BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of Portland Public School District 1J	))))	FINDINGS OF FACT, CONCLUSIONS, AND FINAL ORDER Case No. 26-054-008

I. BACKGROUND

On January 21, 2026, the Oregon Department of Education (the Department) received a written request for a special education complaint (Complaint) from the parent (Parent) of a student (Student) residing in the Portland School District (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 to engage in mediation or local resolution or for exceptional circumstances related to the complaint.[2]

On February 2, 2026, 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 February 17, 2026. On February 13, 2026, the District submitted a *Response*, disputing the allegations described in the Complaint. The District submitted the following relevant items:

1. District Response, 2/13/2026
2. Meeting Minutes, 2/20/2025
3. Notice of Team Meeting, 6/9/2025
4. IEP Team Meeting Notes, 6/13/2025
5. Prior Written Notice, 6/13/25
6. Draft IEP Goals
7. IEP Team Meeting Notes, 9/18/2025
8. Prior Written Notice, 9/19/2025
9. Parent Concerns & Parent Report of Present Levels of Academic and Functional Performance September 2025
10. Notice of Team Meeting (and draft goals), 9/18/2025
11. IEP Team Meeting Notes, 10/8/2025

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

12. Prior Written Notice, 10/13/2025
13. Prior Notice of Special Education Action, 10/13/2025
14. Prior Written Notice, 10/17/2025
15. Notice of Team Meeting, 10/31/2025
16. Prior Written Notice, 10/27/2025
17. IEP Team Meeting Notes, 10/22/2025
18. Notice of Team Meeting, 10/23/2025
19. Prior Written Notice, 11/14/2025
20. IEP Team Meeting Notes, 11/7/2025
21. Prior Notice and Consent for Initial Provision of Special Education Services, 11/7/2025
22. IEP Team Meeting Agenda, 9/18/2025
23. Comprehensive Function Based Behavior Support Plan, 11/7/2025
24. Student IEP, 11/7/2025
25. Prior Written Notice, 12/19/2025
26. Notice of Team Meeting, 3/5/2025
27. Prior Written Notice, 3/11/2025
28. IEP Team Meeting Minutes, 3/11/2025
29. Parent/Guardian Consent for Individual Evaluation, 3/11/2025
30. Prior Written Notice, 4/10/2025
31. Prior Written Notice, 4/15/2025
32. Prior Written Notice, 5/1/2025
33. Multidisciplinary Evaluation Report, 6/12/2025
34. Confidential Psychological Assessment, 5/20/2020
35. Letter from Social Worker, 3/30/2022
36. Letter from Psychologist, 3/14/2025
37. Confidential Psychological Assessment, 5/29/2024
38. Letter from Psychiatrist, 6/12/2025
39. Medical Statement or Health Assessment Statement, 6/12/2025
40. Letter from Psychiatrist, 6/12/2025
41. IEP Team Meeting Minutes, 6/12/2205
42. Prior Written Notice, 6/12/2025
43. Prior Written Notice, 6/12/2025
44. Written Agreement Between the Parent and the District, 6/12/2025
45. Disability Statement, Emotional Behavior Disability, 6/12/2025
46. Disability Statement, Other Health Impairment, 6/12/2025
47. Disability Statement, Autism Spectrum Disorder, 6/12/2025
48. Eligibility Summary Statement, 6/12/2025
49. Independent Education Evaluation for Student, 6/27/2025
50. Student medical records
51. Permission to Release or Exchange Information, 8/28/2025
52. Confidential Psychological Assessment, Independent Educational Evaluation (IEE), 12/4/2025
53. IEP Progress Report, 1/20/2026
54. Email correspondence between Parent and District, 1/20/2025—1/21/2026

On February 25, 2026, the Department's Complaint Investigator interviewed the Parent, and gathered additional documentation from them. On March 5, 2026, the Department's Complaint Investigator interviewed the District's School Psychologist. On March 10, 2026, the Department's Complaint Investigator interview the District's Director of Special Education. 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 Parent'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 January 20, 2025, to the filing of this Complaint on January 21, 2026.

Allegations	Conclusions
General Evaluation and Reevaluation Procedures It was alleged that the District violated the IDEA when it did not conduct evaluations of the Student sufficiently comprehensive to identify all the Student's special education and related service needs, and inclusive of all the Student's areas of suspected disability. Specifically, it was alleged that the District did not appropriately consider the Student's need for, and results of, a functional vision evaluation; and, that the District has not considered the information provided by the Parents relevant to this area of the Student's disability. (OAR 581-015-2110; 34 CFR § 300.304, & 300.305)	**Not Substantiated** The District's evaluation considered three eligibility categories, Emotional Behavior Disability (EBD), Other Health Impairment (OHI), and Autism Spectrum Disorder (ASD). The Parents questioned the EBD determination on the basis that underlying neurological conditions, which could be tested for, would explain the test results gathered by the District. The District reported considering this possibility, and ruling out that concern through other tests, while providing accommodations for the impact of visual concerns in the Student's IEP.

Independent Education Evaluation It was alleged that the District violated the IDEA, when it imposed conditions on the Independent Education Evaluation (IEE) sought by the Parents. It was alleged that after approving the IEE, but before its completion, the District limited the scope of the IEE by revoking consent for the Functional Vision Evaluation component of the IEE. It was alleged that the IEE included visual functioning as an area of suspected disability. It is further alleged that the District did not consider the outcome of the IEE, when it scheduled an IEP team meeting, to consider the IEE, ahead of the completion of the IEE. (OAR 581-015-22305; 34 CFR § 300.502)	**Substantiated** The record supports that the Parents requested an IEE. The District approved an IEE at the Parents' request. The evaluator selected did not perform the sort of evaluation sought and the Student was referred to a second evaluator. The District sent the Parents PWN refusing to fund the agreed-upon evaluation with the second evaluator.
Free Appropriate Public Education (Denial of FAPE) It was alleged that the District violated the IDEA when: it did not conduct sufficiently comprehensive evaluations of the Student as described above; it did not consider information provided by the Parents relevant to the Student's suspected area of disability; it limited the scope of the Student's IEE; and, it scheduled or attempted to schedule an IEP team meeting to consider the outcome of the IEE prior to its completion. It is alleged that these actions denied the Student a FAPE. (OAR 581-015-2040; 34 CFR 300.101)	**Not Substantiated** The record supports that the District evaluated the Student in all areas of suspected disability, including areas of concern raised by the Parents. As part of these evaluations the District considered the Student's visual needs. The District's failure to follow IEE procedures did not result in a denial of FAPE.

REQUESTED CORRECTIVE ACTION

The Parent requests that the District:

- Immediately fund and complete the requested Functional Vision Evaluation as part of the approved IEE, or file for due process to defend the District's evaluation;
- Cease treating the evaluation as final until all components are completed or lawfully resolved;
- Reconvene the IEP team after completion of the full evaluation to consider results and revise services as needed;
- Provide compensatory education and/or corrective services as appropriate for delays caused by evaluation noncompliance; and
- Ensure staff training on IDEA requirements related to IEEs and evaluation procedures.

