BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of David Douglas School District 40	)	FINDINGS OF FACT,
	)	CONCLUSIONS,
	)	AND FINAL ORDER
	)	Case No. 26-054-089

I. BACKGROUND

On July 16, 2026, the Oregon Department of Education (Department) received a written request for a special education complaint investigation from the parent (Parent) of a student (Student) residing in the David Douglas School District 40 (District). The Parent 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 Parent and the District agree to the extension in order to engage in mediation or local resolution, or for exceptional circumstances related to the complaint.[2]

On July 23, 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 August 6, 2026.

The District submitted a *Response* on August 6, 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, undated (*but sent on August 6, 2026)*
2. Individualized Education Program, 04/28/25, 05/13/25
3. Individualized Family Service Plan, 06/12/25
4. Early Intervention and Early Childhood Special Education Evaluation Report, 04/12/23
5. Autism Spectrum Disorder Evaluation Report, 07/25/23
6. Medical Statement and Fax Cover Sheet, 06/12/23
7. Notice of Team Meeting, 01/20/26, 02/03/26, 04/16/26
8. Consent to Evaluate, 02/03/26, 04/22/26
9. Meeting Summary, 02/03/26, 04/08/26

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

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

10. Prior Written Notice of Evaluation Decision, 02/03/26
11. Referral, 04/08/26
12. Speech Language Evaluation, 04/07/26
13. Prior Written Notice, 04/24/26
14. Teacher Input, 04/102/26
15. Behavior Assessment System for Children (BASC-3), 04/02/26
16. Fax, re: [Agency] Release of Information, 02/04/26-02/19/26
17. Re-evaluation, 04/08/26, updated 04/20/26
18. Disability Statement - Developmental Delay, 04/08/26
19. Eligibility Summary, 04/08/26
20. Eligibility Meeting, 04/22/26
21. Developmental History and Parent/Caregiver Interview, 05/29/26
22. Direct Message Exchange, 08/31/25-04/23/[26]
23. Individualized Education Program Progress Report, 04/30/26
24. Child Find, updated 08/2025
25. Special Education Eligibility Requirements, updated 08/2025
26. Emails between parties, 09/16/25-05/07/26

The Parent submitted a *Reply* on August 13, 2026, providing an explanation and a rebuttal in support of the Parent's position.

The Complaint Investigator interviewed the Parent on August 19, 2026. The Complaint Investigator interviewed District personnel on August 18 and August 19, 2026, and received a written response from the Speech Language Pathologist (SLP) on August 19, 2026. 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 Parent's allegations and the Department's conclusions are set out in the chart below. The conclusions are based on the Findings of Fact in Section III and the Discussion in Section IV. This Complaint covers the one-year period from July 17, 2025, to the filing of this Complaint on July 16, 2026.

Allegations	Conclusions
Evaluation Planning The Complaint alleged the District violated the IDEA when the evaluation planning meeting omitted routine evaluation elements, including a file review, developmental history, parent input, and teacher input. Further, the	**Not Substantiated** The District met the requirements for evaluation planning.

Allegations	Conclusions
Parent alleged they did not receive any of the evaluation planning documents after the meeting. (OAR 581-015-2110(1), OAR 581-015-2115; 34 C.F.R. § 300.305)	
Evaluation Requirements and Determination of Eligibility The Complaint alleged the District violated the IDEA when the re-evaluation failed to assess all areas of the Student's suspected disability outside their original disability category, specifically omitting an evaluation for Autism Spectrum Disorder (ASD). (OAR 581-015-2110(4)(d-f), OAR 581-015-2120(4); 34 C.F.R. § 300.304(c)(4)(6))	**Substantiated** The District failed to assess all areas of the Student's suspected disability, specifically an evaluation for ASD.
Review and Revise the Individualized Education Program (IEP) The Complaint alleged the District violated the IDEA when the Student's IEP was not revised appropriately after they showed a lack of progress toward their annual goals. (OAR 581-015-2225(1)(b)(A); 34 C.F.R. § 300.324(b)(1)(ii)(A))	**Substantiated** The District did not convene an IEP meeting to review and revise the Student's IEP after they showed a lack of progress toward their annual goals.
Prior Written Notice (PWN) The Complaint alleged the District violated the IDEA when the contents of multiple PWNs provided by the District were insufficient in detail and not written to be understandable to the general public. (OAR 581-015-2310(1-3)(4)(a); 34 C.F.R. § 300.503(a-b)(c)(1))	**Substantiated in Part** The District failed to provide the Parent with PWN about the refusal to conduct an ASD evaluation.

REQUESTED CORRECTIVE ACTION

1. "The SLP [Speech-Language Pathologist] and School Psychologist to receive training on conducting and writing thorough evaluations and documentation procedures."
2. "Training to support how to handle when parents request an evaluation as well as compensatory education for [the Student] from the day [the Student] was found ineligible to the day [the Student] is potentially found eligible in the fall."
3. "A policy where documentation from the evaluation planning meeting is expected to be sent out within reason after the meeting and not sent out once the eligibility decisions are made after that next meeting. Synergy does not let you finalize just the eval planning meeting documents as a separate process and those should still be sent to parents anyways [*sic*] regardless of the database process."
4. "Clearer communication with families on how expected progress is defined and measured or training for staff on the appropriate time to use the full range of progress codes. To my understanding, [the Student's] IEP goals could easily be appropriate with an eligibility of ASD and so I am requesting compensatory education for [the Student] as well."

III. FINDINGS OF FACT

IDEA regulations limit complaint investigation 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 July 17, 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.

Background

1. On April 12, 2023, the [County] Early Childhood Program prepared an Early Intervention (EI) and Early Childhood Special Education (ECSE) Report for the Student, which outlined areas of concern, parent observations, testing needs, medical history, test results, observation summary, skills and recommendations. Under additional concerns, the team noted that some differences observed in the Student could be early signs of Autism Spectrum Disorder (ASD), and recommended that the Student be monitored with that in mind.

2. On June 12, 2023, the District received the Student's health records via fax, including a health assessment form signed the same day that showed the Student did not have relevant medical issues that contributed to a speech/language problem, did not have an impairment expected to last over 60 days (including ASD), and was not diagnosed with other conditions that may affect educational performance.

3. A Statement of Eligibility for Autism Spectrum Disorder, dated July 25, 2023, indicated the Student did not qualify for special education services with an eligibility of ASD.

Findings of Fact

4. The Student is six years old, attends an elementary school in the District, and is eligible for special education and related services under the IDEA as a student who experiences a Developmental Delay (DD). The Student has an extensive vocabulary and a great memory and enjoys running around outdoors, looking at books, sorting objects, toys, and telling stories.

5. An Individualized Family Service Plan (IFSP), dated April 28, 2025, described the Student's services from April 28, 2025 to September 1, 2025, which included a summer check-in on June 12, 2025, monthly service coordination, specialized instruction at a community preschool and with the family, collaborative consultation at the community preschool, and full day preschool. Visual support was listed as an accommodation provided by preschool staff. The IFSP listed the following goals and criteria for meeting them:
    a. Social/Emotional Goal: The Student will participate in snack and pickup transitions without getting upset.
        i. Criteria: "We will know [the Student] can do this when they complete a transition without getting upset during 1 snack time and 1 pickup, 3 days a week over 2 consecutive weeks."
    b. Expressive Communication Goal: The Student will use words to express an unmet need during snack time and playtime.
        i. Criteria: "We will know [the Student] can do this when they use a word or phrase to let teacher know that a need hasn't [been] met … during 1 snack time and 1 playtime, 3 days a week over 2 consecutive weeks."
    c. Cognitive Goal: The Student will expand their play during playtime and outdoor play.
        i. Criteria: "We will know [the Student] can do this when they expand their play by accepting and participating in 4 different play ideas, with visual support … suggested by teacher or peers over 2 consecutive weeks."
    d. On June 12, 2025, an IFSP team meeting was held to revise the IFSP developed on April 28, 2025. The annual review date was September 1, 2025. Both Parents attended this meeting. Progress was evaluated for social/emotional, expressive communication, and cognitive goals. The revised IFSP, dated June 12, 2025, showed the Student was making sufficient progress toward all their goals.

