BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of Gresham-Barlow School District 10J	))))	FINDINGS OF FACT, CONCLUSIONS, AND FINAL ORDER Case No. 25-054-065

I. BACKGROUND

On October 10, 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) attending a charter school in the Gresham-Barlow 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 Parent and the District agree to the extension to engage in mediation or local resolution or for exceptional circumstances related to the complaint.[2]

On October 17, 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 October 31, 2025. The District requested, and the Department granted, an extension of time to respond until November 5, 2025.

On November 5, 2025, the District submitted a *Response*. The *Response* indicated that the District did not contest most of the allegations in the Complaint. The District submitted the following relevant items:

1. District Response
2. Email: Re: Special Education Evaluation Process, 10/1/25
3. Authorization to Use and/or Disclose Educational and Protected Health Information, 10/1/25
4. Parent/Guardian Consent for Individual Evaluation, 10/1/25
5. Email: Re: Special Education Evaluation Process, 9/26/25
6. Parent/Guardian Consent for Individual Evaluation, 9/26/25
7. Prior Written Notice, 6/26/25

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

8. Notice of Referral, 9/18/25
9. Parent/Guardian Consent for Individual Evaluation, 9/30/25
10. Parent/Guardian Consent for Individual Evaluation, 9/26/25
11. Prior Written Notice, 9/26/25
12. Parent/Guardian Consent for Individual Evaluation, 10/3/25
13. Parent/Guardian Consent for Individual Evaluation, 9/26/25
14. Parent/Guardian Consent for Individual Evaluation, 10/3/25
15. Notice of Team Meeting, 10/13/25
16. Prior Written Notice, 9/26/25
17. Notice of Referral, 9/18/25
18. Request for Initial Special Education Evaluation (RISEE) Cover Sheet, 9/18/25
19. Letter of Special Education Requests, 9/9/25 (9/11/25)
20. Email: Fwd: Request for an IEP Evaluation for [Student], 9/4/25
21. Email: Request for Evaluation [Student], 1/28/25
22. [Student] Tier 3 meeting, 2/6/25
23. [Student] Tier 3 meeting, 4/10/25
24. [Student] Tier 3 meeting, 6/12/25
25. [Student] meeting notes, 9/12/24
26. Student easyCBM progress report data, 10/4/25
27. RISEE Data and Intervention Analysis, 9/25/25
28. Student easyCBM progress report data, 6/12/25
29. [Student] Elementary Standards Progress Report
30. Email: Re: Initial Special Education Meeting, 10/10/25
31. Email: Re: Special Education Evaluation Process, 10/2/25
32. Parent/Guardian Consent for Individual Evaluation, w/ Procedural Safeguards, 9/26/25
33. Email: Re: Special Education Evaluating Process, 9/30/25
34. Procedural Safeguards Notice
35. Email: Re: Special education referral accepted, 9/30/25
36. Email: Re: Special Education Evaluating Process, 9/26/25
37. Parent/Guardian Consent for Individual Evaluation, 9/26/25
38. Notice of Referral, 9/18/25
39. Email: FBA, 10/2/25
40. Email: FBA Consent [Student] 10.6.25.pdf, 10/6/25
41. Email: Re: FBA, 10/7/25
42. Email: Response to Voicemail—[Student] Evaluation, 9/29/25
43. Email: Re: Special education referral accepted, 10/7/25
44. Student easyCBM progress report data, 10/4/25
45. Email: Re: Testing Appointment for [Student], 10/9/25
46. Email: Re: Documentation from [Student] family, 9/12/25
47. Letter of Special Education Requests, 9/9/25
48. Email: Re: Documentation from [Student] family, 9/15/25
49. Email: Re: New Referral, 9/18/25
50. Email: Fwd: Letter of Special Education Requests, 9/21/25
51. Email: Re: Request for an IEP Evaluation for [Student], 9/8/25

52. Email: Fwd: [Student] Bus Behavior Reminder, 9/9/25
53. Email: Re: Special education referral accepted, 10/7/25
54. Student easyCBM progress report, 10/4/25
55. Email: Re: Special education referral accepted, 10/7/25
56. Email: Re: Testing Appointment for [Student], 10/8/25
57. Email: Special education referral accepted, 9/30/25
58. Email: Re: Testing Appointment for [Student], 10/8/25
59. Email: Letter of Special Education Requests, 9/22/25
60. Email: Re: Parent email, 9/24/25
61. Email: Re: New Referral, 9/18/25
62. Email: Re: Letter of Special Education Requests, 9/22/25
63. Email: Re: Parent email 2, 9/24/25
64. 504 Accommodation Plan, 11/7/24
65. Notice to Conduct a 504 Evaluation, 9/12/25
66. 504 Evaluation Report, 9/16/24
67. Notice to Conduct a 504 Meeting, 9/11/24
68. Notice to Conduct a 504 Evaluation 9/22/24
69. Notice to Conduct a 504 Meeting, 9/12/24
70. 504 Evaluation Report, 9/16/24
71. Email: Letter of Special Education Requests, 9/16/25
72. District/Charter School Agreement, 7/1/2022