III. FINDINGS OF FACT

1) The Student in this matter is 16 years old and attends high school in the District.

2) The Student is eligible for special education under the categories of Emotional Behavioral Disorder (EBD) and Other Health Impairment (OHI).
3) The Student's current IEP, dated November 7, 2025, indicated that the Student displays strong reading and vocabulary skills. They are very social and can be engaging with both peers and adults. The Student is very observant of their surroundings, other people. They enjoy music, fashion, cooking, video games and spending time with friends.

4) The Student's November 7, 2025, IEP includes specially designed instruction (SDI) in math, perspective taking & social-problem-solving, reading comprehension, writing, and transition. The Student's IEP also includes a Behavior Support Plan (BSP).

5) Prior to the time period of the Complaint, the Student was disenrolled from the District for a period of time and their eligibility for special education lapsed. On February 20, 2025, the Parents met with the District and expressed an interest in reinstating special education services for the Student.

6) On March 11, 2025, the Parents sent the District an email containing historical information from 2023 relevant to the Student. Included in this information was information about the Student's eye condition called Streff syndrome. The Parents included information about Streff syndrome with the email. Documentation provided by the Parents described the condition as something "…most often seen in patients between the ages of 6-12, with a slight female predilection (Godtland & Scott, n.d., para.1). In addition, this condition is frequently seen in children with above average intelligence who are having reading, writing, learning and/or behavioural problems *(Vision Link Behavioural Optometrists* [VLBO), 2013, para. 4). *Streff Syndrome* is classically characterised (sic) by a loss of *depth perception* and a decrease in *visual acuity* that is worse at near than it is at distance…"

7) On March 11, 2025, the Student's IEP team met to discuss evaluation planning. As part of that meeting the Parents expressed interest in having "specific testing (based on recommendations from previous attorney, which [the Parent] has on an email in [their] phone." The meeting minutes indicate the Parent sent a screenshot of the email with the specifics of the requested testing to the School Psychologist. The Parents provided consent for the evaluations, and authorizations for the District to obtain and disclose information to outside providers.

8) On March 11, 2025, the District sent the Parents (PWN) indicating the content of the proposed evaluation of the Student. The PWN indicated that the evaluation would include "vision screening if none on record."

9) On March 25, 2025, the Parents sent an email to the District writing in part about their concerns regarding the Student's physician, "…noting [the Student's] visual special or motor concerns and Visual motor dysfunction I read is noted to be misunderstood, underdiagnosed and misdiagnosed. I plan to email [the Student's] doctor but while we are evaluating I would like the district to do a comprehensive vision evaluation to look more into these noted concerns." The Parents also requested that the District provide them with PWN observing that if "the requested testing is not being conducted, I would like the denial to be explicitly reflected in the updated PWN, as indicated in the meeting minutes by [the School Psychologist] who stated that the evaluations were not necessary due to being conducted 11 months ago."

10) On April 11, 2025, the School Psychologist responding to the Parent's March 25, 2025 email wrote in part:

> You had mentioned concerns about "[The Student's Physician] noting visual special or motor concerns and visual motor dysfunction I noted to be misunderstood…". I looked through her report and The Rey Complex Figure Test (RCFT) was the only assessment I saw that had mention of a weakness in visual spatial skills, but this assessment evaluates a combination of visuospatial constructional abilities, visual memory, and executive functions. When we look at [the Student's] overall visual spatial skills from [the Student's Physician's] WISC assessments in both 2020 & 2024 [the Student] was in the average range. This scale of visual spatial abilities assesses a student's ability to perceive, manipulate, and think with visual information. It also includes the ability to store and recall visual representations. So the difference between the two assessments (WISC vs. RCFT) is really the executive functioning piece. We know through all the assessments given to [the Student] over the years that [they] really [do] struggle with executive functioning, specifically maintaining attention and shifting focus. This was noted throughout [The Student's Physician's] report. All this to say, based on testing results, I don't suspect visual spatial deficits, but rather scores affected by [the Student's] attention and focus. Additionally, because visual spatial skills are a cognitive process, a comprehensive vision assessment, which would evaluate the physical act of seeing would not be warranted.

11) On April 11, 2025, the Parents, responding to the School Psychologist, wrote in part:

> I agree with you that visual-spatial skills rely on higher-order brain functions (cognition) and go beyond basic vision., (sic) I'd like to clarify a key distinction:
>
> A **comprehensive vision evaluation** — especially when done by a **developmental or behavioral optometrist** — does not focus solely on the **physical act of seeing** (such as visual acuity or eye health). It assesses a range of **visual processing and eye coordination functions** that are often **critical prerequisites** to successful visual-spatial performance. I learned it includes oculomotor skills, binocular coordination, convergence/divergence, accommodation, visual-motor integration, processing speed,

attention, and memory (relative to vision). Difficulties in these areas may not be evident on cognitive tests like the WISC or RCFT and are often not screened in routine eye exams. They can significantly impact reading fluency and endurance, writing (especially copying from the board), organization of visual-spatial information and focus and attention during visual tasks and these skills are neurological and integrated with learning cognition. They are foundational for attention, reading, spatial reasoning, and executive function (sic) These functional visual skills are foundational — if they are compromised, the brain has to work harder to compensate, which can distort the results of cognitive assessments and interfere with learning. I would have asked about this years ago and only recently learned more about this in discussion with professionals of [the Student's Physician's] findings. Numerous children go undiagnosed because these visual issues are not formally assessed unless a **comprehensive visual evaluation** is pursued. Many symptoms can mimic or exacerbate ADHD, dyslexia, and executive function difficulties, leading to inaccurate labeling and intervention strategies. For that reason, I believe this evaluation is not only warranted but necessary to ensure a full and accurate understanding of [the Student's] learning needs I can obtain supportive literature if you would like support and the comprehensive visual evaluation does not duplicate what has already been assessed, … **Provides missing data** about how the visual system supports or hinders learning and can clarify appropriately whether the WISC/ RCFT are accurate or possibly affected by undetected visual processing issues.

12) On April 14, 2025, the District, responding to the Parents' inquiries about vision tests, wrote in relevant part, "Regarding a comprehensive vision assessment, typically PPS completes vision assessments based on medical diagnoses for students who are low vision and/or blind. At this point we do not suspect a vision impairment so will not be conducting a vision assessment."

13) On April 15, 2025, the District sent the Parents PWN documenting the District's intent not to conduct a "comprehensive vision assessment, including a functional vision and visual processing assessment." The PWN indicated that the District "typically completes vision assessments based on medical diagnoses for students who are low vision and/or blind. At this point we do not suspect a vision impairment so will not be conducting a vision assessment. Additionally, the [high school] evaluation team feels confident that WISC Visual Spatial subtests provides sufficient information needed to understand [the Student's] visual processing skills needed to learn. This was based on an extensive file review of previous assessment history."