6. An Individualized Education Program (IEP), dated May 13, 2025, was in effect when the Student began kindergarten in the 2025-26 school year and outlined the following relevant information:
    a. Communication goal: "In order to increase communication, [the Student] will demonstrate flexible thinking by successfully adapting to new game rules in 80% of targeted opportunities, as measured by [the Speech Language Pathologist] SLP data probes."

b. Adaptive/self management goal: "In order to increase adaptive skills, given a hypothetical and/or real social situation, [the Student] will demonstrate an appropriate verbal or behavioral response to peer conflict with 80% accuracy, as measured by teacher input and SLP data probes."
c. Specially designed instruction (SDI) to be provided in pursuit of the IEP goals included 60 minutes per month of Adaptive/Self Management instruction from a special education provider and 720 minutes per year of Communication instruction from the SLP.
d. Supplementary Aids/Services: Accommodations were to be provided by the General Education Teacher, school-wide, throughout the day, from September 2, 2025 through May 12, 2026. These included five minutes each of "access to menu for calm down strategies" and "warnings for transitions," along with 10 minutes each of "access to alternative tools" and "access to a break space."

7. In a direct message, dated September 6, 2025, the Parent notified the General Education Teacher they put ear muffs in the Student's backpack for volume control during assemblies and a rain suit for when it was wet out. They shared they noticed during preschool the Student did not like being in wet clothes.

8. On September 16, 2025, the General Education Teacher requested visuals for the Student (menu for calm down strategies) from the SLP via email, in accordance with their IEP.

9. In an email chain regarding evaluation planning, dated January 15, 2026, the SLP indicated the Student's current eligibility was DD, expressed uncertainty about whether the Student would qualify again, and asked which tests could be used to rule out DD. They also noted the Student had strong language skills and did not qualify for ASD in an initial evaluation. The School Psychologist responded, indicating they would test or use progress monitoring data related to communication and adaptive skills because the Student was qualified in those areas. They also suggested a rating scale and observation to evaluate adaptive skills.

10. On January 20, 2026, the SLP emailed the Parents to confirm a Consent Meeting for February 3, 2026 at 12:00 p.m. and attached the Notice of Team Meeting and Procedural Safeguards. The purpose of the meeting was to review existing information about the Student and determine whether additional testing was needed. The District sent Consent to Evaluate and Release of Information forms to the Parent via Docusign on February 3, 2026, which were signed on February 4, 2026. The Consent to Evaluate included a review of the existing data, behavior assessment, speech/language assessment, and direct observation. In addition, the evaluation procedures, assessments, and tests were listed with a description of each. This included the following evaluations: Comprehensive Assessment of Spoken Language-2 (CASL-2), Speech/Language Sample, Behavior Assessment for Children 3 (BASC-3), and a Social Responsive Scale (SRS).

11. A Notice of Team Meeting, dated February 2, 2026, notified the Parents, General Education Teacher, Special Education Teacher, and the School Psychologist of a virtual

eligibility meeting scheduled for April 8, 2026. The meeting was confirmed on February 2, 2026.

12. The February 3, 2026 Meeting Summary listed the following attendees: the Parent, the Special Education Teacher, and the School Psychologist. The Meeting Summary stated that during this meeting, the team discussed the "re-evaluation and upcoming due date and proposed testing."
    a. The Parent "voiced" concerns about ASD and included specific behaviors such as: "delayed pretend play"; "requires cueing, has to prompt" for attention before asking questions; "gets overwhelmed" and has to "take a regulation break"; sensory needs like an issue with "sticky hands"; difficulty being done playing with the phone; "boredom, overwhelm (looks like 'wound up' and is inconsistent in home/school), scream is a first response at home (school team does not see that behavior)"; attention concerns with reported ADHD in family history; and "no friends at the start of school."
    b. The team noted reasons they did not elect to evaluate for ASD, including the Student was "skilled at reciprocal conversations," which was noted "is an important deficit for ASD eligibility in a school setting." They added the "School team does not see an ASD impact on [the Student's] education," "DD is still an appropriate evaluation to see if [the Student] has deficits in Communication and Adaptive domains," and the evaluation would be for "DD only."
    c. It was noted the School Psychologist would add an SRS scale to the consent form so the Parent could share it with a doctor if they sought a medical diagnosis for ASD.

13. A February 3, 2026 PWN of Evaluation Decision indicated the Student would be assessed for DD. The referral information, input from teachers and the Parents, observation, and available records were used as the basis for the decision to evaluate for DD.

14. On February 4, 2026, via a direct message, the SLP confirmed the team meeting scheduled for April 8, 2026, and attached a notice and procedural safeguards.

15. On February 19, 2026, a medical agency released the Student's health information to the District. This information included general health, a well care exam dated November 11, 2024, as well as a referral to the Pediatric Development Team for an autism evaluation dated February 9, 2026.

16. The School Psychologist emailed the General Education Teacher and the Parent separately on February 20, 2026 and requested they complete the BASC and the SRS for the Student's evaluation. The Parent responded that the ratings were completed on March 23, 2026.

17. On April 1, 2026, the General Education Teacher provided input about the Student via an online survey. Strengths shared included identifying feelings and self-advocacy. Concerns shared included the Student "will at times … fixate on non-expected behaviors of peers

and communicate [ir]regularly to them or to me. My concern is that this may cause frustration with [the Student's] peers and they may not interact with [the Student] as often."

18. On April 2, 2026, the General Education Teacher completed the BASC-3 assessment.

19. An April 4, 2026 re-evaluation report authored by the School Psychologist, included a handwritten note indicating it was "updated for 4/24/[26]." The report described concerns related to social interaction and noted the Parent expressed concerns about whether the Student was on the autism spectrum. The re-evaluation was focused on DD with the following evaluation components described in the report: BASC-3, completed by the Parent and the General Education Teacher, SRS-2, also completed by the Parent and the General Education Teacher, and an observation. Vision/hearing screenings were not performed at school and the Parents and General Education Teacher reported no concerns. Additional information considered included the following:
    a. Student's developmental history from the 2023 evaluation;
    b. Attendance history;
    c. Reading and math data;
    d. Input from the General Education Teacher; and
    e. Speech/Language Evaluation from a separate report.

20. The Speech and Language Evaluation, dated April 7, 2026, noted that the following assessments were reviewed from April 12, 2023: Developmental Assessment for Young Children (DAYC-2), Battelle Developmental Inventory (BDI-3), Preschool Language Scales (PLS-5), Assessment for Evaluation and Programming System (AEPS 1), CASL-2, SLAM Story Telling Assessment, therapy data, and a hearing screening from April, 12, 2023. These assessments were used as the basis for the determination that the Student did not demonstrate "communication impairments that adversely impact the ability to effectively communicate thoughts and ideas, comprehend information, and formulate age-appropriate relationships with peers and adults across educational settings, including the classroom." For each of the assessments, a description of the assessment and an explanation of the results were provided. It was noted that the results would be shared with the Special Education Team.

21. A "Referral" document completed by the SLP and dated April 8, 2026, stated that the Student had been receiving special education services since April 2023, and eligibility must be re-established every 3 years.

22. A Meeting Summary, dated April 8, 2026, listed the Parents, the School Psychologist, the General Education Teacher, and the Special Education Teacher as attending the meeting. The meeting summary indicated the Speech and Language evaluation report was reviewed as well as the "Psychoed[ucational]" evaluation report. The team decided the Student did not qualify under the category of DD. The report stated the General Education Teacher would complete the SRS scale to provide more information for the Parents.

23. In a direct message to the General Education Teacher on April 8, 2026, the Parent thanked them for asking to fill out an ASD rating scale (SRS-2)The Parent stated they knew the Student would not be eligible under DD and pushed for ASD evaluation, noting that because they were the only one initially asked to complete the SRS-2, they wondered whether the District had predetermined eligibility in that category. The Parent expressed frustration at dealing with two eligibilities simultaneously and potentially needing to "start over." In an interview with the Complaint Investigator, the General Education Teacher confirmed receiving the SRS after the re-evaluation meeting on April 8, 2026, at 1:49 PM from the School Psychologist and subsequently completing it.

