BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of Greater Albany Public School District 8J	))))	FINDINGS OF FACT, CONCLUSIONS, AND FINAL ORDER Case No. 26-054-73

I. BACKGROUND

On June 1, 2026, the Oregon Department of Education received a written request for a special education complaint investigation from the parents (Parents) of a student (Student) residing in the Greater Albany Public School District (District). The Parents requested 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 Parents and the District agree to the extension in order to engage in mediation or local resolution, or for exceptional circumstances related to the complaint.[2]

On June 15, 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 June 29, 2026.

The District submitted a *Response* on June 29, 2026, denying the allegations, providing an explanation, and submitting documents supporting the District's position. The District submitted the following relevant items:

1. District's Written *Response* to Complaint, 6/24/26
2. Notice of Team Meeting, 5/30/25
3. Prior Written Notice (Evaluation Decision), 6/11/25
4. Parent/Guardian Consent for Individual Evaluation, 6/11/25
5. Initial Eligibility Review of Information, 6/6/25
6. Notice of Referral, 6/11/25
7. Assessment Determination Meeting form, 6/11/25
8. Meeting Attendance/Summary, 6/11/25
9. Evaluation Tracking Form, 6/11/25
10. Confidential Special Education Report, 11/18/25

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

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

11. Notice of Team Meeting, 11/17/25
12. Prior Written Notice (Eligibility), 11/24/25
13. Eligibility Summary Statement, 11/24/25
14. Disability Statement (Traumatic Brain Injury 74), 11/24/25
15. Disability Statement (Autism Spectrum Disorder 82), 11/24/25
16. Meeting Notes Eligibility Meeting, 11/24/25
17. Notice of Team Meeting, 12/3/25
18. Meeting Notes Eval Plan and Eligibility, 12/16/25
19. Notice of Team Meeting, 1/8/26
20. Prior Written Notice (Eligibility), 1/12/26
21. Eligibility Summary Statement, 1/12/26
22. Disability Statement (Speech Language Impairment 50), 1/12/26
23. Prior Written Notice (Evaluation Decision), 1/12/26
24. Parent/Guardian Consent for Individual Evaluation, 1/12/26
25. Initial Eligibility Review of Information, 1/12/26
26. Meeting Attendance/Summary, 1/12/26
27. Medical Statement or Health Assessment Statement, 1/26/26
28. Authorization to Use and/or disclose Education and Protected Health Info, 1/12/26
29. Prior Written Notice, 2/11/26
30. Notice of Team Meeting, 5/7/26
31. Prior Written Notice, 5/20/26
32. Comprehensive Document Evaluation Meeting Notes, 5/20/26
33. Timeline for the Student Included at Meeting, 5/20/26
34. Special Ed Student Contact Log, printed on 6/17/26
35. Request for Records GAPS (Special Education Records Dept.), 12/18/25 D181
36. Request for Records GAPS (District Elementary School), 7/10/24
37. Admission, Review, and Dismissal (ARD)/IEP Committee Meeting (previous district), 2/14/23
38. Reevaluation (previous district), 2/14/23
39. Report of Student's Progress Toward Individual Education Plan Goals (previous district), undated
40. Reevaluation, 9/18/23
41. Psychological Evaluation Confidential Psych NW, PC, 10/17/25 & 11/18/25
42. Response to Formal Complaint, 3/19/26
43. Email Regarding: Formal Request, 5/29/25
44. Email Regarding: Formal Request, 5/29/25
45. Email Forward: Looking For a Student's Full Special Education File, 1/6/26
46. Email Regarding: Prior Written Notice/Other Documentation, 1/13/26
47. Email Regarding: Prior Written Notice/Other Documentation, 1/15/26
48. Email Regarding: Electronic signature, 1/28/26
49. Email Subject: E-Signature, 1/30/26
50. Email Regarding: Eligibility PWN, 2/3/26
51. Email Regarding: Eligibility PWN, 2/12/26
52. Email, 3/18/26

53. Email, 3/20/26
54. Email Regarding: Formal Complaint, 4/12/26
55. Email Subject: Independent Education Evaluation
56. Email Regarding: Student & Greater Albany, Case No. 26-054-073, 6/28/26

The Parents submitted a *Reply* on July 06, 2026, providing an explanation and rebuttal and documents in support of the Parents' position. The Parents submitted the following relevant items:

1. Parents' *Reply* to the District's *Response* to *RFR*, 7/06/2026
2. Parent Square email 1, 4/24/25
3. Parent Square email 2, 5/05/25
4. Meeting invite, 5/28/25
5. Email to District Special Education Director, 5/28/25
6. Notice of team meeting, 6/11/25
7. Assessment of determination and Consent to Evaluation meeting invite, 6/11/25
8. TX eligibility email, 11/21/25
9. Prior written notice, 11/24/25
10. Disagreement of eligibility email thread communication w/principal, 11/24/25
11. Meeting invite, 12/3/25
12. Email to school team communication thread, 12/16/2025
13. Parent square email 3, 12/16/2025
14. ESD Evaluation report
15. Registration 2024 email thread, 6/18/2026
16. Consent to evaluate ASD/TBI, 6/11/25
17. Meeting Notes, 6/11/25
18. Referral, 6/11/25
19. Prior Written Notice, 06/11/25
20. Evaluation tracking form, 06/12/25
21. Eligibility summary statement TBI, 11/24/25
22. Parent disagreement email, 11/24/25
23. Previous District Admission, Review, and Dismissal, 9/18/25
24. Electronic eligibility signed, 1/12/26
25. Review of Info meeting invite, 1/12/26
26. Paper eligibility signed with statement, 3/05/26
27. Prior written notice on reconsideration of eligibilities, 2/12/26
28. Doctors' communication log regarding ROI communication with school and doctors' office, 6/02/26
29. Prior Written Notice electronic, 1/12/26
30. Prior Written Notice paper copy, 3/5/25
31. Parent disagreement email thread, 1/12/26
32. Review of information meeting invite, 1/12/26
33. Consent to evaluate ASD/TBI, 6/11/25
34. Formal district complaint and response

35. IEP Meeting Notice for 12/16/25, 12/03/25
36. Consent for evaluation, 1/12/26
37. Prior Written Notice (SLI), 1/12/26
38. Email thread regarding communication and delivery of service, 1/29/26
39. Eligibility statement, 1/12/26
40. Meeting notes, 1/12/26
41. Email thread regarding 2024 registration, 6/18/26
42. Parent Square email 1, 4/24/25
43. Email thread, 5/28/25
44. Meeting notes, 6/11/25
45. Email to NW, 11/21/25
46. Formal Complaint to the Assistant Superintendent and response meeting notes, 6/11/25
47. Safety plan, 5/18/26
48. 504 accommodation plan, 3/9/26
49. 504 email thread with counselor, 2/2026-3/2026
50. Medical provider note about mental health, 12/11/25
51. IEE email communication thread, 4/2026
52. ROI Doctors communication log, 2/2026-3/2026
53. Parent provided text messages between the Parents and the District, provided in documents, reflect communication regarding the Student exhibiting behaviors related to self-harm, arguing, and task avoidance

The Complaint Investigator interviewed the Parent on July 21, 2026. On July 21, 2026, the Complaint Investigator interviewed District personnel. The Complaint Investigator reviewed and considered all of these documents, interviews, and exhibits in reaching the findings of fact and conclusions of law contained in this order. This order is timely.

II. ALLEGATIONS AND CONCLUSIONS

The Department has jurisdiction to resolve this Complaint under 34 CFR §§ 300.151-153 and OAR 581-015-2030. The 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 June 2, 2025, to the filing of this Complaint on June 1, 2026.

