BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of	)	FINDINGS OF FACT,
Bend-La Pine School District 1	)	CONCLUSIONS,
	)	AND FINAL ORDER
	)	Case No. 26-054-049

I. BACKGROUND

On April 14, 2026, the Oregon Department of Education (Department) received a written special education complaint (Complaint) from the parents (Parents) of a student (Student) who attends a charter school (Charter School) sponsored by the Bend-La Pine School District (District). The Complaint requested that the Department conduct a special education investigation under OAR 581-015-2030. The Department confirmed receipt of the 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 April 24, 2026, the Department's Complaint Investigator sent a *Request for Response (RFR)* to the District identifying the specific allegations in the Complaint to be investigated and establishing a *Response* due date of May 8, 2026.

The District submitted a *Response* on May 8, 2026. In its *Response*, the District disputed the allegation, provided an explanation, and submitted documents in support of the District's position. The District submitted the following relevant items:

1. Email Exchanges between Charter School Staff and Parents, 2025-26 School Year
2. Email Exchanges between District Staff and Parents, 2025-2026 School Year
3. SLP Screening Request, 1/27/26
4. Charter School/District Charter Contract, 2017
5. Charter School/District Charter Contract Renewal, 2023

The Parents did not submit a *Reply* to the District's *Response*, nor other relevant items.

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

On April 21, 2026, the Complaint Investigator interviewed the Parents. The Complaint Investigator interviewed District and Charter School personnel on May 19 and May 20, 2026. Virtual interviews were conducted instead of on-site interviews. 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 April 15, 2025 to the filing of the Complaint on April 14, 2026.

Allegations	Conclusions
Evaluation and Reevaluation Procedures The Complaint alleges that the District violated the IDEA by failing to conduct an appropriate evaluation of the Student's special education needs in the area of communication. (OAR 581-015-2110; 34 CFR §300.304	**Substantiated** The District failed to conduct evaluation planning within a reasonable period of time following the Student's referral for a special education evaluation.

REQUESTED CORRECTIVE ACTIONS

1. Provide communication assessment and services if student qualifies for services.
2. District reimburse Parents for private speech-language services.

III. FINDINGS OF FACT

IDEA regulations limit complaint investigations to alleged violations occurring no more than one year before the Department's receipt of the special education complaint. This Complaint Investigation did not consider any IDEA violations alleged to have occurred before April 15, 2025. Any facts listed below relating to circumstances or incidents earlier than that date are included solely to provide context necessary to understand the Student's disability and special education history.

1. The Student is a first grader at a District-sponsored charter school (the Charter School) and was not receiving special education services at the time of the complaint filing.

2. On January 27, 2026, the Student's general education teacher (the Teacher) submitted a District speech-language pathology screening referral form via Google Forms. They indicated concern with the Student's articulation, including substituting /l/ for /y/ and pronounced difficulty with /ch/ and /sh/ blends, despite working with the Student in the summer, 2025 and throughout the fall, 2025. Strategies initiated by the Teacher included modeling pronunciation, practicing pronunciation, and having the Student participate in a small group reading intervention with skills-based work on phonics and phonological awareness.

3. On or about January 27, 2026, the District-assigned Speech Language Pathologist (the SLP) serving the Charter School went on a leave of absence, which was extended twice. The SLP returned to work in the first week of April, 2026. During their absence, the SLP did not access District email or Google Forms, nor provide any speech services, including screening or evaluation planning.

4. On approximately February 9, 2026, the District hired a temporary SLP (the Cover SLP) to cover the position during the SLP's leave of absence. The Cover SLP reported they were hired to work part-time on Thursdays and Fridays.

5. Following the completion of a background check and other hiring procedures, the Cover SLP started at the Charter School on February 19, 2026.

6. On or about February 12, 2026, the Teacher asked the Charter School's Dean of Students (the Dean of Students) and a District school psychologist (the School Psychologist) about who they should follow up with regarding the SLP screening referral for the Student.

7. The Cover SLP reported that the Charter School provided them with a list of students with speech needs (for screening and referral) on February 17, 2026. The Student's name was on the list.