24. A Disability Statement for DD, dated April 8, 2026, listed the assessment Speech Language Evaluation, conducted by the SLP, dated April 4, 2026, and the Evaluation Report 2026, conducted by the School Psychologist, dated April 8, 2026. Both were used in making the determination that the Student did not meet the criteria for special education services with an eligibility of DD. In addition, the Disability Statement for DD listed the developmental history as a source of data used for the determination in the decision.

25. An Eligibility Summary, dated April 8, 2026, listed the Parents, the SLP, the General Education Teacher, and the School Psychologist as attending the Eligibility Determination Meeting. The Eligibility Summary also noted the Parent received a copy of the evaluation or assessment report. The Eligibility Summary documented that all attendees agreed with the determination that the Student did not meet the disability criteria for DD and did not require special education services in that area.

26. The Parent emailed the School Psychologist on April 9, 2026 and relayed concerns regarding evaluation and documentation. They stated, "The SRS scale should be completed by both the family and the gen[eral] ed[ucation] teacher; this was not done in preparation for the meeting [on April 8, 2026]" and asked whether the General Education Teacher had the opportunity to give input before the team meeting. The Parent shared that they mentioned wanting ASD eligibility to be considered for the Student in the evaluation planning meeting (February 3, 2026), and still wanted the Student to be evaluated for ASD, given the rating scale results and the General Education Teacher's concerns. In addition, they stated they did not receive a copy of the evaluation report from the meeting on April 8, 2026 and expressed concern that the Student's IEP goals were not met, as reported in the Student's IEP Progress report dated February 28, 2026. While emphasizing the need to make data-based decisions, they questioned whether the Parents and the General Education Teacher were "equal members of the team." The Parent did not agree that the current data supported a decision to disqualify the Student altogether, but was willing to finalize the disqualification of DD if it was followed by a consent for ASD evaluation. In a follow-up via direct message to the SLP on April 13, 2026, the Parent indicated they had not received a response to their April 9, 2026 email.

27. On April 9, 2026, the School Psychologist forwarded the Parent's April 9, 2026 email to the Assistant Director of Student Services, expressed that the Parent's response was "surprising," and provided a drafted response to be reviewed before it was sent. On April

14, 2026, the School Psychologist responded to the Parent's email, offered apologies, and assured the Parent that the School valued their input. The School Psychologist explained the evaluation planning was only considering current data related to DD, not ASD, which is why the ratings scale was not given to the General Education Teacher at the time of the February 3, 2026 planning meeting. They indicated that the General Education Teacher contributed information that was included in the evaluation, and stated a packet with the report and other documentation would be sent after the evaluation was completed. They also offered to hold a meeting to discuss the possibility of ASD evaluation.

28. On April 13, 2026, the Parent requested the evaluation report draft from the SLP via direct message. The report was sent via direct message on the same day.

29. In an email, dated April 15, 2026, the Parent informed the School Psychologist that an advocate would attend the next meeting and requested that an autism consultant also be present. The Parent stated they received a copy of the evaluation report on April 14, 2026. The Parent expressed frustration that the request for ASD evaluation during the evaluation planning meeting [on February 3, 2026] was denied and stated the School Psychologist neglected to mention during the eligibility meeting on April 9, 2026 that a section of the ASD-related assessment the Parent completed indicated a "Severe range of interpretation." The Parent formally requested the documentation from the Evaluation Planning Meeting, including "meeting notice, consent, PWN, and notes." The Parent stated they attached a 2023 evaluation report that addressed DD, not ASD, and indicated it included a note that ASD could be considered at a later date.

30. In a direct message, dated April 15, 2026, the SLP offered the Parent the opportunity to include either the Parent's previous email or a new written statement with the DD evaluation report "since [the Parent] stated in your email that you did not agree that the current data supports a decision to disqualify at all."

31. The Parent requested the evaluation planning meeting documentation from the SLP via direct message on April 15, 2026. The Parent also stated the report from the School Psychologist was inaccurate, as the Student was not evaluated for ASD per the documents the Parent possessed, and added that they wanted the General Education Teacher's assessments to be included in the evaluation. The Parent indicated they had questions regarding the differences between the Student's February 2026 progress report and their current testing levels, but did not elaborate. Additionally, the Parent indicated they wanted another DD meeting before moving forward with a new ASD eligibility evaluation. The SLP sent the following documents from the evaluation planning meeting to the Parent via direct message on April 15, 2026: Consent to Evaluate (unsigned), Consent to Evaluate (signed), Meeting Summary, Notice of Team Meeting, Prior Written Notice - Evaluation, and the Referral. They also informed the Parent that the Student progressed on their goals between February and April 2026 and described where to find the most current data.

32. The Parent asked the General Education Teacher via direct message on April 15, 2026 to complete a ASD rating scale for the Student.

33. A Notice of Team Meeting with attached Procedural Safeguards, dated April 16, 2026, was confirmed by the Parent on the same date and indicated the Parent waived the 10-day notice requirement. It was noted the purpose of the meeting was to "complete the eligibility process and consider further evaluations/eligibility."

34. In an email chain, dated April 20, 2026, the School Psychologist notified the Parents that the records maintained by the District included the Eligibility Statement for Autism Spectrum Disorder, dated July 25, 2023, which the Parent indicated earlier was not in their records. The School Psychologist indicated the document stated the Student was not found eligible under ASD at the time. The eligibility statement was attached to the email. The School Psychologist also reported the General Education Teacher had not yet completed the requested ratings scale. The Parent responded with gratitude and requested the associated evaluation reports.

35. Resulting from an email exchange dated April 21, 2026, the School Psychologist located a draft of the ASD evaluation report from 2023, though the final report was not available in the District's records. The unfinalized draft was sent to the Parent by email on April 21, 2026.

36. In an email exchange, dated April 21, 2026, the SLP clarified to the School Counselor that at the April 22, 2026 team meeting, the Student's DD eligibility was being closed and the team would decide whether to open an evaluation for ASD and whether a 504 would be appropriate.

37. In an Initial Eligibility Meeting on April 22, 2026, the IEP team reviewed reports that indicated the Student was evaluated for ASD in 2023 and found not eligible. According to the Parent, the Student was also screened for autism in May 2025. The Parent voiced concerns regarding social interaction, the General Education Teacher shared information about the Student's communication relative to other students in class, and the SLP indicated the Student had grown emotionally. The team addressed the Parent's concerns regarding progress monitoring for speech and language goals. The Parent voiced concerns about ASD; the team reviewed the tests for ASD eligibility with the Parent and decided to open an ASD evaluation. The Meeting Summary, dated April 22, 2026, stated that the Parents, Special Education Teacher, Administrator, Autism Consultant, District Representative, School Psychologist, General Education Teacher, and the Parent Advocate were present at the meeting. It was noted in the Meeting Summary that the Parent wanted to discuss a concern regarding the DD eligibility being determined without a "wet signature." The Autism Consultant explained that "we do not require a signature for eligibility determination." In addition, the Meeting Summary listed the developmental history for ASD and input from the General Education Teacher and "specials teachers" as a component of the evaluation.

38. The Consent to Evaluate, dated April 22, 2026, stated that further evaluation was necessary to determine if the Student qualified for ASD. The assessments included in the evaluation included: Social Communication Assessment, Developmental History for ASD, and Parent/Caregiver Interview for Current and Historical ASD Characteristics. The Parent provided consent for the evaluation dated April 22, 2026.

39. On April 23, 2026, the SLP requested that the Student's status be updated in the District's records system from re-evaluation [for DD] to initial evaluation [for ASD].

40. The SLP followed up with the Parents via email on April 23, 2026 regarding a previous phone call. They informed the Parents that a hearing screening was added to the consent form based on their discussion. A new Consent to Evaluate was signed by the Parent on April 24, 2026, with the additional assessment, Audiometric Screening, added that was not on the April 22, 2026 consent form. In the same email, the SLP documented concerns the Parents expressed about the lack of structure during summer and the potential for inadequate support without an IEP while the ASD evaluation was pending. The SLP assured the Parents that the Student would have continued social emotional support in the classroom and conveyed additional options for support from School staff.

41. In an email to the team dated April 23, 2026 the Parent requested the Student's full educational record by mail, and expressed concern over the Student's exit from services while the ASD evaluation was pending.