On November 7, 2025, the Parents submitted a response to the information submitted by the District. On November 12, 2025, the Department's Complaint Investigator discussed the District's *Response* with the Parents, and the District's suggested corrective action. On November 13, 2025, the Department's Complaint Investigator discussed aspects of the District's *Response* with the District's Legal Counsel.

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 October 11, 2024, to the filing of this Complaint on October 10, 2025.

Allegations	Conclusions
Evaluation and Reevaluation Procedures It is alleged that the District violated the IDEA when, following the Parents' request in the fall of 2024, that the District evaluate the Student for special education eligibility, the District did not begin to evaluate the Student. The Parents also allege that following their request to the District to evaluate the Student in late fall of 2024 or early spring of 2025, the District did not begin to evaluate the Student and instead asked that the Parents to complete a written form to request the District to evaluate the Student. The Parents also allege that the District did not designate a team to determine whether an initial evaluation should be conducted and instead decided the Student's future education without a team determination, nor by reference to an initial evaluation. Finally, the Parents alleged that on or about September 8, 2025, they submitted a request for the District to evaluate the Student's eligibility for special education, and that the District did not begin the evaluation process. (OAR 581-015-2105; 34 CFR § 300.301 & 300.303)	**Substantiated in Part** The District does not contest the allegation that it did not begin to evaluate the Student following Parent requests for evaluation in the fall of 2024, and spring of 2025. The District does contest the allegation that it did not begin to evaluate the Student following receipt of the Parents' request to evaluate the Student in September 2025. Upon receiving the Parents' September 2025 request to evaluate the Student, the District began the process to evaluate the Student.
General Evaluation and Reevaluation Procedures It is alleged that the District violated the IDEA when, following receipt of the Parents' request for an initial evaluation of the Student, the District did not begin evaluation planning. The Parents also allege that the District did not provide notice and consent for the evaluation that the District relied upon in the Spring of 2025 to determine the Student's lack of eligibility for special education. (OAR 581-015-2110; 34 CFR § 300.503, & 34 CFR § 300.304 & 300.305)	**Substantiated in Part** The School did not communicate to the District the Parents' request to evaluate the Student. Therefore, the District did not begin evaluation planning, nor did the District begin evaluating the Student during the Spring of 2025 and therefore was not required to provide notice or obtain the Parents' consent.
Prior Written Notice (PWN) It is alleged that the District violated the IDEA when, following receipt of the Parents' request that the District evaluate the Student's eligibility for special education, in the early fall of 2024, late fall/early spring of 2024-2025, January 2025, Spring 2025, and September 2025, the	**Not Contested** The District does not contest this allegation.

District did not provide PWN documenting its refusal to evaluate the Student. (OAR 581-015-2310, OAR 581-015-2110(2)(b); 34 CFR § 300.503 and 34 CFR § 300.304 & 300.305)	
Free Appropriate Public Education (Denial of FAPE) It is alleged that the District violated the IDEA when it did not evaluate the Student for special education following the Parents' requests, or when the District had reason to suspect the Student was a child with a disability and instead moved the Student to modified classroom instruction without evaluating the Student's eligibility for special education. It is alleged that these actions denied the Student a FAPE. (OAR 581-015-2040; 34 CFR § 300.101)	**Not Contested** The District does not contest this allegation.

REQUESTED CORRECTIVE ACTION

The Parents request that the District:

- Complete the evaluations for the Student, consistent with IDEA standards using both educational, and medical data, including prior findings from reports provided by the Parents.
- Provide a compensatory education plan with consideration given to the delay in the District beginning the Student's evaluation and possible provision of special education.
- Provide training to staff on IDEA, Child Find, and Prior Written Notice requirements.
- Creation of a written corrective action plan requiring documented timelines for each evaluation component.
- Preservation of independent educational evaluation (IEE) rights explicitly preserved at district expense if timelines or procedures remain deficient.

III. FINDINGS OF FACT

1. The Student in this matter is nine years old and attends the fourth grade in a charter school (the School) in the District.