Allegations	Conclusions
Initial Services-Required Parental Consent The Complaint alleges that the District provided initial speech-language services to the Student in December 2025 without first obtaining the required written parental consent. The Complaint asserts that the December 16, 2025, IEP meeting concluded without parental consent for the initial provision of services, yet the District	**Not Substantiated** Comparable services are not "initial services." Under 34 CFR §300.323(f), when a student transfers with an active out-of-state IEP, the receiving district must provide

subsequently delivered speech-language services. The Complaint further alleges that the District later confirmed that services were provided without obtaining the required prior written parental consent. (OAR 581-015-2090; 34 CFR §300.300(b))	comparable services until it completes its own evaluation (if determined to be necessary) and develops, adopts, and implements a new IEP. The provision of comparable services does not require parental consent.
Evaluation and Reevaluation Procedures The Complaint alleges that the District failed to conduct a comprehensive evaluation and failed to consider all relevant data when determining the Student's eligibility for special education services. The Complaint also alleges that the Parents provided prior eligibility documentation on November 24, 2025, and requested that this information be considered. It is stated in the Complaint that the District relied primarily on internally generated data and did not meaningfully incorporate the out-of-state eligibility or supporting information. The Complaint further alleges that the District did not obtain medical evaluation data despite parent requests for the District to gather this information. The Complaint also alleges the District reviewed evaluation data for Autism and Traumatic Brain Injury (TBI) but determined the Student was not eligible based largely on selected teacher reports and academic performance, despite multiple sources of data identifying educational and functional concerns. The Complaint alleges the District's failure to obtain, review, and consider all relevant data resulted in an eligibility determination that did not meet IDEA and Oregon requirements. (OAR 581-015-2105; OAR 581-015-2110); 34 CFR §300.304(c)(6); 34 CFR §300.304(c)(1); 34 CFR §300.306(c)(1))	**Substantiated** The District restricted the initial evaluation to ASD and TBI despite clear notice of additional suspected disability areas. The record shows the District possessed information regarding prior Speech Language Impairment eligibility, emotional dysregulation, anxiety, suicidal statements, peer difficulties, and developmental delay. The District failed to conduct a comprehensive evaluation in all areas of suspected disability. The District failed to initiate additional evaluation after receiving new emotional-behavioral and safety-related information regarding the Student.
Reevaluation-Required Parental Consent The Complaint alleges that the District conducted an evaluation for Speech-Language Impairment (SLI) eligibility without obtaining the required parental consent. The Complaint asserts that the District convened a Review of Information meeting and used the review to determine the Student's SLI eligibility, concluding that no additional	**Not Substantiated** Parent consent is not required to review existing data as part of an evaluation or reevaluation.

evaluation was needed. The Complaint further alleges that the District stated parental consent was not required because the determination was based solely on a file review. The Complaint contends that the District's actions constituted a reevaluation for eligibility purposes, which requires parental consent. (OAR 581-015-2090; OAR 581-015-2105; 34 CFR §300.300(c); 34 CFR §300.305)	
Prior Written Notice The Complaint alleges that District failed to provide the required Prior Written Notice (PWN) when determining the Student's Speech-Language Impairment (SLI) eligibility based on a review of existing data. The Complaint alleges, the District used a Review of Information meeting to make the eligibility determination, decided that no additional evaluation was needed, and did not issue PWN explaining its proposal or refusal to conduct further evaluation. The Complaint also alleges that the District did not provide PWN when it determined that parental consent was not required because the decision was based on a file review. (OAR 581-015-2310; OAR 581-015-2090; OAR 581-015-2105; 34 CFR §300.503; 34 CFR §300.305; 34 CFR §300.300(c)).	**Not Substantiated** PWN is only required when a district proposes or refuses to initiate a change in identification, evaluation, placement, or the provision of a free appropriate public education. Parental disagreement, on its own, does not trigger PWN unless it includes a specific request for an action the district must either grant or refuse. The Parents did not make a specific request that would require PWN.
Parent Participation The Complaint alleges that the District failed to ensure the parent's meaningful participation in the eligibility process and predetermined the outcome of the Student's eligibility determination. The Complaint alleges the District stated no additional evaluation data were needed prior to the eligibility meeting, did not incorporate the parent's requests for additional data, and made eligibility decisions without considering all relevant information. The Complaint further alleges that the District's refusal to consider the parent's requests and data provided as well as reliance on a predetermined conclusion limited the parent's ability to participate as an equal member of the team.	**Not Substantiated** The record demonstrates full parent participation across all relevant meetings. The Parents attended meetings, provided input, submitted written disagreement statements, and brought an advocate. The District considered parent input and additional information throughout the process. The record shows the District reviewed parent concerns, responded to questions, and

(OAR 581-015-2190; 34 CFR §300.322; 34 CFR §300.501(b)–(c))	considered out-of-state documentation and written statements of disagreement. Although the Parents disagreed with the District's eligibility determinations, disagreement alone does not establish predetermination. The evidence does not show the District refused to consider parent input or entered meetings with a fixed outcome; rather, the District's decisions were based on evaluation data and eligibility criteria.
Transfer The Complaint alleges that the District failed to follow requirements for students who transfer from another state with an existing IEP. The Complaint also alleges that when the Student transferred, prior eligibility documentation and an active IEP were provided to the District. The complaint alleges the District did not ensure comparable services, did not appropriately review the out-of-state eligibility and evaluation data, and did not timely determine whether additional evaluation was determined to be needed. (OAR 581-015-2190(4); OAR 581-015-2110; OAR 581-015-2000(8); 34 CFR §300.323(f))	**Not Substantiated** The District followed required transfer procedures once it received accurate eligibility information. The record shows the District initially received only the 02/14/23 dismissal of IEP and therefore had no notice of an active SLI eligibility. When the Parents provided the 09/18/23 IEP on 11/24/25, the District immediately recognized the Student as a transfer student with an active out-of-state eligibility. After learning of the Student's active eligibility, the District began providing comparable speech-language services while Oregon eligibility was being determined. The District took reasonable steps to reconcile conflicting out-of-state records. The

	discrepancy between the dismissal IEP (02/14/23) and the active eligibility IEP (09/18/23) created legitimate uncertainty. The District promptly sought clarification from the out-of-state district.
Free Appropriate Public Education (FAPE) The Complaint alleges that the District denied the Student a Free Appropriate Public Education (FAPE) by not providing comparable services upon transfer, not ensuring the Student received the instructional supports identified as necessary, and not addressing missed or unavailable services through compensatory education. (OAR 581-015-2060; 34 CFR §300.101)	**Substantiated** The District's failure to complete a comprehensive evaluation in all areas of suspected disability resulted in a loss of educational opportunity to the Student.

REQUESTED CORRECTIVE ACTION

1. Comprehensive Reevaluation.
2. A full review of all existing data, including the Texas eligibility and all Parent-provided information.
3. Consideration of medical evaluation data.
4. Administration of additional assessments as needed.
5. Evaluation conducted by qualified professionals, independent of prior procedural errors (if appropriate).
6. An IEP meeting in person to implement accommodations consistent with medical documentation provided by the Parent, in order to support meaningful parental participation.
7. Provides a compliant Prior Written Notice explaining how each source of data was considered and the basis for the eligibility decision.
8. Calculate and provide compensatory education for any missed, delayed, or invalid services.
9. Base compensatory services on the period of missed services and the Student's individual needs.
10. Ensure compensatory services are delivered by qualified providers and tracked for completion.
11. Implement procedures ensuring comparable services are provided upon transfer.
12. Systemic staff training on IDEA consent, Evaluation Procedures, Eligibility Criteria, Transfer Procedures, and PWN Requirements.

III. FINDINGS OF FACT

IDEA regulations limit complaint investigations to alleged violations occurring no more than one year before the Department's receipt of the special education complaint. This Complaint Investigation did not consider any IDEA violations alleged to have occurred before June 2, 2025. Any facts listed below relating to circumstances or incidents earlier than that date are included solely to provide the context necessary to understand the Student's disability and special education history.

1. The Student is a 10-year-old third grade student who will begin fourth grade this upcoming school year. The Student has been enrolled in the District (after transferring from another State) since September 2024. **District Response**

2. The District reports that the Student enrolled on September 3, 2024, and that at enrollment the Parents indicated on the registration form that the Student did not have an active IEP. After enrollment, the District sent a records request to the Student's previous district to verify the Student's prior special education status. In response, the District received an Admission, Review and Dismissal (ARD) document showing that the Student was previously eligible under the category of Speech Language Impairment (SLI) but had been exited from special education on February 14, 2023.

3. The Parents report that the Student's 2024 school registration, included as part of the District's response, shows they attempted to alert the District to the Student's history with special education. On the registration form, the Parents marked "Yes" to the questions asking whether the Student had ever been tested for special services or programs (such as IEP, 504, TAG, or Speech) and whether the Student had ever participated in such services or programs. The Parents marked "No" only for the question asking whether the Student currently had special education services, which was consistent with the fact that the Student withdrew from the previous school district when the family moved to Oregon.

4. The District reported that based on the information provided at enrollment, the District's records reflected that the Student had previously undergone special education evaluations and had previously received special education services, even though the Student was not currently receiving services at the time of enrollment.

5. On 04/24/25, messages between the Student's teacher and the Parent indicate that the Student was struggling at school. The messages describe an interaction in which a peer became annoyed with the Student and reported the concern to the teacher. The Student then began to cry, removed the lid from a Sharpie marker, and stated that they were going to kill themself. The teacher responded by engaging the Student in calming strategies, including taking deep breaths and walking away, and the Student indicated they would try those strategies. The Parent stated they were working on getting the Student into a counseling group, and the teacher noted that the school counselor had

been out frequently during the year, but that staff were working with students on Zones of Regulation.

6. On 05/05/25, the teacher messaged the Parent and stated the Student would begin a social skills group with 3 peers on Thursdays for one month.

7. The District response states that on 05/28/2025, the Parent emailed the District to formally request a full and individual special education evaluation for Autism Spectrum Disorder and Traumatic Brain Injury, noting that the Student had previously received speech services and was exited in 2023.