42. In an April 23, 2026 email to the Director of Student Services, the Parent requested a new school psychologist for the Student and stated, "I've had an unnecessarily difficult experience during [the Student's] most recent evaluation planning and re[-]evaluation meeting. I voiced my concerns heavily at the evaluation planning meeting and provided previous data to support my concerns of autism, but the [S]chool [P]sychologist and [the SLP] would not proceed with an ASD evaluation."

43. The Evaluation Team decided to "terminate the provision of all special education services to the Student" as noted on the PWN dated April 24, 2026. In addition, it is stated in the PWN that "input from the teacher(s) and the Parents, assessment results or evaluation data and available records indicated that the Student is no longer a child with a disability as defined in [the] IDEA in the area(s) of [DD]." The SLP sent the completed DD eligibility documentation packet via email to the Parent on April 24, 2026 and indicated they prepared a hard copy to go home with the Student.

44. The Student's IEP Progress Report, dated April 30, 2026, indicated the Student worked toward their communication goal "with expected progress" at each evaluation date throughout the school year. The Student worked toward their adaptive/self management goal "with some progress" on November 30, 2025, but "with expected progress" on February 28, 2026 and April 30, 2026.

45. The General Education Teacher confirmed via direct message on May 3, 2026 that the Parent wanted an OT screening for the Student.

46. In an email chain, dated May 7, 2026, the School Psychologist asked staff members including the General Education Teacher, the Classroom Aide and the School Counselor to complete forms for the Student's special education evaluation. The School Psychologist reached out to the Parents via email on May 7, 2026 to schedule an interview regarding the Student's "developmental history and autism symptoms" and asked the General Education Teacher to submit a request for an OT screening.

47. In a Developmental History and Parent/Caregiver Interview, dated May 29, 2026 (no evaluator listed), the District collected information from the Parents regarding the following domains: 1) deficits in nonverbal communicative behaviors used for social interaction, 2) deficits in social-emotional reciprocity, 3) deficits in developing and maintaining relationships appropriate to development level, 4) stereotyped or repetitive speech, motor movements, or use of objects, 5) excessive adherence to routines, ritualized behavior patterns, and excessive resistance to change, 6) highly restricted, fixated interests that are abnormal in intensity or focus, and 7) hyper- or hypo-reactivity to sensory input or unusual interest in sensory aspects of the environment. Notes were made based on additional Parent input.
    a. In an interview with the Complaint Investigator, the Assistant Director of Student Services clarified that the Developmental History and Parent/Caregiver Interview form submitted by the District was typically completed by the School Psychologist, and is incomplete in this case because it was part of the ongoing ASD eligibility evaluation. Additionally, information in this form was frequently pulled from the developmental history on file, so the pieces of this copy that were completed likely contained all the new information. The Director of Student Services confirmed they spoke with the Parent, who indicated they participated in an interview with the School Psychologist just before the end of the school year.

48. The District provided the following policies related to special education: Child Find, updated August 2025, and Special Education Eligibility Requirements, updated August 2025.

49. The Special Education Eligibility Requirements provided by the District contained the following relevant policies regarding ASD:
    a. The section titled "Autism Spectrum Disorder" listed the definition and criteria for eligibility.
    b. "The special education team must include at least one professional who is knowledgeable and experienced in the evaluation and education of students with ASD."
    c. The evaluation must include:
        i. Review of Existing Information
        ii. Developmental History
        iii. Parent/Caregiver Interview

iv. Three Observations (including one with direct interaction and one of peer interaction)
v. Social Communication Assessment
vi. Standardized Autism Identification Tool
vii. Vision Screening
viii. Hearing Screening

50. On July 16, 2026, the Parent filed this Complaint.

51. In an interview with the Complaint Investigator, the Parent stated that following the Student's initial evaluation in 2023, the Parent requested ASD testing and an evaluation was conducted. The Parents were notified the Student was found not eligible in July 2023, but the ASD report was not provided to the Parents by the Early Childhood Program. When the School Psychologist located and sent it, the Parents found it was a rough draft and contained notes from the evaluator to themself, indicating the Early Childhood Program did not have a finalized version of the report.

52. The Student participated in an "autism screener" in May 2025, where the SLP indicated the Student needed more prompting than neurotypical children and conveyed that the Student should have an ASD evaluation. The Parents decided to wait to have the ASD screening done until the Student's three year re-evaluation because the Student's team would have an entire year of kindergarten data and they could use that information to do "a really highly saturated round of evaluations that were very informed by the work [they'd] done so far." The Parent noted that during the kindergarten transfer process, they provided the SLP with a letter from the Early Education Program regarding the screening received. They also notified the team of their request to evaluate the Student for ASD once eligibility was re-examined. The Parent reported that specific ASD assessments they requested during the 2025-26 school year were denied, and that the IEP team indicated the SRS was the only assessment they found necessary. The Parent described the Student's then-current social and educational skills as follows: "[The Student] is high functioning. [They're] really academically solid. And [the Student] also still takes naps in kindergarten. And [the Student] doesn't touch any of the art supplies. And … has a friend that's mean to [them], but [the Student] thinks they're best friends because that's who [the Student] knew from preschool."

53. The Parent clarified that the meeting for which they alleged insufficient documentation was provided occurred on February 3, 2026. The Parent stated they received prior notice, but did not receive the meeting summary after the meeting. The Parent wanted the meeting notes in the summary to see "how they documented the lack of getting the teacher to fill out an SRS form," so they informed the District they did not have the meeting summary on April 9, 2026 by email, followed up on this communication on April 13, 2026, and formally requested the meeting summary, along with other items, from the District on April 15, 2026. On the same day, the SLP sent the meeting summary and other documents related to that meeting to the Parent via ParentSquare.

54. The Parent stated they received the evaluation report draft after requesting it from the SLP, who also indicated the documents for the evaluation meeting were not yet finalized as of April 15, 2026.

55. The Parent pointed out that an email "in April around the 15th," shared by the District, showed that a meeting summary was not yet complete. The SLP shared their meeting summary with the School Psychologist and asked whether they could recall anything else to add. The Parent clarified, "I got [the meeting notes] [before April], but … those meeting notes weren't done and finalized until April. … I was not able to have gotten [*sic*] them before I asked for them."

56. In response to the District's assertion that the Parent had not not logged into ParentVue, the Parent indicated that they had, adding that the documents in question, meeting notes from the evaluation planning meeting on February 3, 2026, would not have been available in ParentVue anyway, because they weren't finalized until April, 2026, when the Parent requested them.

57. Regarding the evaluation planning meeting on February 3, 2026 and the decision to evaluate for DD eligibility, but not ASD, the Parent stated "They decided to evaluate for the DD alone because that is what [the Student] was currently eligible for, and it was time for [their] three-year re-evaluation." The Parent discussed the following issues.
    a. The Parent recalled stating in the meeting that previous SLPs indicated the Student should be evaluated for ASD. To this information, the School Psychologist reportedly replied that the team had a qualified SLP in the meeting who was not not seeing the need for an ASD evaluation.
    b. With respect to their autism concerns, the Parent felt they were "shut down entirely," apart from the "courtesy" of adding the SRS form to the consent, which "blew [the Parent's] mind," as in their professional experience, they had "never heard of" adding an evaluation element to a consent form strictly as a courtesy. The Parent stated, "This isn't a courtesy situation. You're not doing me a favor. This is the law." Furthermore, the Parent questioned, "Why would you put an evaluation tool on a consent form, but not do the full protocol and give it to the teacher?"
    c. The Parent noted the General Education Teacher saw indicators the Student should be evaluated for ASD, expressed concerns about social skills at the meeting, and offered to complete whatever rating scales or questionnaires were necessary. The Parent took this to mean that the General Education Teacher had not been consulted before the evaluation planning meeting. Additionally, the Parent reported the team "didn't even consider giving [the SRS form] to the teacher."

58. The Parent had concerns about the IEP team, specifically that the General Education Teacher was not briefed or notified of the Parent's concerns, and was not included in the evaluation planning meeting. Particularly due to the fact that the School Psychologist was not "housed in-building," the Parent found it was important to seek

input from the General Education Teacher and other staff, rather than relying on the School Psychologist for information about the Student. The Parent felt that the team consisted of "just the school psych[ologist] and the SLP." An additional concern the Parent expressed was that the SLP was evaluating the Student's strengths in comparison to disabled peers, rather than non-disabled peers. They described how they saw some of the examples from the SLP as non-typical behavior.

