed two evaluation reports to the Parent on May 14, 2025.

49. The May 14, 2025 Developmental Delay Reevaluation Assessment Summary, completed by the School Psychologist Intern, included the following, among other things:

    a. Required Sources of Data Used: review of records, developmental history, EasyCBM Reading Assessment, i-Ready Math Diagnostic Assessment, Teacher Input, Parent Input, Review of School-Wide Information System Behavioral Data, Observations (5/7/25, 5/12/25), Developmental Profile – 4 (completed by the Parent and the Teacher), and Medical Statement.

    b. Social Skills Goals: "Based on teacher observation and data-tracking collection (tallying system and comment section for notes), from 9/9/2024-11/22/2025, [the Student] has ranged from verbally initiating or asking to use the bathroom outside of designated scheduled or 'helper' breaks 0-3 times a day. On 12/2/2024, it was reported that [the Parent] requested for [the Student] to stop 'helper' breaks. Per [the Student's] most recent data-tracking of [their] first goal, from 5/1/2025-5/13/2025, [the Student] has ranged from verbally initiating or asking to use the bathroom outside of designated scheduled bathroom breaks 0-2 times a day… In regard to [the Student's] second goal, per [the Student's] most recent data-tracking collection from 5/1/2025-5/12/2025, there are 5 recorded instances of [the Student] using an appropriate emotional response of speaking with [the Teacher] in regard to issues… After [the Student] used an appropriate emotional response of speaking with the teacher, the issues were promptly resolved and [the Student] attended to a task at hand. Based on the data collected, there have been no instances of [the Student] being unable to demonstrate an appropriate emotional response when a problem has arisen."

c. Parent Input: "[The Student] generally smiles and laughs, dances, is inquisitive, empathetic, plays outside, and is helpful. For concerns… [the Student] is mimicking unfavorable behavior that is being modeled by peers and adults at school, and that [the Student] gets confused… has challenges with transitions and has meltdowns and cries at home… [the Parent] reports not being concerned about [the Student's] academics… while [the Student] does not display disruptive behavior, [they] may have challenges comprehending and understanding what others say to [them]."

d. Developmental History: The Parent reported that the Student "has difficulty with social interactions and that [the Student] becomes overloaded with sensory input during [their] day which impacts [their] comprehension and confusion of social interactions, and [the Student] escalates[.]"

   The Parent rated the Student's fine motor skills and communication skills as low. The Parent reported the Student has experienced bullying this school year, has difficulty advocating for themselves, the Student was diagnosed with ASD and ADHD.

e. Teacher Input: "[The Student] is a happy student who tries [their] best at school… participates when appropriate… has many friends. [The Teacher] reports that [they do] not believe that [the Student] has a disability and that the presence of a disability has no educational impact for [the Student]… is a typical first grade student… does not have any educational needs beyond a typical first grade classroom… is receiving and accessing regular academic instruction that [their] peers receive… is successful all the time… does not have any specialized needs… is a typical child who does not need special accommodations to access [their] education… does not need anything extra or specialized."

f. Observations: In the classroom, the Student "was approximately on-task for 85% of intervals, while the composite peer was on-task 80% of intervals." The Student followed directions, answered questions when asked by the Teacher, and raised their hand to volunteer to answer a question. At recess, the Student approached and engaged with several peers, and followed directions to clean up and line up with their class at the end of recess.

g. Measure of Areas for Developmental Delay (Developmental Profile – 4): The Parent's developmental profile checklist rated the Student as "delayed" in the areas of adapted behavior (less than 0.1 percentile) and social emotional (0.1 percentile), and "below average" in communication (4th percentile) and general development (4th percentile). The Teacher's checklist rated the Student as "above average" in all areas, including "well above average" in adapted behavior (98th percentile).