8. The District reports that several emails were exchanged with the Parent, and at no point during those communications did the Parent indicate that an active out-of-state eligibility existed. The District states that at the 06/11/25 evaluation planning meeting, the Parent informed the team for the first time that the Student had an active out-of-state eligibility for Speech Language Impairment (SLI). The District immediately contacted the out-of-state district on 06/12/25 to request the active IEP.
   On 07/07/25, the out-of-state district responded that the Student had been dismissed from speech services and indicated they would forward the DNQ ARD and REED report.
   On 07/15/25, the District received the 02/14/23 REED and DNQ ARD, which were already part of the District's records.

9. An initial eligibility review of information was completed by the District on 06/11/2025 listing previous assessment, attendance, academics, and parent concerns. The Parents requested an Autism and Traumatic Brain Injury evaluation at the meeting. On 06/11/2025, the planning team acknowledged moving forward with the evaluation request.

10. The District reported that an evaluation tracking timeline was initiated to document required dates for the Student's evaluation. Signed consent for evaluation was obtained on 06/11/25. Based on this consent date, the District established an evaluation completion timeline of 11/25/25 to meet the 60-day evaluation requirement.

11. An outside psychological evaluation was conducted on 10/17/25 and 11/18/25 for the Student. The diagnosis in the evaluation indicates a history of developmental delay with onset as a toddler due to a TBI at 3 months old. According to the evaluation report, the Student was followed by a developmental pediatrician. In 2024, they were diagnosed with Avoidant Restrictive Food Intake Disorder and Speech Delay. The Student has made comments about wanting to kill themself twice at school, without intent but feeling overwhelmed with emotions. The Student reports feeling sad at times but is mostly happy, especially at home. The Student is doing well academically; currently in 3rd grade but performing at 4th grade level. Impressions: History of TBI and developmental delays as a toddler. Struggles socially and has symptoms concerning depression, anxiety,

and possible ADHD. Neuropsychological Evaluation was recommended. Diagnoses: Behavioral and Emotional Disorder With Onset in Childhood.

12. On 11/17/2025, the District provided a Notice of IEP Meeting for a meeting scheduled on 11/24/2025 IEP.

13. The District reported that its evaluation was completed on 11/18/25. Based on the results, the Student did not meet eligibility criteria for Autism but may meet criteria for Traumatic Brain Injury, and the IEP team should discuss potential academic impact. As part of the evaluation review, the team noted that the Student experienced a head injury at three months old and was diagnosed with a mild traumatic brain injury (concussion). This historical information was considered alongside current evaluation data when determining areas of suspected disability and potential educational impact.

14. The District Response states that prior to the 11/24/2025 meeting, the out-of-state school district had provided the District with an ARD dated 02/14/2023, which documented that the Student had been exited from special education services for Speech-Language Impairment (SLI). This ARD included the following evaluation data:
    - Preschool Language Scales, 5th Edition
    - Home Health Inventory and Family Information (completed by the Parent)
    - Pragmatic language evaluation (direct observation, speech/language analysis, parent report)
    - Phonological processes analysis
    - Goldman-Fristoe Test of Articulation-3
    - Oral and Written Language Scales, 2nd Edition (Listening Comprehension Scale, Oral Expression Scale)
    - Language sample
    - Parent input

15. The District Response included the summary from the out-of-state 02/14/2023 IEP, which stated, the following:
    a. Based on formal assessment, classroom information, parent information, and speech-therapy data collection, the Student did not appear to meet disability criteria for a speech-language impairment at that time.
    b. The Student's articulation, voice, fluency, pragmatic language, receptive language, and expressive language skills were considered developmentally appropriate and adequate for classroom communication.
    c. The IEP team, including the Parents, agreed that the Student no longer qualified for special education under Speech-Language Impairment and exited the Student from the IEP on 02/14/2023.
    d. This remains the only comprehensive evaluation documentation the District received from the out-of-state district.

16. The Parent Reply reflects that on 11/18/2025, the outside psychologist submitted their comprehensive evaluation report to the District, prior to the eligibility determination meeting on 11/24/25. The District maintains it had not obtained this report prior to the 11/24/25 eligibility meeting.

17. On 11/24/25, the District convened an IEP team meeting to determine the Student's eligibility for special education services under the categories of Traumatic Brain Injury (TBI) and Autism Spectrum Disorder (ASD). At this meeting, the Parents provided the District with a copy of an Admission, Review, and Dismissal (ARD) document from an out-of-state district dated 09/18/2023, indicating the Student was eligible for special education services under the category of Speech-Language Impairment (SLI).

18. Prior to 11/24/2025, the District stated it had repeatedly requested records from the out-of-state school district and had been informed that the Student was excited from special education services for Speech-Language Impairment on 02/14/2023, and the District received a copy of the ARD documenting the Student's dismissal from speech services.

19. The District response reported that until the Parents provided the 09/18/2023 ARD to the District at the 11/24/2025 meeting, the District had no evidence that the Student had an active special education eligibility.

20. At the 11/24/2025 eligibility meeting, the IEP team determined that the Student did not qualify for special education services under TBI or Autism. However, based on the newly provided 09/18/2023 ARD identifying an active out-of-state eligibility for SLI, the District proposed considering Oregon eligibility for SLI. The District informed the Parents that it would need to conduct a review of existing data to determine whether the Student met Oregon's eligibility criteria for SLI.

21. During the 11/24/2025 IEP meeting, the District reports reviewing comprehensive evaluation data to determine the Student's eligibility for special education services under the categories of Traumatic Brain Injury (TBI) and Autism Spectrum Disorder (ASD). The evaluation included the following assessments and data sources:
    - Psychoeducational evaluation conducted by the District school psychologist
    - Classroom observations
    - Teacher rating scales (Conners-4, BRIEF-2)
    - Parent rating scales (Conners-4, BRIEF-2)
    - Review of academic performance data
    - Review of behavioral data, including office discipline referrals
    - Input from the Parents

22. The District response states that the 11/24/2025 IEP meeting outcome determined that although the Student met the disability criteria for Traumatic Brain Injury (TBI) as documented on the 11/24/2025 Disability Determination Statement, the Student did

not meet the eligibility criteria for special education under TBI because they did not require special education services as a result of their disability. The Student also did not meet the eligibility criteria for Autism. As a result, the team concluded the Student did not qualify for special education services, and the District issued Prior Written Notice (PWN) dated 11/24/2025 documenting the eligibility determinations and the District's refusal to identify the Student as eligible for special education.

23. On 11/24/2025, the Parents emailed the school to formally disagree with the eligibility team's determination that, although the Student met criteria for Traumatic Brain Injury (TBI), the TBI did not adversely impact educational performance.

    a. The Parents cited Oregon's TBI rule and described ongoing functional challenges affecting the Student's ability to access instruction, requesting reconsideration of the determination and a review of all relevant data.
    b. On 11/25/2025, the school acknowledged receipt of the Parents' disagreement and stated that a formal response would be provided the following week.
    c. The Parents awaited the formal response as part of their request for reconsideration of the adverse impact determination.

24. After the 11/24/2025 meeting, the Parents emailed the principal to disagree with the TBI eligibility determination. On 11/25/2025, the principal responded, acknowledging receipt of the Parents' concerns and stating that a formal response would be provided the following week. A formal response was not sent the following week. Instead, the Parents received a calendar invitation for a "Consent to Evaluate and Eligibility Meeting" scheduled for 12/16/2025. The invitation did not indicate that the purpose of the meeting was to review SLI eligibility.

25. The District maintains that in accordance with OAR 581-015-2230, which addresses the transfer of students from out-of-state, the District's Speech-Language Pathologist (SLP) began providing comparable interim speech-language services while the District completed the necessary evaluations to determine Oregon eligibility. The District's intent was to ensure the Student received services consistent with out-of-state eligibility while the evaluation process was underway, consistent with the District's practice for out-of-state transfer students.

26. The District reports that during the fall 2025 evaluation process, staff collected information from the Parents through rating scales and questionnaires, parent interviews, documented parent observations and concerns, and parent participation in evaluation planning.

27. The District reports that the Parents attended the 11/24/25 eligibility meeting and actively participated in the discussion. At that meeting, the Parents provided the 09/18/23 ARD from out of state, which shifted the District's evaluation focus; asked questions and voiced concerns; reviewed all evaluation data with the IEP team; and

provided input that was documented in the meeting notes. Based on the Parents' submission of the out-of-state eligibility documentation, the District agreed to consider an additional eligibility category, SLI, as part of the ongoing evaluation process.

28. On 12/11/2025, an outside therapeutic provider submitted a confidential summary regarding the Student's ongoing therapeutic support.
    a. The provider reported that the Student was receiving therapy to address challenges with emotion regulation, anxiety, and peer relationships, and noted that these concerns were being explored in the context of a possible spectrum-related diagnosis.
    b. The provider stated that although the Student had made progress in identifying emotions and beginning to use coping tools, the Student continued to experience difficulties managing strong emotions and anxiety in the classroom, navigating peer interactions, adapting to changes in routine or unexpected transitions, and demonstrating flexibility in thinking
    c. The provider indicated that the Student would benefit from continued support in these areas within the school setting and emphasized the importance of collaboration between the therapeutic team and school staff to support the Student's academic and social success.