59. In April, the Parent recalled "demanding" another IEP team meeting, which was held on April 22, 2026.

60. The Parent asserted that if the District had done a file review, they would have discovered the 2023 ASD eligibility report was neither finalized nor sent to the Parents, and the District would also have seen that the screening indicated a future ASD evaluation would be appropriate. The Parent expressed frustration that the District had "so many" opportunities to begin reviewing pertinent information and did not.

61. With regard to the re-evaluation process that occurred between February 2026 and April 2026, the Parent indicated the following components were missing or unaddressed:
    a. ASD was not considered as a possible eligibility, despite the Parent's repeated requests to add it.
    b. The District failed to review the letter from the May 2025 Early Childhood Program screeners that indicated ASD could be assessed in a future evaluation.
    c. In the April 8, 2026 eligibility meeting, the Parents were not given access to the reports. Specifically, the Parent stated, "Nobody emailed us the reports, either the SLP report or the school psych[ologist] report. They did not share it on the screen for us to be able to read along." The Parent indicated they received those reports only after requesting them.
    d. The Parents also did not receive results from the SRS, and stated, "It was not shared with me what [the Student's] scores were on the SRS. They did not tell me that [the Student's] restricted interest and repetitive behavior composite was in the severe range. They just said that the overall social responsiveness was moderate." In addition, the Parent asserted that the School Psychologist should have initiated an ASD evaluation after reviewing the results of the Parent's SRS.
    e. Based on their professional experience, the Parent indicated the IEP team should have discussed the possibility that the Student would lose eligibility with the Parents throughout the process of re-evaluation, as communications between team members seemed to indicate they believed that was a potential outcome, but this was not done. Additionally, when the Parent brought up ASD as a possible eligibility, the team should have added it to the re-evaluation because "that's the law," to look at "all possible eligibility categories as appropriate."
    f. The Parent stated that the range of people the District requested input from was insufficient. The Parent noted that the Student worked with specials teachers, a kindergarten paraprofessional, and the librarian, none of whom were afforded the opportunity to give input. Specifically, the Parent reported that when they

asked for input from the Student's specials teachers, the School Psychologist denied the request.

62. During the April 8, 2026 meeting, the Other Parent recalled the Parents bringing up the ASD evaluation, to which the District responded, "sort of like … that's not what this meeting is about, so we're not going to do that." The Other Parent did not understand at the time that closing the DD eligibility meant the Student would be removed completely from special education services and a new series of meetings and evaluation would be required before services could resume under a different eligibility. They stated, "April 22nd [2026] was too late and we couldn't actually reopen anything and get anything protected for [Student until the following school year]," which meant there would be a gap where the Student did not receive needed accommodations because of the lapse between removing the DD eligibility and deciding to evaluate for ASD. The Other Parent provided an example by expressing concerns about the Student's upcoming first-grade experience in which the Student may, for example, have their earmuffs taken away because there will be no official accommodation.

63. The Parent recounted that in the April 22, 2026 meeting, when the Parent was able to go through the revised report and saw that the SRS results from the General Education Teacher included mostly "severe" ratings, the Parent refused to agree to ending the Student's DD eligibility until the School agreed to open an evaluation for ASD. The team agreed to do the ASD evaluation, so the Parent signed the report ending the Student's DD eligibility.

64. In describing their position on the Student's eligibility, the Parent indicated, "[The Student's] not developmental[ly] delayed. I really feel strongly that [they're] on the spectrum though." In addition, the Parent clarified, "I'm not saying [the Student is] eligible. I'm saying we have enough to warrant an evaluation and we had enough here, and that [the District] didn't share it with me in any shape or form is illegal" because they did not share all relevant data at the April 8, 2026 meeting. In summation, the Parent objected to the Student being removed from special education services altogether and believed the Student should be eligible under one of the two relevant categories. The Parent attributed the removal from services to incomplete information gathering on the part of the District and the Parents agreed that the School Psychologist appeared simply unwilling to explore whether the Student would qualify under ASD.

65. The Parent identified the PWN for the February 3, 2026 planning meeting as the one that contained confusing language and was difficult to understand. Specifically, they cited this statement from the PWN: "Description of the fact is relevant. [The Student's] progress toward age level expectation warrants consideration for special education services." The Parent interpreted this as stating the Student's progress was not sufficient, but also that the Student's progress was only one data point among many considered, and found that confusing. The Parent also indicated they did not understand the description of other options considered and why those were rejected. It appeared that the decision not to evaluate ASD was due to the District's notion that the

Student may have had an educational disability, but the internal emails suggested the District did not think Student had that disability. The Parent found this contradictory and questioned why the District refused to add ASD evaluation to the PWN.

66. Regarding the Student's IEP Progress Report and Speech Language Evaluation, the Parent underscored that the data used to end the DD eligibility actually indicated the Student had not met their previous IEP goals. The Parent asserted that while one goal's March 13, 2026 score of 78% (from the Speech Language Evaluation shared in the April 22, 2026 meeting) was close enough to be considered on target (80%), the Student's scores on other goal with the same 80% target were 63% in November, 54% in February and 56% in March and thus indicated the Student was not meeting the goal. The Parent recalled asking whether this score was measuring frequency or accuracy in the April 22, 2026 meeting, which the SLP did not clarify. Additionally, the Parent noted the goal was measured with maximal cueing, although the cueing was not specified in the goal. The Parent questioned why the Student would be moved off an IEP if they were not meeting their goals. The Parent also recalled "inter-district emails" where the SLP expressed concerns that the Student was struggling with their goal but also did not qualify for ASD in 2023, and indicated the District should have investigated further, especially because the goal the Student struggled with was "a classic ASD goal" and they would have found there was actually no ASD evaluation report in the Student's records.

67. The Other Parent described their understanding that the General Education Teacher had not been "part of the team" or "doing these assessments" for the Student, which they observed left the General Education Teacher "surprised and flabbergasted."

68. The Parent noted that the Parent/Caregiver Interview was conducted by the School Psychologist via video chat with both Parents in a conversational style.

69. The Parent described several errors in the evaluation report and speech language evaluation document. For example, under background information, the last sentence stated 'under the eligibility category of speech and language impairment,' although the Student was never eligible under that category.

70. The Parent indicated that in the District's response, there was a contradiction between the District's claim that they did not have enough information to consider ASD, and the fact that they later opened an ASD evaluation.

71. In an interview with the Complaint Investigator, the General Education Teacher explained the Student experienced some "transition challenges" at the beginning of the year, including crying and wanting their Parents. The General Education Teacher indicated the crying "sometimes was more spontaneous. I didn't know when it would happen." They described the Student as "a bit more timid" as compared to their general education peers, and noted the Student "began to develop" social skills as the school year progressed. The General Education Teacher indicated the Student "always complied" with requests and "performed and completed the work sometimes in [the Student's] own timeframe."

72. The General Education Teacher stated they were invited to the pre-planning meeting but were unable to attend because the meeting was scheduled during a time that they were in class. They clarified, “looking at the time, it was a time I was in class. I couldn't have made it anyway, though I obviously would’ve wanted to be there as I’m her classroom teacher and they probably could have had information from me.” The General Education Teacher confirmed that they were a part of the re-evaluation IEP meeting in April 2026.

73. The General Education Teacher stated that during the re-evaluation meeting the School Psychologist reviewed an observation they conducted in the General Education Classroom, the Student’s current strengths, and the Student’s communication goal. Additionally, the General Education Teacher shared they had provided input via an email pertaining to the Student’s strengths the General Education Teacher was seeing in the classroom. “[The Student’s] strengths, what I saw, how I felt that [the Student] still needed my guidance and needed assistance from my staff to complete work or also just help [them] emotionally.”

74. The General Education Teacher indicated the School Psychologist did not contact the General Education Teacher prior to the re-evaluation meeting to gather any information about the Student.

75. The Director of Student Services, who was present in the interview, indicated they recalled a feedback form the General Education Teacher had completed stating there were no concerns about the Student. The General Education Teacher responded, “I did not have concerns[?] I would have concerns for [the Student]. … I think this is the one that I was surprised that I think I was not asked. This was where after the meeting I was sent, I believe it was a questionnaire or a scale to complete.”