8. On February 18, 2026, the Teacher emailed the Parents to share that they reached out to District employees in "oversight roles," to inquire about how long the Student's assessment might take and who would be responsible but had not received a response. The Teacher asked the Parents to email the District Lead Speech Pathologist (the Lead SLP) and the District Assistant Director of Special Education overseeing speech pathology (the Assistant Director).

9. On February 18, 2026, the Teacher also emailed the District special education administrators to escalate their concern over the assessment delay.

10. The Teacher indicated they copied the School Psychologist, the District Special Education teacher working at the Charter School (the Special Education Teacher), and the Dean of Students on the email to District administrators. The Teacher reported the goal of the email was to identify who would take the lead on the Student's speech assessment.

11. The Cover SLP provided speech services at the Charter School on February 19 and February 26, 2026. Because of a prearranged vacation, school conferences, and spring break, the Cover SLP did not provide any speech services in March 2026. The Cover SLP indicated no screening occurred for the Student during the months of February or March 2026.

12. On February 20, 2026, the Parents emailed the Assistant Director to request a speech assessment for the Student. The Assistant Director responded on February 23, 2026, stating there were limited available substitutes for the SLP, but they believed the SLP would be returning to work soon. In the "interim," there would be a "qualified clinician" stepping in during the SLP's leave.

13. On February 23, 2026, the Lead SLP responded to the Teacher's February 18, 2026 email, requesting further information about the Student's referral and their student identification number. After receiving the information, the Lead SLP emailed the Teacher on February 27, 2026, indicating that the Cover SLP would conduct the Student's evaluation, but with no date given when the evaluation would occur.

14. The Cover SLP reported they did not conduct the Student's evaluation in February or March 2026.

15. In a March 9, 2026 email to the Teacher, the Special Education Teacher stated the Lead SLP would attend the March 18 and 19, 2026 parent/teacher conferences. The Lead SLP would bring an evaluation consent form to the Parents at the Student's conference and request consent to evaluate. Right before the conferences, the Teacher was told that the evaluation paperwork had not been received and they would not be able to request consent to evaluate at the Student's conference.

16. The SLP returned to work on April 1, 2026. The Cover SLP's understanding was that the SLP would take over screenings and evaluations the following week.

17. On April 13, 2026, the Parents appeared before the District School Board to voice their concerns about the delay with the Student's evaluation.

18. On April 14, 2026, the Parents filed this Complaint.

19. The SLP reported that the Parents signed consent for the Student's communication evaluation on April 28, 2026, and the team met on May 8, 2026 to determine the Student's eligibility for special education. It was determined that the Student did not qualify for special education services.

20. The Teacher reported they were told by the SLP at the May 8, 2026 eligibility meeting that the SLP had not seen the Teacher's January 27, 2026 referral for the Student until they checked their email inbox upon return from their leave of absence the first week of April, 2026.

21. The District agreed that the Student's evaluation planning was delayed, however, it stated the Student's eligibility was determined within 60 school days from when evaluation planning should have occurred, so no IDEA violation occurred.

22. At the filing of Parent's complaint on April 14, 2026, the District's calendar shows 46 school days had passed since the Student's referral for evaluation on January 27, 2026.

V. DISCUSSION

Evaluation and Reevaluation Procedures

The Parents alleged that the District violated the IDEA by failing to conduct an appropriate evaluation of the Student's special education needs in the area of communication.[3]

School districts must provide timely evaluation planning before evaluating a student in all areas of suspected disability.[4] The Student's general education teacher submitted a District SLP screening request form on January 27, 2026. The Teacher suggested the Parents contact District special education administration when no evaluation had occurred by February 18, 2026. No screening, evaluation planning or evaluation occurred prior to the complaint filing on April 14, 2026, 46 school days later.

The District acknowledged in its response that SLP coverage for the Charter School was inconsistent due to staff medical leave and limited substitute coverage availability. While the District attempted to schedule the Student's evaluation through the Cover SLP, it was unsuccessful. There was a cascading failure of communication and coordination, around the Student's referral amongst building and District special education staff and administration responsible for evaluation as part of required child find, leading to a significant delay in seeking consent for the evaluation.

Despite significant outreach by the Teacher and the Parents to the Charter School and District staff, including the School Psychologist, the Special Education Teacher, the Lead SLP and the Assistant Director during February and March, 2026, no evaluation planning occurred; no parental consent was sought; and no screening or evaluation of the Student was completed.