14) On April 17, 2025, the Parents sent an email to the District asking for clarification on the District's position on the Parents' proposed, "Comprehensive Visual Assessment" writing;

> I'm still unclear on the district's position regarding a comprehensive visual processing/efficiency assessment. As I mentioned previously, this is not about visual acuity. [The Student's] optometrist explained today, *"This vision assessment checks much more than sight. It evaluates how well your eyes work together, focusing on*

coordination, alignment, and the ability to produce a single clear image. It identifies issues that can affect reading, learning, and overall visual functioning — often missed in a standard exam." It is neurological, not visual, and often covered by medical, not vision insurance. It is highly relevant for students like [the Student] with persistent struggles in focus, comprehension, and achievement. [The Student's] visual history includes signs of Streff Syndrome, a stress-related vision impacted by and tied to PTSD from [their] school-based trauma. [The Student] was diagnosed with Strep A in 3rd grade. All issues must be assessed when determining areas of suspected disability, and we have been concerned about [their] focus, and as the district says, executive function, for years Kaiser received the RCFT and WISC results and recommended it. I am following up to see if the district can provide information on how to obtain an Independent Educational Evaluation (IEE) to include it, as we believe it impacts his ability to access education, which is evidenced by years of district concern, changes in placements, and exclusionary discipline that may or may not contribute to the disability needs that otherwise would not require these harmful interventions that this time away from for a year has shown to benefit some of his concerning behaviors and not [their] focus. If you are denying the IEE please provide PWN of the denial of the IEE.

15) On May 1, 2025, the District sent the Parents PWN documenting that the Parents requested "information on how to obtain an Independent Educational Evaluation (IEE), due to the evaluation team not conducting a comprehensive vision assessment, including a functional vision and visual processing assessment..." The PWN documented that the IEE request was not timely per OAR 581-015-2305 because that District had not yet completed its assessment, observing that a parent may request an IEE after the district has completed and presented its evaluation.

16) On May 2, 2025, the Parents sent an email to the District's School Psychologist writing in part,

> "…do you need more time to consult with your colleagues regarding the comprehensive vision evaluation, now that you have the additional information I provided to clarify that it is not the type of test you believe it to be, based on what has been written in the Prior Written Notice (PWN)? I remain concerned that evaluations are not being conducted in all areas of suspected disability, and that the district has never completed a truly comprehensive evaluation. Instead, it has relied solely on a file review—though I do appreciate the agreement to conduct some updated testing. Unfortunately, the file review already contains information that is being misinterpreted. We are already significantly behind in addressing [the Student's] needs (through no fault of RHS), and I would greatly prefer to avoid having to exercise our procedural safeguard rights by filing another ODE complaint or due process hearing just to obtain the evaluations he is entitled to. Because this evaluation is being denied, it is my understanding that we have the right to request an Independent Educational Evaluation (IEE). I intend to request one once the district's evaluation is complete, since a key area is being excluded and misunderstood— despite its clear impact on his educational access and success."

17) On May 2, 2025, the District responding to the Parents wrote that the District would not conduct a "functional vision and visual processing assessment" a decision that was documented in a PWN dated 4/15/2025 and described in emails to the Parents dated 4/11/2025 and 4/14/2025.

18) On May 14, 2025, the Parents sent an email to the District which included concerns about a "vision evaluation" for the Student. The Parents observed that the Student's medical "…team will likely tell you that they are highly recommending the comprehensive vision evaluation that I have been asking because they are concerned about the findings we shared and [the Student's] years of presentation demonstrating the possibility of cortical vision impairments that are not caused by the eyes at all."

19) On May 20, 2025, the Student's [Private Provider] completed a Confidential Psychological Assessment.

20) On June 9, 2025, the District sent a meeting invitation to the Parent for an IEP team meeting scheduled for June 13, 2025. The stated purpose of the meeting was to consider transition services and review the Student's IEP.

21) On June 12, 2025, the Student's Child and Adolescent Psychiatrist provided a letter regarding the Student's proposed school accommodations, and appropriate academic and behavioral support.

22) On June 12, 2025, the District completed a Multidisciplinary Evaluation Report for the Student. The assessment included a file review, Child Autism Rating Scale, Kaufman Tests of Educational Achievement, Pure Tone Hearing Screening, Updated Developmental History completed by the Parents, Consultations with the District Autism Specialist, Social Communication Assessment, and observations.

23) On June 12, 2025, the Student's IEP team found the Student eligible for special education in the categories of Emotional Behavioral Disorder (EBD) and Other Health Impairment (OHI). The Student's IEP team also considered Autism Spectrum Disorder but did not find the Student eligible in that category. The Parents indicated that they disagreed with the District's determination that the Student was eligible for special education in the category of Emotional Behavior Disability and Other Health Impairment, expressing that they did not feel that the District's evaluations were comprehensive enough, citing the need for a comprehensive vision evaluation.

24) On June 13, 2025, the Student's IEP team met. During the meeting the Parents expressed concerns regarding the Student's special education eligibility, potential additional eligibility categories, and concerns for the Student's emotional behavioral disability generally. The team agreed to reconvene later to complete the meeting. As part of the meeting the Parent presented a prepared agenda with a list of concerns. Included in the list was, "Casey ELK Eye

plans; Teaching on EYE condition and TAP guidance" and that the Student's "dysregulation is triggered by sudden changes, unfairness, sensory needs, or visual fatigue, causing [them] to miss educational opportunities."

25) On June 13, 2025, the District sent the Parents PWN documenting the Parents' concerns and intent to reconvene later.

26) On June 22, 2025, the Parents sent an email to the District asking in part for PWN addressing why no vision evaluation was conducted by the District.

27) On June 27, 2025, the District sent a letter to the Parents regarding the criteria for an Independent Educational Evaluation (IEE). The letter listed the types of evaluations available which included, "Academic Achievement, Adaptive Behavior, Assistive Technology, Audiological, Autism, Cognitive, Communication/Speech & Language, Functional Behavior Assessment, Motor, Social/emotional/behavioral", and "Vision—Functional." The letter included a list of Independent Education Evaluators. Included on this list was Casey Eye Institute.

28) On June 30, 2025, the Parents sent an email to the District questioning whether the District was delaying providing information about how the Parent could obtain an IEE regarding a "comprehensive vision evaluation."

29) On July 15, 2025, the District sent an email to the Parent explaining that the District would consider any evaluation reports shared, and that any providers selected to conduct an IEE "must first enter into a contract with [the District]" to "…ensure the provider meets [the District's] established criteria and that proposed costs align with [the District's] policies."