2. During the 2024-25 school year, the Parents provided documentation both from a prior school district and outside medical experts suggesting the Student may require special education. The Parents also report requesting that the District evaluate the Student for special education.

3. On January 28, 2025, the Parents sent an email to the School requesting "an evaluated [*sic*] be conducted within the next eight weeks for [the Student] for an IEP."

4. On January 29, 2025, the School directed staff to ask the Parents put their request for an evaluation on a specific form, after which the School would meet to gather information and "start collecting 8 weeks of data needed to submit the request for evaluation to" the District.

5. On February 6, 2025, the School held a "Tier 3 meeting" to review the supports then provided to the Student, and the process for a special education referral to the District.

6. On April 10, 2025, the School held a "Tier 3 meeting" to review the Student's progress and the interventions provided by the School. The Meeting Notes indicate that a referral was then pending.

7. On June 12, 2025, the School held a "Tier 3 meeting" to review the Student's progress given interventions attempted by the School. The Meeting Notes indicated that the Parents continued "to seek an IEP for [the Student]." The School further documented that it reiterated the process, procedures, and timelines for a special education referral. The Meeting Notes indicated that the School would continue to gather information and submission of the referral to the District for special education services was delayed to allow for the "completion of paperwork/data collection."

8. On September 4, 2025, the Parents sent an email to the School requesting an IEP evaluation for the Student.

9. On September 8, 2025, the School confirmed the Parent's request for an IEP evaluation.

10. On September 26, 2025, the Parents met with the School to discuss evaluations and signed consent for the District to begin evaluating the Student.

11. On September 26, 2025, the District provided the Parents with Prior Written Notice (PWN) of its intent to commence the evaluations. The PWN indicated that given the Student's "academic and/or behavioral progress withing [*sic*] the general ed. curriculum warrants consideration for special education services," in addition to the Student's relevant medical history.

12. This Complaint overlaps with the evaluation timeline for completing the evaluation and considering eligibility, currently scheduled to conclude by January 13, 2026.

13. On October 10, 2025, the Parents filed this Complaint.

14. On November 7, 2025, the Department's Complaint Investigator interviewed the Parents regarding their concerns in this matter and the District's proposed corrective action.

15. On November 12, 2025, the Department's Complaint Investigator interviewed the District's Attorney to clarify aspects of the District's *Response* and proposed corrective action.

IV. DISCUSSION

Evaluation and Reevaluation Procedures

It is alleged that the District violated the IDEA when, following the Parents' request in the fall of 2024, that the District evaluate the Student for special education eligibility, the District did not begin to evaluate the Student. The Parents also allege that, following their request to the District to evaluate the Student in late fall of 2024 or early spring of 2025, the District did not begin to evaluate the Student and instead asked that the Parents complete a written form to request the District to evaluate the Student. The Parents also allege that the District did not designate a team to determine whether an initial evaluation should be conducted and instead decided the Student's future education without a team determination, nor by reference to an initial evaluation. Finally, the Parents alleged that, on or about September 8, 2025, they submitted a request for the District to evaluate the Student's eligibility for special education, and that the District did not begin the evaluation process.

Complaints regarding alleged violations of the IDEA must allege a violation that occurred not more than one year before the date that the complaint is received by the Department.[3] A public agency must conduct an evaluation before determining whether a child has a disability. An initial evaluation must be conducted to determine if a child is eligible for special education services when a public agency suspects or has reason to suspect that the child has a disability that has an adverse impact on the child's educational performance, and the child may need special education services as a result of the disability. A public agency must conduct an evaluation when a parent requests.[4]

The District's *Response* observed that some of the allegations in the Complaint predate the one year look back provision of the IDEA. The *Response* further indicated that the District did not contest the Parents' allegation that the District did not begin to evaluate the Student following requests for evaluation received after October 10, 2024, and before September 8, 2025. On September 4, 2025, the Parents sent an email to the School asking for an IEP for the Student. On September 8, 2025, the School responded confirming receipt of the request. On September 26, 2025, the Parents provided consent for the District to evaluate the Student. On September 26, 2025, the District provided the Parents with PWN of its intent to commence the evaluations given the Student's "academic and/or behavioral progress withing [*sic*] the general ed. Curriculum warrant[ing] consideration for special education services," in addition to relevant medical history. On October 7, 2025, the District held an evaluation planning meeting. On

[3] OAR 581-015-2030(5)
[4] OAR 581-015-2105

October 10, 2025, the Department received this Complaint. On November 5, 2025, the District submitted its *Response* to the allegations. As part of that *Response*, the District reported that the Student's evaluations would be completed by January 13, 2026.