29. The District provided notice of IEP meeting for the 12/16/2025 meeting on 12/03/2025.

30. The District convened a second eligibility meeting on 12/16/2025, to review evaluation data and determine Oregon eligibility for Speech-Language Impairment. Between 11/24/2025, and 12/16/2025, the Student received two speech-language therapy sessions.

31. On 12/16/2025, the IEP team convened to review the speech evaluation data and determine whether the Student met Oregon's eligibility criteria for SLI. The team reviewed the out-of-state eligibility documentation (09/18/2023 ARD), the 02/14/2023 ARD with comprehensive speech-language evaluation data, and the Speech-language assessments conducted by the District's SLP in Fall 2025, including:
    - Oral language sample
    - Functional communication assessment
    - Informal Social Communication Questionnaire
    - Pragmatic Language Scales
    - Clinical Evaluation of Language Fundamentals - Pragmatic Language Scale
    - Test of Pragmatic Language, 2nd Edition
    - Teacher input
    - Unstructured observations
    - Classroom performance data
    - Input from the Parent

32. The District response states that the 12/16/2025 IEP team convened to review the existing evaluation data collected during the fall 2025 comprehensive evaluation.
    a. The team reviewed the District's 10/30/2025 speech-language evaluation.
    b. The out-of-state ARDs from 09/18/2023 and 02/14/2023, classroom performance and teacher input, and parent input.
    c. The purpose of the meeting was to determine whether the data collected were sufficient to make an eligibility determination for Speech-Language Impairment or whether additional testing was necessary.
    d. The team determined that the District's comprehensive speech-language evaluation, combined with the out-of-state evaluation data, provided sufficient information to make an eligibility determination, and no new testing or assessment activities were ordered or conducted as a result of this review.

33. The District response states that the 12/16/2025 IEP team determined that no additional assessments were needed to make an eligibility determination because:
    a. The team believed sufficient data had already been gathered through the District's Fall 2025 speech-language assessments and its review of previous evaluation data from the out-of-state district.
    b. The Parents disagreed with the data presented and requested that the team reconvene to reconsider all eligibilities discussed at the previous meeting, specifically Traumatic Brain Injury (TBI) and Autism.
    c. The District Representative explained that a Prior Written Notice (PWN) had been provided on 11/24/25 regarding the TBI and Autism eligibility determinations and that the team would not reconvene to reconsider those eligibilities.
    d. The Parents left the meeting before the team could complete the Speech-Language Impairment (SLI) eligibility determination.

34. The Parent response states that they did not receive PWN from the District following their email disagreeing with the Traumatic Brain Injury (TBI) eligibility determination and requesting reconsideration on 11/24/25. Although the principal stated that this PWN had been mailed on 12/09/25, the Parents did not learn that a decision had been made until the 12/16/25 meeting.

35. The only Prior Written Notice (PWN) the Parents received electronically through Parent Square/email before the 12/16/2025 meeting was the original PWN from the 11/24/2025 evaluation determination meeting. The District did not provide a PWN documenting its decision regarding the Parents' request to reconsider the TBI determination in response to the email correspondence between the Parents, the principal, and the Special Education Director. Instead, on 12/03/2025, the Parents received a meeting invitation for a "Consent to Evaluate and Eligibility Meeting" scheduled for 12/16/2025. The invitation did not indicate that the purpose of the meeting was to consider Speech or Language Impairment (SLI) eligibility only.

The District reported that on 12/19/25, after the Parents provided the 09/18/23 ARD at the 11/24/25 eligibility meeting, it sent a follow-up records request to the out-of-state district seeking all special education documents and clarification regarding the Student's eligibility status and the discrepancy between the two ARDs. The out-of-state district responded that the Student had been dismissed from speech services on 02/14/23 and had not received any other special education services, and it attached all special education records on file. None of the records provided included the 09/18/23 ARD submitted by the Parents, suggesting that the document either did not reflect the official status in the out-of-state district's records or that there was a discrepancy in how the Student's eligibility status had been documented out of state.

36. The District provided written notice on 01/08/2026 for the 01/12/2026 IEP meeting.

37. On 01/12/ 2026, the IEP team, including the Parents, reconvened to complete the eligibility determination for Speech-Language Impairment. During this meeting:
    a. The team reviewed all available data, including the District's Fall 2025 speech-language assessments, the 02/14/2023 out of state ARD evaluation, the 09/18/2023 out-of-state eligibility documentation, classroom performance data, and teacher and parent input. After reviewing this information, the IEP team determined that the Student did not meet Oregon's eligibility criteria for Speech-Language Impairment.
    b. The team found that although the Student demonstrated some pragmatic language weaknesses, these did not rise to the level of a speech-language impairment that adversely affected educational performance or required specially designed instruction as documented on the 01/12/2026 eligibility statement.
    c. The Student's speech-language skills were determined to be adequate for classroom communication and academic success.
    d. The Parents verbally agreed with the team's determination during the in-person discussion.
    e. The eligibility document was later sent electronically via Docusign for signature, and the Parents indicated that they disagreed with the determination.
    f. The Parents informed the District during the 01/12/ 2026 meeting that they had obtained a medical diagnosis for the Student.
    g. The District informed the Parents that if they provided a copy of the medical report, the District would review and consider that information.
    h. The Parents stated they would sign a Release of Information (ROI) authorizing the District to obtain the medical report directly from the provider.

38. On 1/12/2026, the District and the Parents reconvened to discuss SLI-only eligibility using the same data that had been presented at the 12/16/2025 meeting. During this meeting, the Parents informed the District that the Student's out of state eligibility had been in articulation and that the District's comprehensive evaluation did not assess articulation As a result, the data reviewed did not fully address the Student's primary

speech and language concern or how it adversely affected their educational performance.

39. On 1/12/2026, the Parents electronically indicated their disagreement with the SLI eligibility determination. The District later sent paper copies home in the Student's backpack in March 2026. The Parents again disagreed and submitted a written disagreement statement explaining their reasons, dated 3/5/2026.

40. On 1/12/2026, the Parents emailed the District following the eligibility meeting to request Prior Written Notice (PWN) for the SLI eligibility decision, a release of information form, and PWN documenting that the Section 504 evaluation had been paused. The Parents stated they had not previously received notice of the pause and requested documentation explaining the reasoning and dates of that decision. The Parents also requested written statements from each staff member involved in an incident that occurred the prior Friday, along with documentation describing the individual supports provided to the Student and how it was determined that the Student was able to "handle the situation well" and "do well the rest of the afternoon." Later that day, the District responded that PWN for the SLI eligibility decision and the release of information form would be sent via certified mail and clarified that the Section 504 evaluation had not been paused but was being scheduled after completion of the SLI eligibility process. The District stated this sequencing was recommended to keep IDEA and Section 504 processes separate and referenced guidance from the Oregon Department of Education's Section 504 Handbook. The District further stated it had been working to address the Parents' questions and concerns and intended to continue partnering with them as the processes moved forward.

41. The District reported that on 01/16/2026, the District contacted the Parents to inquire how they would like to sign the eligibility and consent documents from the 01/12/2026 meeting, which had been held virtually at the Parents' request. When the Parents did not respond to phone contact, on 01/22/2026, the District requested assistance from a FACT (Family and Communities Together) employee to visit the Parents and obtain their signatures, as prior contact attempts had been unsuccessful.

42. On 01/29/2026, the Parents confirmed that they preferred to receive the documents electronically via Docusign. The Prior Written Notice and eligibility determination were sent electronically on 01/30/2026, and the Parents signed the documents electronically.

a. Although consent for reevaluation was not required, the District reported that the Parents were fully involved in the review process.
    a. The Parents participated in both the 12/16/2025 meeting and the 01/12/2026 meeting, during which the Parents provided input regarding concerns and reviewed the existing evaluation data.
    b. The District informed the Parents of the team's determination that the existing data was sufficient to complete the eligibility process.

c. The Parents' opportunity to participate in the review of existing data and the eligibility determination process satisfied IDEA's requirement for parent involvement in evaluation procedures.
d. The District provide PWN following the 01/12/2026 IEP meeting.

a. The District obtained the Parents' signature on the Release of Information (ROI) and made its first documented attempt to obtain the medical evaluation report on 01/28/2026, when the District contacted the provider's office, it was placed on hold for one hour and 30 minutes without reaching a staff member at the provider's office.
    a. The following day on 01/29/2026, the District made a second attempt to contact the provider's office and was placed on hold for 45 minutes, again without reaching a staff member.
    b. A third documented attempt occurred on 02/05/2026, when the District again contacted the provider's office but was unable to obtain the medical information. Despite these repeated efforts, the District was unable to secure the medical evaluation report from the provider.
    c. The District subsequently issued a Prior Written Notice on 02/12/2026, indicating that no new information had been obtained and that the eligibility determination would stand based on the data available at that time.