30) On July 21, 2025, the Student was seen by their Optometrist. The Student was diagnosed with "exophoria" and "convergence insufficiency" during this visit. The Optometrist notes indicate that the Student underwent:

> "…Psychoeducational testing in 2020 and 2024 suggests potential visual perceptual deficits, with significant difficulties in visual-motor integration and visual memory noted in the Rey Complex Figure Test. Despite these findings, a functional vision exam has been denied by the school. [The Student] has worn glasses primarily for fashion rather than correction. His mother is exploring vision therapy to address his visual perceptual deficits. [The Student] has significant visual perceptual deficits affecting visual-motor integration and visual memory, potentially impacting education and daily activities. Possible binocular vision or accommodative issues require further assessment. [The Student's] educational and medical history may contribute to [their] condition. - Schedule binocular vision exam to assess accommodative and binocular vision deficits. - Refer to occupational therapy for assessment and therapy on visual perceptual deficits if indicated. - Provide home exercises with emphasis on regular practice. - Consider outside vision therapy if in-house therapy is insufficient." The Optometrist notes

indicate that that exophoria and convergence insufficiency are defined as "convergence insufficiency type exophoria with reduced near point of convergence and compensating converge ranges - discussed with [the Parents] potential difficulties with near focusing/processing with this diagnosis - patient not a good candidate for Occupational Therapy currently, although this diagnosis does respond well to therapy if/when the patient is able to engage with this at a later point."

31) On July 22, 2025, the Parents sent an email to the District asking about what limitations the District might place on evaluating the Student, and what the Student may need with the Casey Eye Institute given the Student's diagnosis with two vision conditions. In the email the Parents reiterated the definitions of exophoria and convergence insufficiency provided the day prior.

32) On August 5, 2025, the Parents sent the District an email inquiring about a new eligibility meeting given the Student's "recently identified vision conditions and supporting clinical data."

33) On August 14, 2025, the District sent an email to the Parents regarding the IEE. The email read in relevant part, "While the district's IEE procedures include standard cost caps, we do consider exceptions on a case-by-case basis to ensure evaluations are comprehensive and individualized. For [the Student], given your request for multiple evaluation areas (academic, assistive technology, autism, cognitive, social-emotional, and vision), we will review your proposed provider(s) and anticipated costs to determine reasonable adjustments beyond the standard cap. Our goal is to ensure all necessary evaluations are completed to support an accurate eligibility determination and IEP."

34) On August 18, 2025, the Parent sent an email to the District inquiring about whether the District had contacted Casey Eye Institute for their contract process for an IEE.

35) On August 19, 2025, the District sent the Parents an email writing in part that after the District received the IEE report and the "vision evaluation results" that the District would convene the IEP team and review and consider that information.

36) On August 22, 2025, the Parents sent an email to the District asking for an update on the District's progress with contracting with Casey Eye Institute for the requested IEE. The Parents again asserted the medical diagnoses impacting the Student's vision and learning.

37) On August 26, 2025, the District sent the Parent an email explaining what an IEE is, how the process works, and the process for the family to initiate the IEE request.

38) On August 26, 2025, the Parent, responding to the District's email explaining the IEE process, requested an IEE for "a full functional vison evaluation with Casey Eye at the Elk clinic…" The Parent included with the request a portion of the texts from the Student's medical diagnosis previously provided to the District by email on July 21, 2025.

39) On August 28, 2025, the Parents signed a Permission to Release or Exchange Information, allowing the District to communicate with Private Psychology Provider. The form indicated that the authorization expired on August 27, 2025. The Release or Exchange of information indicated that its purpose was an "Independent vision evaluation and assessment and with parents present for communication with PPS."

40) On August 28, 2025, the Parent sent an email to the District, observing in part the importance of the vision evaluation for its potential to "contradict any basis for an EBD eligibility determination." The Parent included additional information in support of this contention. In this email the Parent also stated, "[w]hat is being requested here is a comprehensive eye exam."

41) On August 29, 2025, the District sent an email to the Parents asking them to resend the Release of Information forms for the Student's Physician and the Casey Eye Institute.

42) On August 29, 2025, the Parents sent the District the referral from the Student's Physician. The referral indicated that this was for a "functional vision assessment at Casey Eye Institute. This is a more thorough eye evaluation to evaluate specifically for eye problems that interfere with school work and the ability to be successful at school."

43) On August 29, 2025, the District sent an email to the Parent explaining that for contracting purposes the District explained that a "defined scope of services is required." The District reported that the scope can be framed broadly such as "comprehensive functional vision evaluation" which would allow "the provider the discretion to determine specific assessment components once [the Student] is seen."

44) On September 12, 2025, the Parents sent an email to the District inquiring about the status of the vision evaluation IEE. The Parents resent the release of information previously signed.

45) On September 18, 2025, the Student's IEP team met. The team reviewed the Parent's written parent concerns document. The document provided to the IEP team by the Parents included a section labeled, "Vision & Regulation Needs." That section included the following description,

> "[The School Psychologist] rejected a functional vision evaluation in Spring 2025, claiming [the Student] is not 'blind." This shows a misunderstanding of [the Student's] neurological needs, which affect [their] vision. Not fully understanding [the Student's] previous IEE testing delayed [their] access to a recommended functional vision evaluation. The referral was made on 9/2/25, and it will be months before we receive the full results. This delay hampers the timely identification of significant vision issues, impacting [the Student's] education and providing exclusion criteria for EBD eligibility. Despite [the School Psychologist's] lack of serious consideration and attempts to discuss this further, [the Student] was diagnosed with convergence insufficiency and exophoria

this summer. These conditions cause visual fatigue, posture issues, and coping behaviors like head-down positioning or hair-twirling (when [the Student] had long hair). [The Student's] visual problems directly affect [their] stamina, understanding, and participation. Addressing these proactively with movement breaks, structured rest, and visual aids is crucial to prevent behavioral escalations or misinterpretation of [their] actions as defiance. [The Student's] vision issues are a significant, disability-related need that directly impact [their] classroom experience." The Parents expressed concern that the Student's vision needs interfere with class participation. The Therapist present at the meeting observed that "student with visual needs …may not be able to articulate their needs in this area."

46) On September 18, 2025, the District sent the Parent a notice of an IEP team meeting scheduled for October 8, 2025.

47) On September 25, 2025, the District sent an email to the Parent reporting that the District had by then reached out to OHSU and would begin moving forward with the contract process. The District communicated that they wanted "to confirm that [the District had] every intention of proceeding with the comprehensive vision evaluation through the IEE process."

48) On September 25, 2025, the District sent an email to the Parents reporting that they had then reached out to OHSU and that the District would be "moving the contract process forward" and could confirm that the District had "every intention of proceeding with the comprehensive vision evaluation through the IEE process."

49) September 26, 2025, the District sent an email to Casey Eye Institute at OHSU indicating that the District was "granting an Independent Education Evaluation (IEE) at public expense for student [Student], at the request of the parent, [Parents]. We would like to proceed with a comprehensive vision evaluation through your pediatric clinic."