   Based on the Parent's checklist, "[the Student] obtain scores that were delayed (1.5 SDs or below) in adaptive, social-emotional, and communication domains in the home setting."

h. Summary and Recommendations: "[The Student] has been successful academically and behaviorally in the general education environment… According to current academic and behavioral data, [the Student] is performing in the average range when compared to same-aged peers[.]" The Student was observed "having peer interactions and responding to peer questions and verbally stating a request."

50. A May 14, 2025 Speech or Language Impairment Evaluation Report, completed by the SLP, included the following information, among other things:

    a. Assessments/Information Used: Test of Language Development (Primary 5th Edition), Test of Narrative Language (Second Edition), Language Sample, and Hearing Screening (September 2023).

    b. Language Sample: "All utterances were appropriate for their given context… [The Student's] spontaneous use of language appears to be within typical limits for a student [their] age."

    c. Results: "The Student's Spoken Language Composite score on TOLD-P:5 indicates [their] overall language abilities are at the 34th percentile when compared to other students [their age] and falls within the 'average' range. This score does not meet the eligibility criteria for Speech or Language Impairment under the morphology, syntax, semantics or pragmatics Category… Narrative Language Ability scores on the TNL-2 indicates [their] overall native language abilities are at the 50th percentile when compared to other students [their] age and falls within the 'average' range."

51. On May 16, 2025, the District convened a meeting to review the evaluation results and determine the Student's eligibility. At the meeting, the team determined that the Student was no longer eligible for special education services.

52. The District School Psychologist reported that they reviewed the District School Psychologist's evaluations and attended the May 16, 2025 meeting. At the May 16, 2025 meeting, the School Psychologist Intern "went through all the required pieces" for eligibility.

53. The May 16, 2025 eligibility statements for speech or language impairment (SLI) and developmental delay (DD) indicated that the team determined the Student did not meet the eligibility criteria, did not have a disability resulting in an adverse impact on the Student's educational performance, and did not need special education as a result of the disability, in either category. Under developmental delay, the team indicated the Student did not have a delay of 1.5 standard deviations of more below the mean in any of the five developmental areas (i.e., communication, adaptive, physical, social or emotional, cognitive). The eligibility statements noted that the Parent and the Student's ABA provider (the BCBA) disagreed with the team's eligibility determinations.

54. A May 16, 2025 PWN stated the multidisciplinary evaluation team found that the Student "is not a child with a disability as defined in the IDEA" under the eligibility categories of DD or

SLI. The Student "does not have an educational disability and does not require Special Education services" in these areas. At the meeting, the School Psychologist Intern and the SLP presented their evaluation results, which "included the required sources of information" to determine eligibility "for special education due to a developmental delay or a speech/language impairment." "[T]he school team" determined the Student did not meet the eligibility requirements, did not have an adverse educational impact limiting access to general education due to a disability, and did not need special education services as a result of a disability. Additionally, the PWN noted that "[the Parent] disagreed with the evaluation and team's interpretation in the following areas":

a. "IEP goals: [the Parent] disagreed that [the Student] had met [their] IEP goals and with the school's methods of data collection towards those goals."

b. Medical Statement: did not include the Student's autism diagnosis.

c. Developmental Rating Scale: "[The Parent] disagreed with the teacher's rating of [the Student's] developmental performance at school and stated that [the Student] is masking. [The family advocate] and [the BCBA] also disagreed with the validity of teacher's rating scale."

d. Eligibility: "[The Parent] disagreed with the team's decision on the DD eligibility form regarding the requirement that [the Student] have a delay of 1.5 standard deviations or more below the mean in two or more of the five developmental areas."

e. "[The Parent] and [the BCBA] disagreed with the school team's determination that [the Student] no longer qualified for special education."

f. "The school team offered to attach a dissenting opinion from [the Parent]. The team asked if [the Parent] would want to consider a 504 plan due to the presence of medical diagnoses. [The Parent] declined to consider a 504 plan at this time."

55. On May 16, 2025, following the meeting, the District emailed the Parent copies of the eligibility documents to the Parent.