43. The District reported that on 02/12/2026, after making multiple unsuccessful attempts to obtain the medical evaluation report from the Parents' provider, it issued a Prior Written Notice documenting that the District had been unable to obtain the medical information despite several documented efforts. The Prior Written Notice further stated that no new information had been obtained that would warrant reconsideration of the eligibility determination made on 01/12/2026. Accordingly, the District indicated that the 01/12/2026 eligibility determination would stand and reminded the Parents that they retained the right to request additional evaluation if they believed further data should be considered.

44. The District reported that the Parents brought a parent advocate with them to the 12/16/2025 and 01/12/2026 meetings. The District accommodated the advocate's participation, ensuring that the advocate was able to engage in the discussions, ask questions, and support the Parents throughout the eligibility review process. The District maintained that the advocate's involvement was fully integrated into the meetings and that the Parents had meaningful access to support during both eligibility discussions.

45. On 12/16/25, the Parent emailed the District with additional struggles the Student was experiencing, and the email requested the PWN from their 12/09/26 disagreement of the eligibility be mailed to the Parents.

46. On 12/16/25, the District stated it looked into when the eligibility notice was mailed with response to request an additional meeting.

47. There is not a PWN following the 12/09/26 eligibility disagreement to propose a new meeting in the documentation received.

48. The Parents filed a formal written complaint with the District regarding the allegation that initial services were provided without parental consent on 03/03/2025. On 03/19/2026, the District issued its response, stating that staff would receive training on consent procedures and that steps would be implemented to support more productive communication between the parties as part of the resolution process.

49. On 03/10/2026, the Parent wrote a statement of disagreement with the speech evaluation stating that this was not a comprehensive evaluation as it did not address articulation and only evaluated speech in relation to the previous evaluation of ASD and TBI without considering prior evaluation.

50. An email dated 04/15/2026 from the District to the Parent provides information on how to obtain an Independent Education Evaluation (IEE).

51. On 05/07/2026 the District provided the Parents with a notice of meeting for an IEP meeting on 05/20/2026 to review previous assessments, discuss the Student's progress, and determine eligibility as a student with a disability or eligibility for 504 accommodations.

52. The District response documents state that the Student had made statements at home expressing thoughts of self-harm, including wanting to kill themself and describing a plan to do so. These statements were not reported to occur in the school setting. A safety plan was developed on 5/18/2026 to support the Student and outline steps for monitoring and intervention.

53. The District 05/30/2026 meeting notes reflect the purpose of the meeting was stated, Parent refused the Procedural Safeguards when offered, assessments were reviewed, teacher input and classroom observations were documented as reviewed.

54. On 05/20/2026 the District provided PWN to the Parents rejecting additional evaluations and rejecting identification of the Student as a student with a disability as the Student was documented by teachers as making progress.

55. The Parent submitted a formal complaint with the District alleging repeated procedural violations related to IDEA transfer requirements, Child Find, and evaluation and eligibility processes. The complaint states that the principal conducted meetings without required team members, initiated evaluations late, and provided services without parental consent. The Parent also reports delayed or missing Prior Written Notices, unilateral decision-making, and multiple social-emotional incidents affecting the

Student. Additionally, the Parent describes an "inappropriate and unprofessional phone call" on 11/20/2025 and requests an internal review, corrective training, and clarification on missed services. D41-D46

56. The District response maintains that it conducted a full and comprehensive evaluation consistent with 34 CFR §300.304 and OAR 581-015-2105. Specifically,
    a. The evaluation used a variety of assessment tools and strategies, gathered relevant functional, developmental, and academic information, included assessments in all areas of suspected disability, considered information provided by the Parents, and was conducted by qualified professionals.
    b. The District states it did not rely on any single measure when determining eligibility; the IEP team reviewed formal standardized assessments, informal assessments and observations, classroom performance data, teacher and parent input, previous out-of-state evaluation data, out-of-state eligibility documentation, and behavioral/social-emotional information.
    c. The District made reasonable and documented efforts to obtain the medical evaluation report requested by the Parents.
    d. The District's inability to obtain the report was due to the medical provider's lack of responsiveness, not a failure by the District to make good-faith efforts.

57. The District reported in its response that the 09/18/ 2023 ARD provided by the Parents did not include any new evaluation data or assessments, and the District used the following information:
    a. The ARD referenced the same evaluation information contained in the 02/14/2023 ARD, which had concluded that the Student did not meet eligibility criteria for Speech-Language Impairment.
    b. The only difference between the two ARD documents was the team's conclusion: the 02/14/ 2023 team (including the Parents) agreed the Student did not qualify, while the 09/18/2023 team determined the Student did qualify, despite no new assessments or data was introduced to explain the change in determination.
    c. After reviewing both ARDs, along with the other available data, the District determined that the Student did not meet Oregon's eligibility criteria for Speech-Language Impairment.

58. The District reported that it conducted a comprehensive initial evaluation of the Student during the 2025–2026 school year. This evaluation included
    a. A speech-language assessment conducted by the District SLP, on 10/30/2025.
    b. A psychoeducational evaluation dates 11/18/25, classroom observations, teacher input, parent input, academic performance data, and behavioral/social-emotional assessments.
    c. All components of the evaluation were completed with appropriate parental consent and provided current, direct information regarding the Student's functioning across multiple domains.

d. The District considered this full body of data as part of its eligibility determinations.

59. The District response states, the District acknowledges that the Parents provided out-of-state eligibility documentation (09/18/2023 ARD) and requested that this information be considered. The District did consider this information. However, the District is not required to adopt or defer to an out- of-state eligibility determination when a student transfers from another state.

60. In the District response, the District acknowledges that it did not obtain written parental consent for the initial provision of special education services prior to providing the two speech-language therapy sessions from 11/24/2025 to 12/16/2025. However, the U.S. Department of Education has clarified that comparable services for transfer students are not considered "initial services" requiring consent under §300.300(b).

61. The District response states that "We do not believe it is necessary to require parental consent for the provision of services comparable to those in the child's IEP from the previous public agency. The requirement in §300.323 that the new public agency provide comparable services is intended to ensure continuity of services and avoid disruption to the child's educational program," and the District was acting in good faith to provide comparable services in accordance with OAR 581-015-2230 (transfer student provisions) immediately upon learning that the Student had an active out-of-state eligibility.

62. The Parent was interviewed on 07/21/26 during which the Parent stated the following:
    a. The Student moved from Texas where they were receiving services and was first enrolled in Early Childhood Special Education (ECSE) for developmental delay.
    b. The Student was nonverbal until 3 1/2.
    c. The Student exhibits problems with peers.
    d. The Student receives counseling in small groups.
    e. The Student was dismissed from special education in the prior school district on 02/14/23; however, the Student was found re-eligible in 09/18/23 due to continued difficulties in school.
    f. The Student's behaviors were at first considered an adjustment period.
    g. The Student began to have incidents at school with self-harm and suicidal ideation which is atypical.
    h. The Parent states the medical documentation was not adequately considered.
    i. Full Individualized Independent Evaluation was not completed as required.
    j. The rating scale was completed by the teacher, but the student had a long-term sub who was not consulted with for the rating.
    k. The Student was determined to have the disability criteria for TBI that the specialist discussed the link to eligibility; however, the IEP team determined due to the Student's academic functioning there would not be an eligibility.
    l. The District denied the Student eligibility under IDEA.

m. The District granted an IEE but none of the providers listed could do the evaluation, and the District stated the Parent could choose who they wanted. The Parent stated the expense was a lot higher than the IEE allotted amount so they could not find anyone.
n. The Parent filed a complaint, the District offered a meeting to discuss more information and eligibility.
o. The District administrator asked the campus if there was an opportunity for the Student to attend social groups through counseling to which the campus said no spots were available.
p. The District administrator asked if the Student could be put on a list for the next school year to which the campus said no, the Student's needs did not warrant the level of support.

63. District staff were interviewed on 07/21/26 during which staff stated the following:
    a. The District reviewed outside evaluations, new testing, and determined the disability of TBI did not have an impact on the Student's academic performance.
    b. The District followed the processes and procedures.
    c. The District developed a safety plan for the Student based on reasons of reported self-harm and have taken steps to ensure more than one trusted adult is available to the Student.
    d. The Student is currently receiving 504 accommodations.

IV. DISCUSSION

Initial Services-Required Parental Consent

The Complaint alleges that the District provided initial speech-language services to the Student in December 2025 without first obtaining the required written parental consent. The Complaint asserts that the December 16, 2025, IEP meeting concluded without parental consent for the initial provision of services, yet the District subsequently delivered speech-language services. The Complaint further alleges that the District later confirmed that services were provided without obtaining the required prior written parental consent.