50) On October 8, 2025, the Student's IEP team met. During the meeting the Parent shared notes on the most recent draft of the Student's IEP.

51) On October 8, 2025, OHSU responded to the District's inquiry about the IEE describing the exam as a "comprehensive eye exam."

52) On October 13, 2025, the District sent the Parents PWN of the agreed upon changes to the Student's IEP, and that the team would meet again on October 22, 2025, to continue to review the IEP.

53) On October 13, 2025, the District sent the Parents a notice of IEP team meeting scheduled for October 22, 2025.

54) On October 22, 2025, the Student's IEP team met to continue formulating the Student's IEP.

55) On October 23, 2025, the District sent the Parents notice of an IEP team meeting scheduled for November 7, 2025.

56) On October 27, 2025, the District sent the Parents PWN documenting the changes to the Student's IEP resulting from the October 22, 2025, IEP team meeting. The PWN noted the team intended to reconvene on November 7, 2025, to continue reviewing the Student's IEP.

57) On November 7, 2025, the Student's IEP team met, and completed the Student's IEP.

58) On November 7, 2025, the District sent the Parents PWN documenting finding the Student eligible for special education in the categories of Emotional Behavioral Disorder and Other Health Impairment. The PWN documented that the Emotional Behavioral Disorder eligibility was based on the PPS Multidisciplinary Report dated 6/12/2025, the [Privately Provided] Psychological Evaluation dated 5/29/2024, PPS Multidisciplinary Report dated 6/8/2023, Psychological Evaluation with Autism and Adaptive Assessment of 7/13/2022, and the Psychological Evaluation of 5/20/2020. The District noted that the various psychological reports indicate that the Student exhibits an inability to establish or maintain satisfactory interpersonal relationships with peers and teachers, elevated scores in the areas of hyperactivity, aggression, conduct problems, depression, anxiety, and atypicality. The PWN documented that the Other Health Impairment eligibility was based on the medical diagnosis of Tourette's, ADHD, and PTSD. As a result of these diagnoses, the Student demonstrates inappropriate types of behavior or feelings, general pervasive mood of unhappiness or depression, most profoundly impacting challenges that interrupt their ability to access their education.

59) On November 7, 2025, the District formulated a Comprehensive Function Based Behavior Support Plan for the Student.

60) On November 14, 2025, the District sent the Parents PWN documenting that the District began implementing the Student's new IEP on November 7, 2025, and that the Parents consented to the provision of special education services in accordance with the new IEP.

61) On December 1, 2025, the Parents sent an email to the District asking for a copy of the contract between the District and the Casey Eye Institute for the Student's upcoming December 3, 2025, appointment.

62) On December 1, 2025, the District responded to the Parents' email of the same day, writing in relevant part, "the district is not denying your request for this evaluation." The District explained that complexity of the contract process given the size of the District and that they would "immediately notify" the Parents once the contract is finalized.

63) On December 3, 2025, the Parents sent an email to the District reporting that they were then at the vision appointment for the IEE for the Student. While there the Parents wrote

that they discovered that "the district [had] still not completed the required contract despite repeated follow-up and awareness for the appointment for months."

64) On December 3, 2025, a representative from OHSU responded that they were aware "that the contract was signed and returned by Casey Eye."

65) On December 3, 2025, the Parents sent an additional email to the District, while at the Student's medical appointment, writing, "I am currently at Elk Eye, and I was just informed that the District did not authorize a *functional vision evaluation*; the evaluation I specifically requested. Instead, the District authorized only a visual acuity exam, which I did not request and which does not address the suspected disability area." [Emphasis in the original]

66) On December 3, 2025, the District, responding to the Parent's email that morning, wrote in part that the IEE was authorized as it was "presented…" and that there "was not a prior conversation regarding the various type of eye exams Casey offers, as the intent at the time was simply to ensure you received what you had asked for." The District went on to characterize the matter as a miscommunication and expressed willingness to "course correct."

67) On December 3, 2025, the Parents responding to the District, noted that while the District approved the appointment, that approval was not for the correct services. The Parent reported that they communicated the requested purpose of the functional vision evaluation to the District, but that the Parents were not part of the communications with Casey Eye Institute and therefore were unaware of what was communicated between the two organizations.

68) On December 3, 2025, the Parent sent an email to the District reporting that following the comprehensive vision evaluation appointment that day, they were "referred to [a different provider] …for the neuro-optometric 'functional' evaluation." The Parent requested a release of information from the District to allow the District to coordinate a contract with that additional provider to complete the requested IEE.

69) On December 4, 2025, the Private Psychology Provider completed a Confidential Psychological Assessment for the Student as part of a Parent requested IEE. The assessment noted that, "…recently, [the Student] was diagnosed with vision issues, including exophoria and convergence insufficiency. No vision treatment has been provided to date, due to a lack of buy-in from [the Student]." The reported further observed that,

> "In a separate visit to the Central Interstate Optometry department, [the Student] underwent a detailed eye examination. The primary diagnoses were exophoria and convergence insufficiency, conditions that affect binocular vision and near focusing. The examination revealed significant visual perceptual deficits, impacting visual-motor integration and visual memory, as noted in previous psychoeducational testing. Vision therapy may help to address these deficits. The optometrist recommended a binocular

vision exam and potential occupational therapy to assess and treat these issues. Additionally, home exercises and possible external vision therapy were suggested if in-house therapy proves insufficient. [The Student's] visual acuity was recorded as 20/20 in both eyes, with no significant ocular or family history of surgery, injury, or medication use. The patient is currently a student in the 11th grade and plays basketball. The optometry visit also included a comprehensive ophthalmology exam, which showed normal results in various tests, including visual acuity, tonometry, and extraocular movement. The report emphasizes the need for further assessment and potential therapy to address the visual perceptual deficits and their impact on the patient's education and daily activities."

The Private Psychologist made numerous recommendations as the result of the evaluation related to school engagement, addressing behaviors, and strategies to address the Student's autism needs. The evaluation also observed that the Private Psychologist was,

> "glad [the Student] has been able to receive further vision evaluation and explore relevant treatment recommendations. Vision support is likely to have far-reaching benefits to [the Student] across environments, including improving focus, performance, and concentration, as well as allowing for sustained concentration on academic tasks. I recommend follow through with the relevant vision treatment suggestions."

70) On December 19, 2025, the District sent the Parents PWN of the District refusal of several requests made by the Parents. Among the issues refused, was a "denial of an additional vision IEE for Functional Vision Assessment." The PWN included the following rationale for the refusal: "The district is refusing to initiate an additional IEE for a Functional Vision Evaluation. The District authorized a Comprehensive visual acuity exam through The Casey Eye Clinic, as well as a comprehensive Psychological Assessment through a [Private Provider]. The PPS team determined that an additional evaluation regarding the Student's vision at public expense is not warranted or required."