56. The Parent reported the following:

a. The Parent was never told that the School Psychologist Intern was working under the supervision of the School Psychologist.

b. The Teacher's input should not be accepted. The Teacher stated the Student does not have a disability but it is not the Teacher's area of expertise. The Student should have been found eligible under developmental disability based on the Parent's developmental profile checklist and input.

c. The fact that the Student's struggles are internal does not diminish their need for special education.

d. The School should provide support to the Student at school to help resolve the Student's escalations occurring after school.

e. The Student is unable to access education if they do not feel safe at school.

f. None of the Parent's concerns were addressed at the May 16, 2025 meeting and the Parent's input was ignored.

57. The School Psychologist reported the following about the May 16, 2025 meeting, among other things:

a. The Parent brought up the Student's ASD diagnosis at the meeting. The team never disagreed with the Parent's report that the Student had an ASD diagnosis.

b. Although eligibility was focused on developmental delay and speech or language impairment, the team discussed and determined that they were not seeing any educational impact at school or suspect that anything was impacting the Student's ability to access the general education curriculum. It was clear from the evaluation results and teacher input that the Student was doing really well at school.

c. The team had a conversation about the discrepancy of scores between the Parent and the Teacher on the developmental profile checklist, with the Parent's scores being substantially lower. The Parent indicated that the Teacher's score should not count because the Teacher could not have an understanding of what was occurring. Since the Parent volunteered in the classroom, the Parent argued that their developmental profile scores should count as the school perspective as well.

d. The team discussed the information provided by the Parent and the BCBA about behaviors occurring in the home setting, but the team explained that they focus on the Student's needs and educational impact in the school setting.

58. On May 21, 2025, the Principal emailed the Parent to suggest a "Check in/Check out" process at school for the Student "to help increase [their] sense of safety while at school." This would involve educational assistants supporting "[the Student's] goal to speak up to adults when not feeling safe and to follow up with some coping strategies that also support [the Student's] level of need."

59. The Parent's May 23, 2025 "Dissension Letter" stated the following, among other things:

a. Records presented at the May 16 2025 meeting were incorrect because "[the School Psychologist Intern] left out [the Student's] autism diagnosis completely."

b. "During the meeting [the School Psychologist Intern] included a narrative with [their] evaluation. The school referred to that single story data. It is clearly not."

c. The discrepancy between the Parent's and the Teacher's assessments scores was "enormous." Based on the Parent's developmental profile checklist scores, "[the Student] presented 1.5 Standard Deviations below average in adaptive, social-emotional and communication domains… Upon my request the team refused to address this inconsistency." The BCBA "provided [their] professional opinion which refuted [the Teacher's] observations…. [The BCBA's] specialized proficiency in this arena compared to [the Teacher's] job description of First Grade teacher was clearly overlooked."

d. The School has had a new principal and new special education teacher each year the Student has attended. The Student has had three case managers in two months and is now on a fourth case manager. The School is unstable and in crisis.

60. The Principal reported the following, in relevant part:

a. The conversations they had with the Parent about the Student's struggles and needs had to do with the Student's behavior outside of school, at home. The Parent wanted to know what the School could provide at school to help make the Student more successful at home.

b. The Parent did not think the Student was appropriately advocating for themselves. They wanted the Student to learn to advocate in multiple ways. However, the school team believed the Student was demonstrating their ability to do this at school.

c. The Student's ASD and ADHD diagnoses were discussed at the May 16, 2025 meeting, as well as the Student's sensory needs, but the school team reported they were not seeing any manifestation of these diagnoses or impact at school. School staff never observed any behavior issues at school.

61. In a June 6, 2025 email from the District Assistant Director of Special Programs, in response to the Parent's letter of dissent, the District offered information to the Parent about pursuing an independent educational evaluation (IEE) if the Parent disagreed with the District's evaluation of the Student.