76. The Director of Student Services and the General Education Teacher confirmed the General Education Teacher completed a feedback form on April 1, 2026. The General Education Teacher recalled adding their concerns about the Student on the form. The Assistant Director of Student Services noted that the form was used for the April 8, 2026 Re-evaluation meeting.

77. The General Education Teacher stated, “I would say I did have concerns for [the Student], and especially with [the Student’s] continued efforts socially is where [the Student] continued to struggle during the year at the end of the year. So it wasn’t to par with [the Student’s] peers. The social interactions and social reactions [the Student] has with kiddos and how they interact with them.”

78. The General Education Teacher expressed their concerns regarding the Student’s social interactions throughout the school year. They indicated their biggest concern was the Student learning how to interact with peers, “I feel like it’s [the Student] wanting to initiate social interaction with [the Student’s] peers, but it comes out as nit-pickiness and almost like attacks on [the other] kiddos. [The Student] says your drawing is very messy

and [it] becomes negative interactions. … Also what I believe I did express at the meeting was [the Student's] difficulty being able to understand and observe facial expressions of [the Student's] peers, because especially sometimes [the Student] would aggravate [peers]." The General Education Teacher explained that the Student actively wants to socialize and connect with peers but lacked the social awareness to read nonverbal cues or emotional expressions, which required the General Education Teacher to prompt the Student to recognize when a peer needs space and stop talking.

79. The General Education Teacher indicated they felt they were able to share input regarding the Student and were heard. The General Education Teacher also shared that "[The District] has our agenda that we go through and they always make sure to provide that space for teachers to provide their input. So it was going according [to what] we've always done. Additionally, the General Education Teacher noted that the re-evaluation meeting on April 8, 2026, felt like the same process followed at other re-evaluation meetings attended for other students.

80. The Director of Student Services and the General Education Teacher confirmed the General Education Teacher completed the SRS "after that April 22nd meeting."

81. In an interview with the Complaint Investigator, the School Psychologist stated they recalled discussing the plan to re-evaluate for DD at the February 3, 2026 re-evaluation meeting, because that was the category the Student was currently eligible under. The School Psychologist acknowledged that "the Parent brought up that [the Parent] had had some wonderings about ASD and that a speech pathologist in early childhood education had mentioned that sometime down the road [the Parent] might want to look into that. And so [the Parent] was looking into it now and wanted to be able to check that off the list to say that [the Parent] had done it because the speech pathologist had mentioned that [they] might want to." The School Psychologist continued, "I asked [the Parent] about what specifically were [the Parents] concerns around ASD. [The Parent] mentioned a few things that I did not consider atypical for a five-year-old. [The Parent] talked about that after playing with an energetic cousin for three hours when [the Student] was three years old, that [the Student] bit the cousin, which I did not think was atypical for a three-year-old. [The Parent] talked about that it had taken [the Student] a long time to start playing pretend when [the Student] was growing up, and that [the Student] gets overwhelmed sometimes and has to take regulation breaks. I asked [the SLP], and I don't remember that [the General Education Teacher] was in that meeting, I think it was just me and [the SLP]."

82. The School Psychologist asked the SLP during the evaluation planning meeting "what [their] observations were around what [the Parent] was mentioning since [the SLP] is the case manager and has been providing services. And [the SLP] talked about how mature for [their] age [the Student's] communication skills were, and that [the Student] was really working on goals that were at a higher level than what [the SLP] would be working on with most five-year-olds. And from that, we did not think that we suspected ASD at school. And that was also based on the file review that I had done previously, checking in

with [the General Education Teacher] about [the Student's] social skills and looking at [the Student's] grades and records." The School Psychologist shared that the Parent had said that a speech pathologist had told the Parent that the Parent might want to look into ASD. And the School Psychologist had responded "Well, we do have a speech pathologist right here in the meeting with us, and [the SLP] is telling you that [they are] not suspecting it at this time. And so I said, If you want, I can include this SRS, the social responsiveness scale for you to fill out as part of this eval[uation] just to inform your concerns and so that you'll have something to take with you to the doctor if you decide to go through a medical evaluation for ASD. And so [the Parent] agreed with that and seemed happy."

83. The School Psychologist noted that the SRS was "a rating scale that we would normally use specifically for ASD evaluations. So I would not have included it otherwise, except that through this conversation with [the Parent], I wanted to try to address some of [the Parent] concerns and get some actual data for [the Parent] to see how we might move forward once the [DD] evaluation was done. And so [the Parent] did complete it. The School Psychologist further explained that "there is a teacher rating scale and a parent rating scale. And so because we were not using this as a formal part of the [DD] evaluation, I just had [the Parent] do the rating scale."

84. The Complaint Investigator asked if it was typical to only have the parent complete the SRS evaluation and not the classroom teacher. The School Psychologist replied that "if it were an ASD evaluation, I would have both, but this was not an ASD evaluation. The School Psychologist clarified that the reason they had the Parent complete the SRS even though this was not an ASD evaluation was "because I didn't want to close the door completely on [the Parent] concerns that [the Parent] might want [the Student] evaluated for ASD. And so I thought that this could give us some data so that when we re-met to discuss the results of the DD evaluation, that we would also have this piece of data to help us decide if we might want to go forward with ASD or if [the Parent] wanted to take that to [the] doctor."

85. The Assistant Director of Student Services stated that "the language in the meeting, it sounds like it was, [the Parent] can use this if you're pursuing a medical diagnosis, but at that time, the team didn't suspect Child Find or ASD."

86. At the April 8, 2026 meeting, the School Psychologist shared the meeting was online and that the purpose was to talk about the DD evaluation. The School Psychologist had finished writing the report the day before or that morning, and had not had a chance to show it to the Parents. The School Psychologist would have shared and walked through the DD evaluation report in the meeting if it had been in-person. In addition, the Parents would have received a copy of the DD evaluation report. However, because the parents were on their phone, they declined to have it pulled up because it would have been too small to see on their screen. The School Psychologist continued, "I can't remember if I went first or [the SLP] went first, but I kind of walked through the elements of my report. [Then the SLP] walked through the elements of their report. We talked about the fact that [the Student] did not qualify anymore for [DD] and that it was a celebration that [the

Student's] doing really well. And both of [the Parents'] were very excited. We're so happy that [the Student] no longer qualifies and [the Student] graduated." The School Psychologist did not go through the SRS results because it wasn't relevant to the conversation, but instead sent the report home. The School Psychologist stated, "I think I emailed it right after the meeting."

87. The School Psychologist noted that the SRS results "were discussed at the April 22nd [2026] meeting." After the April 8th [2026] meeting, [the Parent] sent several emails. [The Parent] was upset with how the meeting had gone. The [SLP] and the [School Psychologist] were surprised by this because the meeting felt "celebratory" to them. So as a way to address [the Parent] concerns the teacher was asked to complete the SRS rating scale."

88. In regard to April 24, 2026 PWN being two days after the meeting date of April 22, 2026, the School Psychologist clarified that the "[SLP] as the case manager was the one who generated the prior written notice for the [Does Not Qualify] DNQ pertaining to DD. I mean, my guess is that [the SLP] dated it because that was the day that the [SLP] was writing it versus backdating it to the meeting date, but I'm not sure." The Director of Student Services clarified the meeting was on April 22, 2026. "The PWN was generated in [Student Information System] on 4/24, and that was the date that registered. So when it was all put in and finalized, the finalization button was pressed on 4/24. So that was why that date is showing up as 4/24." The Director of Student Services further noted "That's why that date is marked 4/24, which is why [the Assistant Director of Student Services] had marked 4/8 at the top corner so you knew that that was the PWN for that handwritten note at the top. But it is a 4/24 PWN because of the date it was finalized." In addition the Director of Student Services mentioned "the meeting was 4/22, the second meeting, and the original meeting date was 4/8, so that timeline is correct. The PWN date does not align."

89. When asked if they ever thought an ASD evaluation would be appropriate for the Student, the School Psychologist stated, "at the 4/2[2] meeting, once we had [the General Education Teacher's] results as well as [the Parent's]." The School Psychologist emphasized "[The General Education Teacher's] SRS results talked about communication concerns and restricted repetitive behavior concerns that aligned with [the Parent's] SRS results as well."