71) On December 22, 2025, the Parents sent an email to the District disputing the language of the December 19, 2025 PWN, writing that:

> "this is not an 'ADDITIONAL' IEE as the PWN states, it is the original IEE that we requested and was not able to be done because the district took things in their own hands with Elk Eye and did not know what you were agreeing to." The Parents further noted that their "concern regarding the vision evaluation is not based on 'disagreement alone.' [We are] formally disagreeing with the scope and adequacy of the District's vision-related evaluation, specifically the absence of a Functional Vision Evaluation as part of a comprehensive assessment. A visual acuity exam does not assess functional visual processing and is not equivalent to a Functional Vision or neuro-optometric evaluation. Additionally, a comprehensive Autism Spectrum Disorder evaluation requires ruling out visual processing deficits that may impact access, regulation, attention, or learning."

72) On December 22, 2025, the District sent an email to the Parents explaining the purpose of the December 19, 2025, PWN, and the District's reasoning. The District wrote in part, that the "determinations documented in the PWN were made intentionally and [were] not based solely on visual acuity screening…. [were] based on a review of existing evaluation data and consideration of suspected areas of disability."

73) On December 22, 2025, the Parents, responding to the District again disagreeing with the District's reasoning around not continuing with the Functional Vision Evaluation, and disputing whether the District completed a comprehensive evaluation of the Student.

74) On December 22, 2025, the Parents sent an email to the District asking whether the District planned to honor the IEE request, or file for due process.

75) On December 29, 2025, the District, responding to the Parents' concerns about the IEE, responded by writing that the "Prior Written Notice did not remove **your** ability to pursue a Functional Vision Evaluation privately. It documents the District's decision not to approve or fund an additional evaluation at this time, following a review of the available evaluation data."

76) On December 29, 2025, the Parents, responding to the District wrote that, "The Prior Written Notice characterizes the request as an "additional IEE" and relies on a comprehensive visual acuity exam as the basis for refusal. A visual acuity exam is not a Functional Vision Evaluation and does not assess functional visual access. The requested pre-approved initial Functional Vision Evaluation has not been completed and is unrelated to visual acuity." The Parents went on to write that this was not an "additional" evaluation, and that the District had "authorized an exam that was not the evaluation requested (a Functional Vision/neuro-optometric evaluation). The requested evaluation, therefore, remains outstanding. A Functional Vision Evaluation is also listed in the District's special education manual as an evaluation a parent may request and was pre-approved by you in the summer and now being declined."

77) On January 12, 2026, the District sent an email to the Parent with proposed dates for an IEP meeting to review the results of the requested IEEs.

78) On January 20, 2026, the District produced an IEP progress report for the Student. The progress report indicated that the Student was making progress toward their social and emotional skills, classroom/school skills, and reading goals. The Student was not making progress or had not worked toward their mathematics, communication, writing, and transition goals.

79) On January 21, 2026, the Parents sent an email to the District communicating that they did not want to schedule an IEE review meeting because the "evaluation process [was] incomplete…" The Parents also wrote that "permission for the functional vision evaluation

was retracted in December 2025, so the IEE remains outstanding. See 34 CFR §300.304(c)(4), (6) and OAR 581-015-2105. If a district declines to initiate or finance a requested evaluation component, including a Functional Vision Evaluation, it must either provide funding for the evaluation or proceed with due process to justify its refusal. [The District] has declined both options; however, the district is not permitted to consider a partially completed evaluation final while unresolved components remain. See 34 CFR §300.502(b)(2)."

80) On January 21, 2026, the Parents filed this complaint.

81) On February 25, 2026, the Department's Complaint Investigator interviewed the Parents. The Parents explained their understanding that in the case when a district denies an IEE that the district should file for due process to defend their evaluation of the student. The Parents explained that the Student was previously (in 2023) found eligible for special education in the category of Autism Spectrum Disorder. The Parents reported subsequently researching and learning about functional vision evaluation and considered whether such a test could explain some of the Student's disability related needs impacting their education.

The Parents related having discussed with the District issues with the District's policy regarding IEE, and whether the specified purpose of the proposed IEE was covered by the District's policy. The Parents acknowledged having used functional and comprehensive interchangeably at times during their communications with the District, but noted their opinion that their communications were very clear regarding the purpose of the IEE, which was not to assess the Student's visual acuity, but rather the impact of diagnoses received from a vision exam earlier in the year when the Student was diagnosed with exophoria and convergence insufficiency. The Parents noted that while they scheduled the appointment time, they were not involved in communicating with OHSU the reason for the appointment. The Parents stated that it was not until they arrived at the appointment that they learned that it would only cover a standard comprehensive vision exam. At the conclusion of the exam, the physician made a referral for the Functional Vision Evaluation which would be conducted by a specialist. The Parent reported that the physician understood the purpose of the exam in accordance with the documentation received from the District. The Parents expressed confusion why the District directed OHSU to conduct a standard eye exam, having already presented the Student's eye exam from May 2025, with the diagnoses that led to them requesting the Functional Vision Evaluation.

The Parents expressed concern that the District was denying the IEE following the December 3, 2025, appointment because the District did not communicate the appropriate evaluation to OHSU.

82) On March 5, 2026, the Department's Complaint Investigator interviewed the District's School Psychologist. The School Psychologist offered their understanding of the Student's diagnosis of exophora and convergence disorder, that they addressed the brain's processing of what was seen, rather than addressing whether the Student's vision was impaired. The

School Psychologist understood, based on the documentation from the Student's Ophthalmologist, that the concerns raised by the diagnosis could be addressed through corrective lenses, occupational therapy, and other methods. As part of this discussion, the School Psychologist understood the Parents' concerns regarding these conditions to potentially present as special education eligibilities, or mask underlying causes of behaviors that obstructed the Student's education. The School Psychologist explained the District's confidence in the evaluation of the Student, relevant to the Parents' concerns regarding a functional vision assessment, was based in part on their own evaluations and past evaluations, including the Rey Complex Figure Test. The School Psychologist explained that the Rey Complex Figure Test tested for many of the same concerns raised by the Parent. The District had considered the Student's historical performance on this exam, observing that their visual spatial score fell into the average range. These results along with the Student's 2020 and 2024 WISC visual spatial subtests led the District to conclude that the Student was appropriately evaluated in all areas of suspected disability. The School Psychologist reported that the WISC visual spatial subtest would have addressed the same concerns regarding vision that the Parents later raised in reference to the Functional Visual Evaluation. The School Psychologist further noted that Student's IEP team had integrated the recommendations from the Student's ophthalmologist into their Functional Behavioral Assessment (FBA).