62. On June 17, 2025, the Parent filed this Complaint.

63. The District's July 25, 2025 *Revised Response* included the following information, in relevant part:

a. The District did not dispute the allegation that it violated the IDEA by not providing special education and related services in accordance with the Student's IEP. The District proposed the following corrective action:

The Student's SDI in social skills (25 minutes per week) was not provided for the full school year, a total of approximately 15 hours. The District proposes to provide the Parent reimbursement for services acquired through an outside provider. "The District and the Parent would negotiate a mutually agreed upon hourly rate for social skills development/instruction, and the District would directly pay the agency, that meets mutually agreed upon requirements (area of expertise and professional licensure), for services provided to the student (for up to 15 hours during the school year)."

b. The District disputed the allegation that it failed to identify the Student as a student with a disability who needs special education and related services.

"The school-based portion of the team believes that the evaluation conducted was comprehensive enough to determine whether a school-aged disability is present and whether the student requires special education services. The evaluation included a review of previously gathered information, new assessments conducted by the team, Parent information, and medical statements from current providers.

Parent provided information about recent diagnosis of ADHD and Autism, but the medical provider information did not have any information associated with the diagnosis of Autism that [the Parent] provided (only referencing ADHD and sensory processing *difficulty*). The team members did not suspect a disability in any other areas, other than what was collected. This was further substantiated through formalized assessments landing in the 'normal range' (e.g. language assessments conducted by the speech therapist). Further, the school-based portion of the team does not believe that the student required specially designed instruction in order to access the curriculum. The parent was asked about moving forward with a consideration of a 504 plan, but the parent declined. Additionally, the parent was provided with information about pursuing an independent educational evaluation (email sent on June 6th, 2025)."

IV. DISCUSSION

When IEPs Must Be in Effect

The Parent alleged that the District violated the IDEA by not providing special education and related services in accordance with the Student's IEP.

The District does not contest this allegation, and the Department makes no substantive determination with respect to this allegation.

Determination of Eligibility

The Parent alleged that the District violated the IDEA when it failed to identify the Student as a student with a disability who needs special education and related services.

School districts must conduct an evaluation or reevaluation of a student before determining that a student has a disability that meets eligibility requirements for special education, determining that a student continues to be eligible for special education, changing the student's eligibility category, or terminating a student's eligibility for special education.[3]

Upon completing the administration of assessments and other evaluation materials, a team must determine whether the student is a student with a disability under the IDEA. The team must include the parent and two or more qualified professionals. In determining eligibility and educational need, the team must draw upon information from a variety of sources, including aptitude and achievement test, parent input, and teacher recommendations, and information about the student's physical condition, social or cultural background, and adapted behavior. The team must ensure the information obtained from all these sources is documented and carefully considered.[4]

The team must prepare (1) an evaluation report, describing and explaining the results of the evaluation conducted, and (2) a written statement of eligibility. The written statement of eligibility must include a determination of whether the student meets the minimum evaluation criteria for one of the disability categories, whether the student's disability has an adverse impact on the student's education performance, and whether the student needs special education services because of the disability. It must also include a list of the evaluation data considered in determining the student's eligibility and the signature of each member of the team indicating agreement or disagreement with the eligibility determination.[5] The team may not find a student eligible for special education services if the student does not meet the eligibility criteria under OAR 581-015-2130 through 518-015-2180. The school district must provide a copy of the evaluation report and the documentation of determination of eligibility to the parent at no cost.[6]

A "Speech or Language Impairment" means the "impairment of speech articulation, voice, fluency, or the impairment or deviant development of language comprehension and/or expression, or the impairment of the use of a spoken or other symbol system that adversely affects educational performance. The language impairment may be manifested by one or more of the following components of language: morphology, syntax, semantics, phonology, and pragmatics." If a student is suspected of having a speech or language impairment, a comprehensive evaluation must be conducted, including: a speech language assessment; hearing evaluation or screening; and any additional evaluations or assessments required to identify specific language disorders and the student's educational needs.[7]

"Developmental Delay" for school age special education means "1.5 standard deviations or more below the mean in two or more of the developmental areas that… adversely affects the student's educational performance." If a student is suspected of having a developmental delay, a comprehensive evaluation must be conducted, including: developmental history; at least one