The Parents allege the District provided initial speech-language services in December 2025 without first obtaining written parental consent. The record shows that at the 11/24/25 eligibility meeting, the Parents provided the District with an out-of-state IEP dated 09/18/23 identifying an active Speech-Language Impairment (SLI) eligibility. Prior to that date, the District had received only the 02/14/23 IEP documenting dismissal from SLI services.

Once the District learned of the active out-of-state eligibility, it began providing comparable interim speech-language services consistent with 34 CFR §300.323(f), which requires districts to provide services comparable to those in the out-of-state IEP until an Oregon evaluation is completed. Comparable services provided during a transfer are not considered "initial services" requiring parental consent under 34 CFR §300.300(b).

The Department does not substantiate this allegation.

Evaluation and Reevaluation Procedures

The Complaint alleges that the District failed to conduct a comprehensive evaluation and failed to consider all relevant data when determining the Student's eligibility for special education services. The Complaint also alleges that the Parents provided prior eligibility documentation on November 24, 2025, and requested that this information be considered. It is stated in the complaint that the District relied primarily on internally generated data and did not meaningfully incorporate the out-of-state eligibility or supporting information. The Complaint further alleges that the District did not obtain medical evaluation data despite parent requests for the District to gather this information. The Complaint also alleges the District reviewed evaluation data for Autism and Traumatic Brain Injury (TBI) but determined the Student was not eligible based largely on selected teacher reports and academic performance, despite multiple sources of data identifying educational and functional concerns. The Complaint alleges the District's failure to obtain, review, and consider all relevant data resulted in an eligibility determination that did not meet IDEA and Oregon requirements.

Under the IDEA, school districts must ensure that evaluations are sufficiently comprehensive to identify all of the child's special education and related service needs, whether or not commonly linked to the disability category. 34 CFR §300.304(c)(4). Evaluations must assess the child in all areas of suspected disability, including academic performance, cognitive functioning, communication, social-emotional status, behavior, and health, as relevant. 34 CFR §300.304(c)(6).

On 05/28/25, the Parents formally requested a full and individual special education evaluation to determine eligibility under Autism Spectrum Disorder (ASD) and Traumatic Brain Injury (TBI), consistent with 34 CFR §300.301 and OAR 581-015-2105.

Following the Parents' 05/28/25 request for an initial special education evaluation, the District determined that an evaluation was necessary and initiated assessments in the areas of Autism Spectrum Disorder (ASD) and Traumatic Brain Injury (TBI). Although the Parents specifically identified ASD and TBI, the District's responsibility was not limited to evaluating only those two eligibility categories. Under IDEA, an initial evaluation must be sufficiently comprehensive to identify all of the Student's special education and related-service needs, whether or not those needs are commonly linked to the disability categories initially identified. The District was also required to assess the Student in all areas related to suspected disability, including communication, social-emotional functioning, behavior, health, and functional performance, as relevant to the information available during the evaluation process.

The information available to the District before the 12/24/25 eligibility determination identified concerns extending beyond ASD and TBI. The Parents informed the District that the Student had previously received special education services in another state for developmental delay

and Speech-Language Impairment and had a history of speech-language intervention, including articulation services. The District also obtained conflicting out-of-state records. A 02/14/23 2023 IEP documented dismissal from speech-language services, while a 09/18/ 23 IEP documented that the Student had re-entered special education under Speech-Language Impairment. The District stated it did not receive the 09/18/23 IEP from the Parents until the 11/24/25 eligibility meeting. The Student's dismissal and subsequent re-entry were relevant to determining whether speech-language needs remained present and whether prior interventions had been sufficient. However, the record does not demonstrate that the District reconciled the conflicting records, discussed the reason for the Student's re-entry into special education, or determined whether current assessments in articulation and other communication areas were necessary.

The District was not permitted to restrict the scope of its initial evaluation to ASD and TBI when other suspected areas of disability became apparent. The Student's history of speech-language eligibility and articulation intervention independently raised communication as a suspected area requiring assessment. Likewise, the information available during the evaluation period identified emotional, behavioral, and social-regulation concerns, including suicidal statements at school, emotional dysregulation, anxiety, task avoidance, peer conflict, difficulty managing transitions, and participation in a school-based social-skills group. These concerns raised potential needs related to Emotional Disturbance, Other Health Impairment, behavioral functioning, and social-emotional functioning. Although the District administered the Conners-4 and BRIEF-2 rating scales, the record does not demonstrate that it conducted a comprehensive standardized assessment of the Student's emotional functioning, behavioral disorders, or mental-health-related educational needs.

An outside psychological evaluation was completed on 10/17/25 and 11/18/25. The evaluation documented the Student's history of traumatic brain injury and developmental delay, speech delay, Avoidant Restrictive Food Intake Disorder, emotional-regulation difficulties, anxiety, symptoms concerning depression and possible ADHD, and two statements at school regarding wanting to kill themself. The evaluator diagnosed Behavioral and Emotional Disorder with Onset in Childhood and recommended a neuropsychological evaluation. This information was directly relevant to the scope and sufficiency of the District's evaluation because it identified additional suspected disability areas and potential educational needs beyond ASD and TBI.

The District maintains that it did not receive the outside psychological report until the Student's Section 504 process in May 2026. The documentary record does not conclusively establish when the District obtained the complete outside evaluation. Accordingly, the evidence does not establish that the District possessed the report at the time of the 11/24/25 meeting. This factual dispute, however, does not resolve whether the District's initial evaluation was sufficiently comprehensive. Even without the complete outside report, the District already possessed information concerning the Student's prior speech-language eligibility, articulation history, suicidal statements, anxiety, emotional dysregulation, peer difficulties, social-skills participation, and history of traumatic brain injury and developmental delay. That information required the District to determine whether additional assessment was necessary in

communication, articulation, social-emotional functioning, behavioral functioning, and other potentially affected areas.

On 11/24/25, the eligibility team determined that the Student met the disability criteria for TBI but that the condition did not adversely affect the Student's educational performance. The Student was therefore found ineligible for special education services. The determination relied substantially on the Student's academic performance and selected school-based information. However, the IDEA's evaluation requirements are not limited to academic achievement. Educational performance includes functional, developmental, behavioral, communicative, and social-emotional functioning when those areas affect the Student's access to and participation in education. A student's performance at or above grade level does not eliminate the District's obligation to evaluate other suspected areas or determine whether the Student requires specially designed instruction because of functional or behavioral needs.

Immediately following the 11/24/25 meeting, the Parents formally disagreed with the determination. The Parents cited the Student's functional challenges, disputed the conclusion that the TBI did not adversely affect educational performance, requested consideration of all relevant data, and asked the District to reconsider the eligibility determination. The District acknowledged the disagreement on 11/25/25 and stated that a formal response would be provided the following week. The record does not reflect that the promised response was issued. Instead, the District scheduled another eligibility meeting for 12/16/25.

Additional relevant information became available before the December meeting. On 12/11/25, an outside therapeutic provider submitted a confidential summary documenting that the Student was receiving therapy for emotional regulation, anxiety, peer relationships, and possible spectrum-related concerns. The provider reported that the Student continued to experience difficulty managing strong emotions and anxiety in the classroom, navigating peer interactions, adapting to changes in routine and unexpected transitions, and demonstrating flexibility in thinking. The provider further stated that the Student would benefit from continued support in the school setting and collaboration between school staff and the outside therapeutic team. This report reinforced that the Student's needs were not limited to academic performance, ASD, or TBI and provided additional notice of suspected social-emotional and behavioral needs.

The District reconvened on 12/16/26 to consider Speech-Language Impairment eligibility. The team reviewed the 09/18/23 out-of-state eligibility documentation, the 02/14/23 out-of-state IEP and speech-language data, pragmatic-language measures, informal communication assessments, teacher input, observations, classroom-performance data, and Parent input.

The Student had also received two speech-language therapy sessions between the November and December meetings as established by the 11/24/25 meeting that the Student had previously been a student with a disability; therefore, the District immediately provided comparable service. The District did not assess articulation, even though the Parents had informed the District that articulation was the basis of the Student's prior speech-language

eligibility. The District evaluated pragmatic and functional communication but did not assess the specific communication area identified by the Parents and reflected in the Student's prior educational history.

The District and the Parents reconvened on 01/12/26 and reviewed substantially the same speech-language information presented on 12/16/26. During that meeting, the Parents again informed the District that the Student's prior out-of-state eligibility had involved articulation and that the District's evaluation did not assess articulation. Because no articulation testing had been completed, the evaluation did not fully address the Student's primary historical speech-language concern or determine whether that concern adversely affected educational performance and required specially designed instruction.
The Parents expressed concern that the Student's medical information was not being considered. The District obtained a signed release of information and attempted to secure the outside medical evaluation directly from the provider on 01/28/26, 01/29/26, and 02/05/26. The District was unable to reach the provider or obtain the report. On 02/12/26, the District issued Prior Written Notice stating that no new information had been obtained and that the 01/12/26 eligibility determination would remain unchanged. The notice reminded the Parents that they could request additional evaluation.