The District in its response acknowledges that initiation of the evaluation was delayed, but argues there is no violation of the IDEA because an eligibility determination occurred within 60 school days of a hypothetical reasonable evaluation consent date (one week after the January 27, 2026 evaluation referral).[5] No consent was actually sought on the hypothetical date, but the District argues because an eligibility determination occurred within 60 school days from this hypothetical date, there is no IDEA violation.

The District mis-equates the IDEA requirement that an evaluation and eligibility determination occur within 60 school days from parent consent to the obligatory child find period where evaluation planning must occur within a reasonable period of time after a student's referral for evaluation. The requirement for evaluation to be completed within 60 school days takes effect after consent from the Parent is received. A district is not permitted to delay evaluation planning for an unreasonable period. Evaluation planning did not occur until April 14, 2026, which was 46 school days after the Student's referral for evaluation on January 27.

[3] OAR 581-015-2110; 34 CFR §300.304 and 300.305
[4] OAR 581-015-2115; 34 CFR §300.305
[5] OAR 581-015-2110 (5)(a); 34 CFR §300.304

The IDEA requires that a district "promptly," request parental consent for an evaluation, "[i]f prior to referral, a child has not made adequate progress after an appropriate period of time when provided instruction."[6] The 9th Circuit US Court of Appeals has stated a district's general education interventions do not replace timely referral for special education evaluation and that timely evaluation ensures a district has a full picture of student functioning and needs for consideration of possible special education services.[7] Federal regulatory commentary to IDEA implementing regulations, at 34 CFR §300.302, *Screening for Instructional Purposes is not Evaluation*, notes "…screening may not be used to delay an evaluation for special education and related services."[8] Both the US Department of Education, Office of Special Education (OSEP) and the 9th Circuit Court of Appeals have addressed timely evaluation within the Child Find provision under IDEA. The OSEP has stated pre-referral interventions and Response to Intervention (RTI) services cannot delay evaluation for students with suspected disability. [9] Further, the Department states that when a student has received general education intervention, not unlike the Student's interventions provided by the Teacher during the summer, 2025 and fall, 2025, and "…it is apparent that general education interventions are not sufficient, school personnel should suspect that the child has a disability and should initiate referral." [10]

The Teacher made a speech referral after general education intervention, yet the Parents did not receive a reasonably timely response indicating when the Student would be evaluated for special education, despite queries to the Charter and the District special education staff and administration. The District's failure to consider evaluation and request consent to evaluate for 46 school days, over 11 weeks of the 2025-2026 school year, was an unreasonable delay of the District's Child Find obligations under the IDEA.

The Department substantiates this allegation.

V. CORRECTIVE ACTION

In the Matter of Bend-La Pine SD 48J
Case No. 26-054-049

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

Action Required	**Submissions**	**Due As Soon As Possible But Not Later Than**
1. The District will develop and conduct training for all District and Charter School staff and administrators	Training agenda and materials to ODE for review and approval.	July 31, 2026

[6] 34 CFR §300.309(c), 71 Fed. Reg. 46,638 (2006)
[7] See L.J. v. Pittsburg Unified School Dist., 117 LRP 6572 (9th Cir. 2017)
[8] 34 CFR §300.302; 71 Fed. Reg./Vol. 71, No. 156/Monday, August 14, 2006/Rules and Regulations, p. 46639-46640
[9] See Letter to Brekken, 56 IDELR 80 (OSEP 2010); and Memorandum to State Directors of Special Education, 116 LRP 21359 (OSEP Apr. 29, 2016)
[10] See Letter to Morath, 121 LRP 7391 (OSERS 2018)

responsible for Child Find on their responsibility to conduct evaluation planning within a reasonable period of time after a student is referred for a special education evaluation.	Sign-in sheet from training.	October 15, 2026

Dated: this 12 Day of June, 2026



Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing Date: June 12, 2026

Appeal Rights: Parties may seek judicial review of this Order. Judicial review may be obtained by filing a petition for review within sixty days from the service of this Order with the Marion County Circuit Court or with the Circuit Court for the County in which the party seeking judicial review resides. Judicial review is pursuant to the provisions of ORS §183.484. (OAR 581-015-2030 (14).)