90. The School Psychologist stated they did not think anything was missing from the re-evaluation plan in February. In addition, the School Psychologist stated "I don't think that it [the kindergarten checklist] was technically used as a data point in my evaluation. It may have been in [the Speech Language evaluation]. I would have scanned it during my file review, but I didn't specifically include any data from it. The School Psychologist noted that they had not seen the level two AEPS three through six data.

91. The Complaint Investigator showed the School Psychologist the Student's health information released from a medical agency released on February 19, 2026, to the

District. This information included general health, a Well Care Exam dated November 11, 2024, as well as a referral to the Pediatric Development Team for an autism evaluation dated February 9, 2026. The School Psychologist stated, "I have seen that document. I honestly don't remember if it was before or after the eval[uation] planning. And I see that the date was 2/9, so that would've been right around the time that we had the eval[uation] planning. I don't remember if it was before or after."

92. The School Psychologist explained that the "specific developmental history document is used typically during an ASD evaluation. And so once we had signed consent on [April 22, 2026] to go ahead with the ASD evaluation, then I set a time with [both of the Parents] to go through this with them. And so typically I just type as we're talking, I type into the document so it's full of typos and whatnot. And then when I'm going back over all the information and writing my report, I pull things out and make it prettier."

93. The School Psychologist confirmed they completed the parent interview section with the Parents on May 29, 2026 virtually, and confirmed the first six sections were not completed.

94. The School Psychologist concluded by sharing, "At the [April 22, 2026] meeting where Parents brought an advocate to the meeting, [the Parent] expressed a lot of pain over the process they had gone through with [the Student] in early childhood. [The Parent] talked about feeling like [they] had not been emotionally present due to whatever else was happening in [the Parents'] life at that time, and that [they] felt a lot of guilt for that, and that [the Parent] was really trying to do [their] best now to make up for that and be as present as possible and be as much of an advocate for [their] child as possible." The School Psychologist felt the meeting was positive, and was surprised to hear about this Complaint.

95. In an interview with the Complaint Investigator, the Assistant Director of Student Services stated the SLP was also the Student's case manager for the Student's kindergarten year because the Student had a DD eligibility, with two goals in the area of speech, one in communication and one in adaptive. They also noted the SLP provided the Student with speech services.

96. Regarding sending documentation of the February 3, 2026 planning meeting, the Assistant Director of Student Services stated they believed a meeting notice was sent before the meeting, then on February 4, 2026, the Parent received "all of the documentation around consent for evaluation and the meeting notice and what was talked about at the meeting." The Director of Student Services added that the documents were sent via ParentSquare, stating they believed they found the meeting notice and procedural safeguards there, while the consent for evaluation was sent via DocuSign. When asked about the message sent in ParentSquare from the SLP to the Parent on April 15, 2026, in which the SLP apologized for the delay in delivering documents, the Assistant Director of Student Services indicated that the records for the February 3, 2024 meeting were sent via ParentSquare at the time (and the consent via

DocuSign). They suggested that each document would have been available individually to the Parent from different sources (i.e. ParentSquare, DocuSign, email), but not as a "formal packet" all in one place until after the eligibility meeting was held. This was due to the way their database organized the documents, some of which required finalization. The Director of Student Services confirmed that the consent form, a team notice and procedural safeguards were sent on February 3, 2026.

97. The Assistant Director of Student Services shared that they talked to the SLP and the School Psychologist after the April 8, 2026 meeting, both of whom indicated they thought the meeting had gone well until hearing from the Parent the next day. The Assistant Director of Student Services indicated they spoke with the School Psychologist about the April meeting and emailed with the SLP about it, but neither they nor the Director of Student Services were involved in any conversations about the February 3, 2026 eligibility planning meeting.

98. Both the Director of Student Services and the Assistant Director of Student Services stated they could not think of anything that was missing from the evaluation process, given their knowledge of the Student.

99. The Assistant Director of Student Services explained that when progress toward IEP goals is reported, the professional doing the evaluation uses their professional judgment in determining how to describe that progress. They referenced the progress the Student made between November and February on one goal from 44% to 57% and acknowledged that on another goal, the Student had moved from 63% down to 54%. Other than mentioning this progress report was completed around the time when the new eligibility evaluation began and the scores would be monitored during the eligibility process, they did not address how this "slip" was interpreted in terms of "some" or "expected" progress.

100. When asked about how case managers in the District are trained to evaluate and differentiate between "some" versus "expected" progress, the Director of Student Services described trainings that occur annually in the fall, and indicated guidance and expectations around reporting progress is given before conferences in November and March, and then again before progress reports in January and June. The Director of Student Services specified, "one-on-one conversation … would need to happen between the parent and the case manager" regarding the specific scores, and added there was not "explicit information" given to parents from the District level regarding how to distinguish "some progress" from "expected progress." The Assistant Director of Student Services clarified that in the Student's IEP Progress Report, the percentages listed indicated instances where the Student is meeting the goal, out of the total occurrences. Additionally, the progress report code stating a student was working toward their goal with "expected progress," should be interpreted as "Working towards that goal, expecting to continue to make progress."

101. The Assistant Director of Student Services indicated they believed there was a separate Developmental History and Parent/Caregiver Interview form used for the DD evaluation.

102. With regard to whether certain documents were reviewed as part of the evaluation process, the following relevant information was shared:
    a. The Assistant Director of Student Services believed the Kindergarten Checklist would have been reviewed.
    b. The Director of Student Services believed the Kindergarten Checklist would not have been reviewed in the evaluation meeting because it was used primarily to facilitate the transition between the IFSP, which was created when the Student was in preschool, to the IEP, which focuses more on the educational setting rather than the family setting. The form is intended to help staff identify skills a student will need to develop after entering kindergarten. Thus, the Director of Student Services indicated the Kindergarten Checklist would have been reviewed the previous year in an IEP meeting.
    c. Neither participant could say with certainty whether the Kindergarten Checklist was used in the evaluation, though both agreed data points from it may have been compiled in other documents included in the report.
    d. Both participants indicated the same for the AEPS document; data from it may have been used in areas of the report, but the School Psychologist would have a better understanding of its use.
    e. The Assistant Director of Student Services indicated the Student's medical records would have been considered in the eligibility meeting, and the Director of Student Services confirmed that notes from the eligibility meeting mentioned something from those documents.

103. The Director of Student Services indicated they believed the Parent was pursuing a medical diagnosis so that the Student could continue to receive services.

104. The Assistant Director of Student Services noted that after the DD eligibility was closed, the District opened another eligibility evaluation for ASD that is currently in progress and due, according to the Director of Student Services, in October [2026].

105. In written response to questions from the Complaint Investigator, the SLP indicated they did not recall anything about the February 3, 2026 meeting that was not already in the meeting summary. "[The] Parent was considering ASD based on behaviors [the Parent] sees at home, however [the School Psychologist] and I did not see behaviors or lacking skills which warranted further concern in the academic setting."

106. The SLP clarified the Student's reported IEP goal progress with data and comments contained in the progress report. For the Student's communication goal, the SLP included the following:
    a. "[The Student] is able to identify [their] feelings and strategies [the Student] uses to help [them] stay 'calm and peaceful' (ie: sleeping, coloring, calm box). [The

Student] is skilled at following a first/then visual schedule, following clinician directions, accepting alternative offers … , adapting game rules to accommodate 'missing pieces' … , and using [their] words to express [their] ideas clearly to peers and adults. Growth in this area has been observed in SLP observation notes as well as progress reports from 2/28/2026 - 4/7/2026 where [the Student's] skill accuracy has increased (54% to 56%) and support from SLP has decreased (maximal cueing to moderate cueing)." They cited SLP therapy session notes from three dates, the CASL-2 Pragmatic Assessment, and a March 13, 2026 Speech Evaluation Report as evidence of this.

b. They added, "Growth in these skills demonstrates comparable levels to same-age peers with typical developmental abilities. Continued progress would be continually supported in the classroom, as real-world scenarios involving peers would likely have instances of flexibility and problem-solving embedded into all classroom activities."