[3] OAR 581-015-2105; 34 CFR § 300.305.
[4] OAR 581-015-2120; 34 CFR § 300.306.
[5] OAR 581-015-2120; 34 CFR § 300.306.
[6] OAR 581-015-2120; 34 CFR § 300.306.
[7] OAR 581-015-2135.

norm referenced, standardized test in each area of suspected delay; at least one additional procedure to confirm the student's level of functioning in each area of suspected delay; at least one 20 minute observation of the student; and any additional assessments necessary to determine the impact of the suspected disability on educational performance. To be eligible for special education under developmental delay, the eligibility team must determine that the student has a developmental delay as defined in OAR 581-015-2127 and, by reason thereof, requires school age special education services.[8]

A district is not required to find every student diagnosed with a medical disability eligible for special education services. The student must meet IDEA eligibility requirements, including the need for special education services. If a student no longer has a disability, or has a disability but no longer needs specialized instruction, the district cannot continue the student's eligibility.

In this case, the District conducted an evaluation of the Student in the area of developmental delay, as well as speech or language impairment at the Parent's request. The evaluation was comprehensive, completed by qualified professionals, and included all required components of an evaluation for eligibility under those categories. According to the assessments administered by the SLP and the School Psychologist Intern (under the supervision of the School Psychologist), the Student's scores fell within the average range for same-aged peers. These results were included in the evaluation reports reviewed by the Student's IEP team.

The Parent disagreed with the evaluation based on (1) the School Psychologist Intern's failure to include the Student's ASD diagnosis in the Developmental Delay Reevaluation Report, and (2) the Teacher's developmental profile checklist, which rated the Student at a much higher level than the assessment completed by the Parent. However, the Developmental Delay Reevaluation Report did include the Student's ASD diagnosis. It was included in the Report under developmental history.

The developmental profile evaluated the Student's developmental strengths and weaknesses across both the home and school settings, from the perspective of different team members who were familiar with the developmental functioning of the Student. The Teacher's assessment was used to gather information about the Student in the educational setting. The fact that the Student did not have any behavior issues at school, and the Student's escalations occurred at home, was not disputed. Regardless, the Teacher's checklist scores were not used in isolation. The team relied upon a variety of measures in determining that the Student did not meet the minimum eligibility criteria, did not have a disability resulting in an educational impact, and no longer required specially designed instruction.

The team completed a statement of eligibility, conveying the team's decision that the Student did not qualify for special education services, and noted the Parent's disagreement with this determination. The District documented the eligibility decision in a PWN, which was provided to the Parent along with the eligibility documents. The District considered the Student's need for special education services and the Student was appropriately exited from special education.

[8] OAR 581-015-2127.

The Department does not substantiate this allegation.

V. CORRECTIVE ACTION

In the Matter of Springfield School District 19
Case No. 25-054-044

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

Action Required	Submissions	Due Date
1. The District must ensure that all District staff who were responsible for implementing the IEPs for this Student receive training in each of the following areas: • IEP Implementation; • Delivery of Specially Designed Instruction; • Progress Monitoring.	Training agenda/materials to ODE for review/approval. Sign-in sheet for training.	**October 31, 2025** **January 5, 2026**
2. The District will reimburse the Parent for services acquired through an outside provider. The District and the Parent will negotiate a mutually agreed upon hourly rate for social skills development/instruction that meets mutually agreed upon requirements (area of expertise and professional licensure), for up to 15 hours during the 2025-26 school year. The District will pay the agreed upon provider directly.	Documentation of agreement between the District and the Parent, involving the type of social skills development or instruction that the Student has received or will receive. Evidence of delivery of the agreed upon social skills development or instruction to the Student.	**October 31, 2025** **June 19, 2026**

Dated: this 14 Day of August 2025

Ramonda Olaloye

Ramonda Olaloye

Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing Date: August 14, 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).)