83) On March 10, 2026, the Department's Complaint Investigator interviewed the District's Director of Special Education. The Director of Special Education related that they understood the scope and purpose of the Parents' request for an IEE as it was communicated in the Parents' August 28, 2025, email where they wrote, "What is being requested here is a comprehensive eye exam." During the interview the District explained that the Parents' IEE request was understood to relate to the Student's vision needs, rather than the Student's neurological needs or as a challenge to the special education eligibility categories that Student's IEP team selected for the Student. Rather the District explained that it understood that the Parent requested a vision assessment for the Student as it related to the Student's education, which the District granted. The District further explained that neither it, nor the Parents, likely understood that Casey Eye Institute did not offer the type of exam sought by the Parents. Following the Student's December 3, 2025, appointment, the District interpreted the referral to a separate provider to complete the functional vison evaluation requested by the Parents, as a separate evaluation. The District noted that this would have required a separate contract for the IEE, which contributed to the District's understanding of the "referral" as a new IEE request. Understanding this as a separate request, the District issued the December 19, 2025, PWN denying the request.

IV. DISCUSSION

General Evaluation and Reevaluation Procedures

It was alleged that the District violated the IDEA when it did not conduct evaluations of the Student sufficiently comprehensive to identify all the Student's special education and related service needs, and inclusive of all the Student's areas of suspected disability. Specifically, it was alleged that the District did not appropriately consider the Student's need for, and results of, a functional vision evaluation; and, that the District has not considered the information provided by the Parent relevant to this area of the Student's disability.

In conducting evaluations, a 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 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.[3]

For students suspected of having autism spectrum disorder, a comprehensive evaluation must be conducted. The comprehensive examination must include a developmental history, information from parent, observations, a social communication assessment, and 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.[4] Emotional Behavior Disability is a condition exhibiting one or more characteristics over a long period of time, and to a marked degree that adversely affect the child's educational performance. These characteristics include, and inability to learn that cannot be explained by intellectual, sensory, or health factors, an inability to build to maintain satisfactory interpersonal relationships with peers and teachers. These characteristics may also include inappropriate types of behavior or feelings under normal circumstances, a general pervasive

[3] OAR 581-015-2110(3)—(4)
[4] OAR 581-015-2130(2)—(3)

mood of unhappiness or depression, or a tendency to develop physical symptoms or fears associated with personal or school problems.[5]

On August 28, 2025, the Parents expressed concern whether the Student was appropriately assessed in all areas of suspected disability, suggesting that the Student's visual diagnoses may mask concerns leading the Student's IEP team to conclude that the Student qualified for special education in the category of Emotional Behavior Disability (EBD), when in fact the Student may actually have a different condition. The Parent pointed to the Student's ophthalmologist having diagnosed the Student with exophoria and convergence disorder, suggesting that these conditions suggested deeper issues potentially manifesting in ways suggestive of EBD, but were a different condition. The District reported having considered the Student's diagnoses of exophoria and convergence disorder and having added the Student's ophthalmologist's recommendations into the Student's FBA. The Student's IEP team considered three areas of possible eligibility including Emotional Behavior Disability (EBD), Other Health Impairment (OHI), and Autism Spectrum Disorder (ASD). The Student's IEP team found the Student eligible in the categories of EBD and OHI. The District further reported that the Parent's concerns regarding the Student's visual deficits were addressed through testing the Student previously underwent including the Rey Complex Figure Test, and WISC visual spatial subsets. The District reported that these tests and the Student's performance thereon, suggested no concerns regarding the sort of neurological condition the Parents raised concerns about. The School Psychologist noted that the behaviors obstructing the Student's education could be addressed in a variety of ways regardless of the underlying cause, and that the recommendations from the Student's physician were incorporated into the Student's FBA and IEP.

The Department does not substantiate this allegation.

Independent Education Evaluation

It was alleged that the District violated the IDEA when it imposed conditions on the Independent Education Evaluation (IEE) sought by the Parent. It was alleged that after approving the IEE, but before its completion, that District limited the scope of the IEE by revoking consent for the Functional Vision Evaluation component of the IEE. It was alleged that the IEE included visual functioning as an area of suspected disability. It is further alleged that the District did not consider the outcome of the IEE, when it scheduled an IEP team meeting, to consider the IEE, ahead of the completion of the IEE.

The Parent of a child with a disability has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the school district. If a parent requests an independent evaluation at public expense, the district must provide information to parents about where an independent education evaluation may be obtained, and the district criteria applicable for independent educational evaluations. If a parent requests an independent education evaluation at public expense, the school district must, without

[5] OAR 581-015-2000(5)(E)

unnecessary delay, either ensure that the independent educational evaluation is provided at public expense or initiate a due process hearing to show that the district's evaluation is appropriate. If the parent requests an independent educational evaluation, the district may ask why the parent disagrees with the public evaluation. The parent may, but is not required, to provide an explanation. A parent is entitled to only one independent educational evaluation at public expense each time the public agency conducts an evaluation with which the parent disagrees.[6] An IEE is available to Parents where there is disagreement with the district's "evaluation because the child was not assessed in a particular area" in order "to determine whether the child has a disability and the nature and extent of the special education and related services that child needs."[7]

The records contain numerous emails from the Parents where they ask for a functional vision evaluation. On April 11, 2205, the School Psychologist and the Parents exchanged emails with the School Psychologist explaining the District's reliance on the WISC and Rey Complex Figure Test's, and the Parents advocating for the Functional Vision Exam and how such an exam could provide missing data to address the Student's behavior and performance in school. As early as April 17, 2025, the Parents distinguish between a standard vision exam explaining that they were not asking to test the Student's visual acuity but rather the request was for a neurological examination. On April 15, 2025, the District sent the Parents PWN of the District's intent not to conduct a functional vision evaluation as requested, and to rely on the testing completed by the District. On April 17, 20254, the Parents requested an IEE to challenge the District's evaluation and refusal to conduct additional testing. On May 1, 2205, the District sent the Parents PWN that the IEE request was not timely because the District had not yet completed all of its evaluations of the Student.

On June 12, 2025, the Student's IEP team found the Student eligible for special education in the categories of Emotional Behavioral Disorder (EBD) and Other Health Impairment (OHI). The Parents indicated that they disagreed with the District's determination citing concern that the District's evaluations were not comprehensive enough, specifically noting the lack of a "comprehensive vision evaluation." Thereafter the Parents continued to advocate for a functional vision examination. On July 21, 2025, the Student underwent an examination by their Optometrist resulting in a diagnosis of exophoria and convergence insufficiency. Thereafter the Parents continued to request an IEE for a functional vision evaluation to address the impact of the Student's potential conditions on their education. On August 26, 2025, the District sent the Parents an email explaining what an IEE was, and how to request an IEE. On August 26, 2025, the Parents responding to that message requested an IEE for, "a full functional vison evaluation with Casey Eye at the Elk clinic…". On August 28, 2025, the Parents signed a Permission to Release or Exchange Information, for the purpose of an "Independent vision evaluation and assessment and with parents present for comminution with PPS." On the same date the Parents sent an email to the District writing in part the importance of the vision evaluation for its potential to "contradict any basis for an EBD eligibility determination."