The District does not contest that requests for evaluations received in the spring of 2025 did not result in the District beginning to evaluate the Student.

While the District did not respond to the Parents' requests for an evaluation in the spring of 2025, following receipt of the Parents' September 2025 request for evaluation, the District obtained consent for the evaluations and began to evaluate the Student. The District did respond to the Parents' September 2025 request to evaluate the Student. Therefore, the Department does not substantiate that portion of the allegation.

General Evaluation and Reevaluation Procedures

It is alleged that the District violated the IDEA when, following receipt of the Parents' request for an initial evaluation of the Student, the District did not begin evaluation planning. The Parents also allege that the District did not provide notice and consent for the evaluation that the District relied upon in the Spring of 2025 to determine the Student's lack of eligibility for special education.

Before conducting any evaluation or reevaluation of a child the public agency must conduct appropriate evaluation planning. Before conducting any such evaluation, the public agency must provide notice to the parent and obtain informed written consent for the evaluation. If the agency refuses an evaluation or reevaluation requested by the parent, the agency must provide the parent with prior written notice.[5]

On January 8, 2025, the Parents sent a request to the School to evaluate the Student for an IEP. The School responded with additional requirements prior to sending the referral to the District, including gathering data. Over the course of spring semester 2025, the School implemented interventions and gathered data on the Student's progress. The Parent's request was not forwarded to the District. The District did not begin to evaluate the Student. Given that evaluations were not begun, the District did not seek the Parents' consent for an evaluation.

The District acknowledges that in response to the Parents' January 2025, and June 2025 requests, the District did not begin to evaluate the Student.

The Department substantiates this allegation in part.

Prior Written Notice (PWN)

[5] OAR 581-015-2110

It is alleged that the District violated the IDEA when, following receipt of the Parents' request that the District evaluate the Student's eligibility for special education, in the early fall of 2024, late fall/early spring of 2024-2025, January 2025, Spring 2025, and September 2025, the District did not provide PWN documenting its refusal to evaluate the Student.

PWN must be given to the parent of a child within a reasonable period before a school district proposes to initiate or change the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education (FAPE) to the child. PWN must also be given to the parent of a child within a reasonable period before the district refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child. The notice is also required to include the means by which a copy of the Notice of Procedural Safeguards may be obtained, sources for the parents to contact to obtain assistance in understanding their procedural safeguards, a description of other options that the IEP team considered and the reasons why those options were rejected, and a description of other factors that are relevant to the agency's proposal or refusal.[6]

The District does not contest this allegation. The Department does not make a substantive determination with respect to this allegation.

Free Appropriate Public Education (Denial of FAPE)

It is alleged that the District violated the IDEA when it did not evaluate the Student for special education following the Parents' requests, or when the District had reason to suspect the Student was a child with a disability and instead moved the Student to modified classroom instruction without evaluating the Student's eligibility for special education. It is alleged that these actions denied the Student a FAPE.

School districts must provide a FAPE to all school-age children with disabilities for whom the district is responsible.[7] "School-age children" are children who have reached five years of age but have not yet reached 21 years of age on or before September 1 of the current school year.[8]

The District does not contest this allegation. The Department does not make substantive determination with respect to this allegation.

VII. CORRECTIVE ACTION

In the Gresham-Barlow School District 10J
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[6] OAR 581-015-2310(1)—(3)
[7] OAR 581-015-2040(1)
[8] OAR 581-0152020(1)

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

Action Required	Submissions	Due Date
1. The District will conduct evaluations for the Student and hold an eligibility determination meeting for the Student.	The District will submit documentation demonstrating that it conducted evaluations for the Student and held an eligibility meeting. The District will provide meeting minutes, and the accompanying PWN.	**January 30, 2026**
2. If the Student is found eligible for special education and related services, the District will develop an IEP for the Student (with consideration given to any outside evaluations provided by the Parents, medical records, and Student behavior data).	If eligible, the District will submit documentation of the IEP and accompanying PWN.	**February 27, 2026**
3. If 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 of compensatory education.	If found eligible, the District will submit documentation of the IEP meeting, 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.	**February 27, 2025** **November 1, 2026**
4. The District will provide training to the charter school staff members responsible for being trained in Child Find under the District and charter school agreement.	The District will submit training materials to ODE for review and approval. The District will submit proof of completion of the training.	**May 18, 2026** **May 20, 2026**

Dated: this 9th Day of December 2025



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Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

Emailed to parties December 9, 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).)