The District's unsuccessful attempts to obtain the report are relevant and demonstrate that the District sought the information after the 01/12/26 eligibility meeting. However, those attempts did not relieve the District of its responsibility to evaluate all areas of suspected disability using the information already available. By February 2026, the District had notice of the Student's prior articulation eligibility, developmental history, TBI, anxiety, emotional dysregulation, suicidal statements, peer difficulties, therapeutic services, school-based social-skills participation, and the Parents' continued disagreement with the eligibility determinations. The District was therefore required to determine whether its existing assessments were sufficient or whether additional District-administered assessments were necessary. The record does not demonstrate that the District made or documented that determination in relation to articulation, emotional functioning, behavioral functioning, depression, anxiety, possible ADHD, or other health-related needs.

The record further reflects that the Student received three counseling sessions. During the complaint investigation, interview information indicated that a District administrator asked campus personnel member whether the Student could participate in additional counseling or social groups. Campus personnel reported that no spaces were available. When asked whether the Student should be placed on a list for the following school year, campus personnel stated that the Student's behavior was not severe enough to warrant that level of support. This response is significant for two reasons. First, the unavailability of a counseling space does not determine whether a Student has a disability-related need. Second, the campus's characterization that the Student's behavior was not sufficiently severe was inconsistent with other information already available regarding suicidal statements, self-harm concerns, emotional dysregulation, anxiety, peer difficulties, and outside therapeutic intervention.

On 05/18/26, the District developed a formal safety plan addressing self-harm. The need for a safety plan reflected a significant escalation, or at minimum a significant formal recognition, of the Student's emotional and behavioral needs. It was also inconsistent with the earlier campus determination that the Student's behavior was not severe enough to warrant placement on a list for future counseling support. The safety plan constituted new information bearing directly on the Student's emotional functioning, behavioral regulation, mental health, access to education, and potential need for specially designed instruction.

Once the District developed the safety plan and, according to the District, they had received the 11/18/25 outside psychological evaluation during the May 2026 Section 504 process, the District had information documenting a diagnosed behavioral and emotional disorder, a history of suicidal statements, anxiety, possible depression and ADHD, emotional dysregulation, peer difficulties, and self-harm concerns. At that point, the District could not reasonably continue to rely solely on the earlier ASD, TBI, and limited speech-language assessments without determining whether additional IDEA evaluation was required. The District was required to consider whether the new information created additional suspected disability areas, whether the prior evaluation remained sufficiently comprehensive, and whether the Student's IDEA eligibility should be reconsidered.

The record does not demonstrate that the District reconvened the IDEA eligibility team after receiving the outside evaluation and developing the safety plan. The record also does not demonstrate that the District proposed or conducted additional assessment in emotional, behavioral, neuropsychological, attention-related, health-related, articulation, or other suspected areas. Instead, the District proceeded through a Section 504 process. Although a Section 504 plan may provide accommodations, initiation of a Section 504 process does not replace the District's IDEA obligation to evaluate a Student in all areas of suspected disability when available information suggests that the Student may require specially designed instruction.

The District was not required to accept the outside evaluator's diagnosis or recommendation without independent review. It was, however, required to consider the evaluation and determine whether additional IDEA assessment or reconsideration of eligibility was warranted. The same obligation applied to the therapeutic summary, the Parents' repeated statements and disagreement, the Student's prior articulation eligibility, the counseling information, the suicidal and self-harm concerns, and the 05/18/26 safety plan. The relevant question was not whether any single source conclusively established eligibility. The question was whether the cumulative information identified suspected areas that had not been comprehensively assessed. The evidence demonstrates that it did.

Accordingly, the evidence supports a finding that the District's initial evaluation was not sufficiently comprehensive to identify all of the Student's potential special education and related-service needs. The District limited its primary evaluation to ASD and TBI despite information raising suspected needs in communication and articulation, emotional and behavioral functioning, anxiety, attention, social functioning, and health-related areas. The

District subsequently evaluated aspects of pragmatic language but continued not to assess articulation. When additional therapeutic, behavioral, and safety-related information emerged, the District did not initiate additional IDEA evaluation or reconsider eligibility based on the cumulative data.

The allegation is not substantiated to the extent it asserts that the District failed to consider the 11/18/25 outside psychological evaluation at the 11/24/25 meeting because the evidence does not establish that the District had received the complete report by that date.
The allegation is substantiated to the extent that the District failed to ensure that the initial evaluation was sufficiently comprehensive to assess the Student in all areas of suspected disability and identify all potential special education and related-service needs. The allegation is also substantiated because, after receiving additional information concerning articulation, emotional and behavioral functioning, anxiety, suicidal and self-harm concerns, outside therapy, and the need for a safety plan, the District did not determine through the IDEA process whether additional evaluation or reconsideration of eligibility was required.

The Department substantiates this allegation.

Reevaluation-Required Parental Consent

The Complaint alleges that the District conducted an evaluation for Speech-Language Impairment (SLI) eligibility without obtaining the required parental consent. The Complaint asserts that the District convened a Review of Information meeting and used the review to determine the Student's SLI eligibility, concluding that no additional evaluation was needed. The Complaint further alleges that the District stated parental consent was not required because the determination was based solely on a file review. The Complaint contends that the District's actions constituted a reevaluation for eligibility purposes, which requires parental consent.

The Parents allege the District conducted a reevaluation for SLI eligibility without obtaining parental consent. The record shows that on 12/16/25, the District convened a Review of Information meeting and used that review to determine the Student's SLI eligibility. As documented in the record, "the team determined sufficient information to make an eligibility determination, and no new testing was ordered."

Under 34 CFR §300.300(c), parental consent is not required before reviewing existing data as pr of an evaluation or a reevaluation. Given that the Review of Information meeting only considered existing data, it did not require parental consent.

The Department does not substantiate this allegation**.**

Prior Written Notice

The Complaint alleges that District failed to provide the required Prior Written Notice (PWN) when determining the Student's Speech-Language Impairment (SLI) eligibility based on a P6 review of existing data. The Complaint alleges, the District used a Review of Information meeting to make the eligibility determination, decided that no additional evaluation was needed, and did not issue PWN explaining its proposal or refusal to conduct further evaluation. The Complaint also alleges that the District did not provide PWN when it determined that parental consent was not required because the decision was based on a file review.

Under the IDEA, a district must provide Prior Written Notice (PWN) when it proposes or refuses to initiate or change a student's identification, evaluation, educational placement, or the provision of FAPE. See 34 CFR §300.503(a). PWN is required only when the district takes an action or declines to take an action that falls within one of these categories. A parent's disagreement alone does not trigger PWN unless the disagreement includes a request for a change that the district must either propose or refuse.

The Parents allege the District failed to provide PWN when determining SLI eligibility based on a review of existing data and when concluding parental consent was not required. The record shows the District issued PWN on 11/24/25 documenting the eligibility determinations for TBI and Autism, and again on 01/12/26 documenting the SLI eligibility determination.

Following the 11/24/25 eligibility meeting, the Parents submitted a disagreement regarding the SLI determination. On 12/9/25, the Parents disagreement did not include a specific request for action. In response to the Parents' concerns, the District scheduled a meeting for 12/16/25. The record reflects that this meeting was convened to review the completed speech-language evaluation and determine SLI eligibility, not to reconsider the 11/24/25 eligibility determinations or to respond to a parental request for a change.

Although the District did not issue PWN following the Parents' 12/09/25 disagreement, PWN is required only when a district proposes or refuses to initiate or change identification, evaluation, placement, or provision of FAPE. Because the Parents' disagreement did not constitute a request for a change and the District did not refuse any action, the absence of PWN does not constitute a violation of the IDEA.

The Department does not substantiate this allegation**.**

Parent Participation

The Complaint alleges that the District failed to ensure the parent's meaningful participation in the eligibility process and predetermined the outcome of the Student's eligibility determination. The Complaint alleges the District stated no additional evaluation data were needed prior to the eligibility meeting, did not incorporate the parent's requests for additional data, and made eligibility decisions without considering all relevant information. The Complaint further alleges that the District's refusal to consider the parent's requests and data provided as

well as reliance on a predetermined conclusion limited the parent's ability to participate as an equal member of the team.

(OAR 581-015-2190; 34 CFR §300.322; 34 CFR §300.501(b)–(c))

Under IDEA, districts must ensure parents are afforded meaningful participation in meetings regarding identification, evaluation, placement, and provision of FAPE, and must not predetermine eligibility outcomes prior to considering parent input.

The Parents allege the District predetermined eligibility outcomes and limited their meaningful participation. The record shows the Parents attended all relevant meetings (06/11/25; 11/; 24/25, 12/16/25; 01/12/26), provided input, submitted written disagreement statements, and brought a parent advocate. The District accommodated the advocate's participation, "ensuring the advocate was able to engage in the discussions." The evidence reflects that the District reviewed parent concerns, responded to questions, and allowed the Parents to present additional information, including out-of-state documentation and written statements of disagreement.