[6] OAR 581-015-2305(1)—(9)
[7] OSEP Letter to Baus, 65 IDELR 81 (February 23, 2015)

On September 18, 2025, the Student's IEP team met. During the meeting the Parents expressed their concern that their proposed functional vision exam would address the special education eligibility categories the Student's IEP team selected potentially providing exclusion criteria for EBD eligibility. At the meeting the Parents explained the relevance of the Student's diagnosed convergence insufficiency and exophoria, the potential for these conditions to cause visual fatigue, posture issues, and coping behaviors like head-down positioning or hair-twirling. The Parents related that the Student's visual problems directly affect their stamina, understanding, and participation and that the Student's vision issues are a significant, disability-related need that directly impact their classroom experience. The School Psychologist and Director of Special Education were present for this meeting.

On August 29, 2025, the District sent an email to the Parent explaining that for contracting purposes the District "defined scope of services is required" and that the scope of the IEE can be framed broadly such as "comprehensive functional vision evaluation" which would allow "the provider the discretion to determine specific assessment components once [the Student] is seen." Following that IEP team meeting, on September 25, 2025, the District sent an email to the Parent reporting that the District had by then reached out to OHSU and would begin moving forward with the contract process. The District communicated that they wanted "to confirm that [the District had] every intention of proceeding with the comprehensive vision evaluation through the IEE process." September 26, 2025, the District sent an email to Casey Eye Institute at OHSU indicating that the District was "granting an Independent Education Evaluation (IEE) at public expense for student [Student], at the request of the parent, [Parents]. We would like to proceed with a comprehensive vision evaluation through your pediatric clinic."

On December 3, 2025, the Parent attended the appointment with the Student where they learned that the scheduled exam was not a functional vision exam. The Student was then referred to another provider for the functional vision exam. Following this appointment on December 19, 2025, the District sent the Parents PWN of the District refusal to grant the IEE writing that the PWN included a "denial of an additional vision IEE for Functional Vision Assessment." The District reported, as part of interview in this matter, their understanding that the exam schedule for December 3, 2025, was what the Parent requested, and that the referral was a second or separate exam, from the IEE the Parent initially requested. Thereafter, the District moved to schedule an IEP team meeting to consider the outcome of the vison exam completed December 3, 2025, with the understanding that this was the exam requested by the Parents.

The Parents' request for an IEE for a functional vision evaluation was addressed at challenging the District's evaluations that determined the Student's special education eligibility, specifically the Emotional Behavioral Disorder eligibility. As part of this investigation the District reported understanding the Parents' IEE request to address visual acuity, rather than the Parents' neurological concerns aimed at the Student's eligibility determination. The District's list of IEE categories includes "Vision-Functional" however the listed provider did not provide that particular assessment. The records support that the Parent was also likely unaware that the

selected provider did not conduct the sort of assessment sought. When the selected provider made a referral to a specialist that could conduct the agreed-upon assessment, the District issued the December 19, 2025, PWN, declining the requested IEE. This PWN was based on the understanding that the Parents' request was an additional IEE request, rather than a continuance of the original request. Nevertheless, the District continues to be obligated to provide the IEE that it agreed to, which has not yet been completed.

The Department substantiates this allegation.

Free Appropriate Public Education (Denial of FAPE)

It was alleged that the District violated the IDEA when, it did not conduct a sufficiently comprehensive evaluation of the Student as described above; it did not consider information provided by the Parent relevant to the Student's suspected area of disability; it limited the scope of the Student's IEE; and, it scheduled or attempted to schedule an IEP team meeting to consider the outcome of the IEE prior to its completion. It was alleged that these actions denied the Student a FAPE.

School districts must provide FAPE to all school-age children with disabilities for whom the district is responsible.[8] Procedural violations may only lead to finding that a child did not receive a FAPE if they: "(I) impeded the child's right to a free appropriate public education; (II) significantly impeded the parents' opportunity to participate in the decision making process regarding the provision of a free appropriate public education to the parents' child, or (III) caused a deprivation of educational benefits."[9] In determining whether a student was denied a FAPE, courts review a district's compliance with both the procedural and substantive components of the Student's education. Reviewing courts must inquire whether the school district complied with the procedural requirements of the IEP, and whether the school district met the substantive requirements to develop an IEP reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances.[10]

The record supports that the District did evaluate the Student in all suspected areas of disability. The Parents disputed the District's evaluation leading to the Student's Emotional Behavioral Disability (EBD) eligibility category because of their belief that the presence of a vision deficit would rule out eligibility under EBD. Rather than being the result of an emotional or behavioral disability, the Parents postulated that the Student's struggles were instead caused by a neurological condition which the functional vision evaluation could demonstrate. The presence of a vision deficit, however, would not have impacted the Student's eligibility under the category of EBD. Further, the District's evaluation included tests that address the underlying neurological concerns raised by the Parents.

[8] OAR 581-015-2040
[9] 20 USD § 1415(f)(3)(E)(ii)
[10] *Endrew F.*, 137 S.Ct. at 999.

It was alleged that the District imposed limits on the IEE sought by the Parents. The record supports that the District misinterpreted the Parents' concerns when it approved the IEE. This had the added effect of the District and Parents selecting an evaluator who could not conduct the evaluation. On December 3, 2025, the Student was assessed by an evaluator who was unable to conduct the evaluation sought by the Parents. When the initial evaluator made a referral to a second evaluator for the Functional Visual Assessment sought by the Parents, the District understood this as a request for a second or additional IEE. In December 2025, the District issued a PWN declining the Parent's request for an additional IEE and thereafter invited the Parent to schedule an IEP team meeting to address the results of both the December 3, 2025 vision evaluation that was completed, as well as the December 4, 2025 Private Psychological Evaluation. The Parents declined to meet to discuss that evaluation asserting that the IEE was incomplete until the Functional Visual Assessment was completed.

The record supports that the District did evaluate the Student in all suspected areas of disability. In addition, the District incorporated input from the Parents into the Student's IEP. The Parents' disagreement regarding the District's determination of eligibility did not result in a loss of educational opportunity as the Student's disability-related needs were both evaluated and addressed by their IEP. The District's procedural error in responding to the Parents' IEE request does not therefore amount to a denial of FAPE.

The Department does not substantiate this allegation.

VII. CORRECTIVE ACTION

In the Portland Public School District
Case No. 26-054-008

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

Action Required	Submissions	Due Date
1. Grant the Parents' IEE request for a functional vision evaluation or file for due process to demonstrate the appropriates of the District's evaluations of the Student.	Copies of communication to Parents granting the IEE request or notice of District filing for Due Process.	April 17, 2026
2. Provide training to special education administrative staff on the legal requirements of IEE requests.	Training agenda/materials to District Support specialist for review/approval. agenda.	June 5, 2026

Dated: this 20th Day of March 2026



Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

E-Mailing Date: March 20, 2026

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).)