The record further shows that on 11/24/25, the District provided the Parents with a release of information to obtain medical documentation relevant to the evaluation. The District made documented attempts to contact the Student's medical provider on 01/28/26 and 01/29/26, reporting extended hold times and inability to reach staff, and subsequently issued PWN explaining that the provider was not available at the times contacted. The District also informed the Parents that they could provide the medical report themselves and that it would be considered by the team if submitted. IDEA requires meaningful participation, not agreement with the team's conclusions. The evidence does not show that the District predetermined outcomes or refused to consider parent input; rather, the District's decisions were based on evaluation data and eligibility criteria.

The Department **does not substantiate** this allegation

Transfer

The Complaint alleges that the District failed to follow requirements for students who transfer from another state with an existing IEP. The Complaint also alleges that when the Student transferred, prior eligibility documentation and an active IEP were provided to the District. The complaint alleges the District did not ensure comparable services, did not appropriately review the out-of-state eligibility and evaluation data, and did not timely determine whether additional evaluation was determined to be Needed.

(OAR 581-015-2190(4); OAR 581-015-2110; OAR 581-015-2000(8); 34 CFR §300.323(f))

The Parents allege the District failed to follow transfer procedures when the Student enrolled from out-of-state. The record shows the District requested records upon enrollment and received the 02/14/26 IEP documenting dismissal from SLI services.

The 09/18/23 IEP identifying an active SLI eligibility was not provided until 11/24/25, when the Parents provided it during the eligibility meeting. Once the District learned of the active eligibility at the 11/24/25 meeting, it began providing comparable speech-language services consistent with 34 CFR §300.323(f) and initiated evaluation procedures to determine Oregon eligibility.

The record reflects that the District immediately arranged for the Student to receive comparable speech services and provided two speech-language sessions between the 11/24/25 meeting and the 12/16/25 SLI eligibility meeting. The discrepancy between the two out-of-state IEPs created uncertainty, and the District sought clarification from the out-of-state district on 12/19/25 to determine whether the Student had been dismissed or remained eligible for SLI services. These actions demonstrate the District attempted to reconcile conflicting records, provide comparable services, and ensure continuity of support while Oregon eligibility was being determined.

The Department **does not substantiate** this allegation**.**

Free Appropriate Public Education (Denial of FAPE)

The Complaint alleges that the District denied the Student a Free Appropriate Public Education (FAPE) by not providing comparable services upon transfer, not ensuring the Student received the instructional supports identified as necessary, and not addressing missed or unavailable services through compensatory education.

Under the IDEA, districts must ensure that students receive a Free Appropriate Public Education (FAPE), including specially designed instruction and related services necessary to meet their unique needs. FAPE also requires districts to provide comparable services to transfer students and to remedy missed or inadequate services when necessary.

The Parents allege that the District failed to conduct a sufficiently comprehensive initial evaluation and did not consider all relevant data when determining the Student's eligibility for special education services. Specifically, the Complaint asserts that the District limited its evaluation to Autism Spectrum Disorder (ASD) and Traumatic Brain Injury (TBI), relied primarily on internally generated information, did not meaningfully incorporate out-of-state eligibility documentation, and failed to obtain or consider medical and therapeutic information despite parent requests. The Complaint further alleges that the District did not assess all suspected areas of disability, including communication, articulation, emotional functioning, behavioral regulation, anxiety, depression, attention, and social-emotional needs, resulting in an eligibility determination that did not meet IDEA and Oregon requirements.

IDEA requires school districts to ensure that initial evaluations are "sufficiently comprehensive to identify all of the child's special education and related service needs, whether or not commonly linked to the disability category." 34 CFR §300.304(c)(4). Evaluations must assess the child "in all areas related to the suspected disability," including academic performance, communication, social-emotional status, behavior, and health, as relevant. 34 CFR §300.304(c)(6); OAR 581-015-2105; OAR 581-015-2110.

The evidence demonstrates that the District initiated an evaluation in response to the Parents' 05/28/25 request for assessment under ASD and TBI. However, once the evaluation process began, the District possessed information identifying additional suspected disability areas beyond ASD and TBI. The record reflects that the Student had a history of developmental delay, speech-language eligibility, articulation intervention, emotional dysregulation, anxiety, peer conflict, suicidal statements at school, and participation in a school-based social-skills group. As stated in the record, "The Student's dismissal and subsequent re-entry were relevant to determining whether speech-language needs remained present… However, the record does not demonstrate that the District reconciled the conflicting records… or determined whether current assessment in articulation… was necessary."

Despite this information, the District restricted its initial evaluation primarily to ASD and TBI. The District did not conduct articulation testing, even though the Parents repeatedly informed the District that articulation was the basis of the Student's prior eligibility. The District administered pragmatic-language measures but did not assess the specific communication area identified by the Parents and reflected in the Student's educational history. Likewise, although the District administered rating scales (Conners-4 and BRIEF-2), the record does not demonstrate that the District conducted a comprehensive standardized assessment of emotional functioning, behavioral disorders, mental-health-related educational needs, or other suspected areas such as anxiety, depression, or ADHD.

The record further shows that additional relevant information became available during the evaluation period. On 12/11/25, an outside therapeutic provider submitted a summary documenting emotional-regulation difficulty, anxiety, peer-interaction challenges, and the need for continued support in the school setting.

On 05/18/26, the District developed a formal safety plan addressing self-harm, reflecting significant emotional and behavioral needs. The District also acknowledges that it received the outside psychological evaluation during the May 2026 Section 504 process, which documented traumatic brain injury, speech delay, Avoidant Restrictive Food Intake Disorder, anxiety, depression concerns, ADHD symptoms, emotional dysregulation, and a diagnosis of Behavioral and Emotional Disorder with Onset in Childhood. As the record states, "Once the District developed the safety plan the District had information documenting a diagnosed behavioral and emotional disorder. At that point, the District could not reasonably continue to rely solely on the earlier ASD, TBI, and limited speech-language assessments without determining whether additional IDEA evaluation was required."

The evidence does not demonstrate that the District reconvened the IDEA eligibility team or initiated additional assessment after receiving this information. Instead, the District proceeded through a Section 504 process. While Section 504 may provide accommodations, it does not replace the District's IDEA obligation to evaluate a student in all areas of suspected disability when available information suggests that the student may require specially designed instruction.

The District was not required to accept outside evaluations or diagnoses without independent review. However, it was required to consider all relevant information and determine whether additional IDEA assessment or reconsideration of eligibility was warranted. The cumulative record, including prior articulation eligibility, emotional and behavioral concerns, suicidal statements, therapeutic involvement, the safety plan, and parent disagreement, identified multiple suspected disability areas that were not comprehensively assessed.

Accordingly, the evidence supports a finding that the District did not ensure that the initial evaluation was sufficiently comprehensive to identify all of the Student's potential special education and related-service needs. The District limited its evaluation to ASD and TBI despite information raising suspected needs in communication and articulation, emotional and behavioral functioning, anxiety, attention, social functioning, and health-related areas. When additional therapeutic, behavioral, and safety-related information emerged, the District did not initiate additional IDEA evaluation or reconsider eligibility based on the cumulative data.

The Department substantiates this allegation

V. CORRECTIVE ACTION[3]

In the Matter of Great Albany Public School District 8J
Case No. 26-054-73

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

Action Required	**Submissions**	**As Soon As Possible But No Later Than**

[3] The Department's order shall include any necessary corrective action as well as documentation to ensure that the corrective action has been completed (OAR 581-015-2030(13)). The Department expects and requires the timely completion of corrective action and will verify that the corrective action has been completed as specified in any final order (OAR 581-015-2030(15)). The Department may initiate remedies against a party who refuses to voluntarily comply with a plan of correction (OAR 581-015-2030(17) & (18)).

1. The District will conduct a comprehensive reevaluation in all suspected areas of disability to include, at a minimum, communication (including articulation), emotional and behavioral functioning, anxiety, depression, attention, social-emotional functioning, and health-related needs.	The District shall submit to the ODE the following: Completed Consent for Evaluation indicating the areas proposed for evaluation. Evaluation Report	 **October 15, 2026** **January 31, 2027**
2. If the Student is found eligible for special education pursuant to the evaluation above, the District will convene a meeting with the Parent(s) to determine appropriate compensatory education services.	If the Student is found eligible, a written plan for delivery of compensatory education developed at a meeting with the Parent(s).	**February 28, 2027**
3. The District must ensure that all District staff involved in the Student's evaluations for special education have received training on the District's obligation to evaluate students in all areas of suspected disability.	Training agenda/materials to ODE for review/approval. Sign-in sheet for training.	**October 15, 2026** **December 15, 2026**

Dated: this 31st Day of July 2026



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Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing Date: July 31, 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 581-015-203