IV. DISCUSSION

Evaluation Planning

The Complaint alleged the District violated the IDEA when the evaluation planning meeting omitted routine evaluation elements, including a file review, developmental history, parent input, and teacher input. Further, the Parent alleged they did not receive any of the evaluation planning documents after the meeting.

Before conducting any evaluation or re-evaluation of a child, the public agency must conduct evaluation planning in accordance with the law.[3] As part of an initial evaluation (if appropriate) and as part of any re-evaluation, the child's IEP team, and other qualified professionals, as appropriate, must review existing evaluation data on the child, including: evaluations and information provided by the parents of the child; current classroom-based, local, or state assessments, and classroom-based observations; and observations by teachers and related services providers. On the basis of that review, and input from the child's parents, identify what additional data, if any, are needed to determine: whether the child is, or continues to be, a child with a disability; the present levels of academic achievement and related developmental needs of the child; and for re-evaluation, whether the child needs any additions or modifications to special education and related services to enable the child to meet the measurable annual goals in the child's IEP and to participate, as appropriate, in the general education curriculum. The team described may conduct this review without a meeting. If a public agency holds a meeting for this purpose, parents must be invited to participate.[4]

The public agency must administer tests and other evaluation materials as may be needed to produce the additional data. If the child's IEP team determines that no additional data are needed to determine whether the child is or continues to be a child with a disability, and to determine

[3] OAR 581-015-2110(1); 34 CFR § 300.305

[4] OAR 581-015-2115; 34 CFR § 300.305

the child's educational and developmental needs, the public agency must notify the child's parents of that determination and the reasons for it; and of the right of the parents to request an assessment to determine whether, for purposes of services under this part, the child continues to be a child with a disability, and to determine the child's educational and developmental needs. The public agency is not required to conduct an assessment of the child unless requested to do so by the child's parents.[5]

The evidence demonstrates that during the February 3, 2026, evaluation planning process meeting, the District gathered and considered several routine evaluation elements. The team relied on referral information, observations, available records, developmental history from prior evaluations, and input from both of the Parents and teachers to establish the plan to re-evaluate the Student under DD. Although the general education teacher did not attend the evaluation planning meeting, they did provide written input via email about the Student's strengths, and teacher input was ultimately incorporated into the evaluation through an online survey and the completion of the BASC-3 as part of the evaluation process. Furthermore, the Parent's input was solicited and integrated; during the February 3, 2026 meeting, the Parent expressed specific concerns regarding ASD, which prompted the School Psychologist to add a SRS-2 to the evaluation consent form to help address the Parent's concerns about ASD.

Regarding the document delivery, the evidence shows that the Parent received evaluation planning documentation both preceding and immediately following the February 3, 2026, meeting. The District issued a Notice of Team Meeting and procedural safeguards on January 20, 2026, and emailed Consent to Evaluate and Release of Information forms via DocuSign on February 3, 2026. The signed consent document detailed the scope of the evaluation, including the planned review of existing data, direct observations, and specific standardized instruments such as the CASL-2, BASC-3, and SRS. When the Parent requested these documents again in mid-April 2026, the Speech-Language Pathologist re-sent the full set of evaluation planning documents via direct message on April 15, 2026.

The Department does not substantiate this allegation.

Evaluation Requirements and Determination of Eligibility

The Complaint alleged the District violated the IDEA when the re-evaluation failed to assess all areas of the Student's suspected disability outside their original disability category, specifically omitting an evaluation for ASD.

Each public agency must ensure that the child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities. The public agency must also ensure that the evaluation is sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified, and the evaluation includes assessment tools and strategies that provide relevant information that directly assists persons in determining

[5] Ibid.

the educational needs of the child.[6] For a child who may have disabilities in more than one category, the team need only qualify the child under one disability category. However, the child must be evaluated in all areas related to the suspected disability or disabilities, and the child's IEP must address all of the child's special education needs.[7]

The facts in this case establish that the District had notice of potential ASD concerns prior to and throughout the re-evaluation. Early childhood records noted that while the Student did not qualify as a student with ASD in 2023 observed differences could be early signs of ASD. Furthermore, during the February 3, 2026 evaluation planning meeting, the Parent expressed concerns regarding ASD and felt like they requested an autism evaluation. Additionally, health records received by the District in February 2026 included a medical referral to a Pediatric Development Team for an autism evaluation. Despite these indicators and parental requests, the District initially restricted the scope of the triennial re-evaluation strictly to DD, justifying the omission of a full ASD evaluation based on internal staff observations. During the February 3, 2026 meeting, the School Psychologist relied on informal observations and feedback from the SLP, who noted the Student had strong, age-appropriate language skills, to conclude ASD was not suspected in the school setting. The Ninth Circuit ruled that staff observations alone do not override the obligation for a district to assess "all areas of suspected disability," nor can they be used to discount contrary evidence and observations. A district cannot rely on "informal, unscientific observation" or opinions of staff to conclude a child does not have a specific disability rather than conducting formal, standardized testing.[8]

The General Education Teacher was the primary educator observing the Student's daily social interactions. Although the School Psychologist included a SRS on the consent form, it was offered as a "courtesy" for the Parents to complete, rather than as part of a formal District evaluation for ASD. Consequently, the District failed to administer the SRS to the General Education Teacher prior to the April 8, 2026 eligibility meeting. When the General Education Teacher eventually provided input and completed rating scales, they documented notable social struggles, including difficulty reading peer facial expressions, negative peer interactions, and hyper-fixation on peer behaviors. The School Psychologist conceded later that once the teacher's rating results were scored, an ASD evaluation became appropriate.

The District did not initiate a comprehensive ASD assessment until after the Parent formally protested, brought an advocate, and insisted on an ASD evaluation at the April 22, 2026 meeting. While the District ultimately obtained consent for an ASD evaluation on April 22, 2026, this occurred only after the original re-evaluation process had concluded with the termination of DD services. By dismissing parental concerns, medical referrals, and classroom observations demonstrating potential social-communication deficits based on informal observations during re-evaluation planning, the District failed to assess all areas of suspected disability in a timely manner.

The Department substantiates this allegation.

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[6] OAR 581-015-2110(4)(d-f); 34 CFR § 300.304(c)(4)(6)

[7] OAR 581-015-2120(4); 34 CFR § 300.304(c)(4)(6)

[8] Timothy O. v. Paso Robles Unified School District, 822 F.3d 1105 (9th Cir. 2016)

Review and Revise the IEP

The Complaint alleged the District violated the IDEA when the Student's IEP was not revised appropriately after they showed a lack of progress toward their annual goals.

Each school district must ensure that the IEP Team reviews the child's IEP periodically, but at least once every 365 days, to determine whether the annual goals for the child are being achieved and revise the IEP, as appropriate, to address any lack of expected progress toward the annual goals.[9]

The evidence in this case established that the Student's May 13, 2025 IEP contained a communication goal and an adaptive/self-management goal requiring each requiring 80% accuracy in the respective areas. The Student's April 30, 2026 IEP Progress Report indicated the Student worked toward their communication goal with "expected progress" throughout the school year, while the adaptive/self-management goal was logged as "some progress" in November 2025 and "expected progress" in February and April 2026. However, underlying data revealed that on the adaptive/self-management goal, the Student scored below the 80% threshold ranging from 17 percentage points below in November, 2025, and more than 20 percentage points below in February and March, 2026. Furthermore, data probes for the communication goal indicated a March 13, 2026 score that basically met the threshold, but was achieved under maximal cueing, which was not specified as a permissible accommodation within the written goal.

Despite the quantitative data showing that the Student was not making sufficient progress for their goals, the District did not convene to revise the IEP or adjust the underlying instruction, intervention, or measurement strategies. Additionally, the General Education Teacher consistently documented ongoing concerns regarding the Student's social interaction struggles and negative peer interactions throughout the year. Rather than revising the IEP to address these documented skill deficits and lack of progress, the District convened and terminated the Student's DD eligibility and ended special education services in late April 2026. Because the District did not review and revise the Student's IEP to address their lack of expected progress toward annual goals, the District failed to meet its statutory obligations.

The Department substantiates this allegation.

Prior Written Notice (PWN)

The Complaint alleged the District violated the IDEA when the contents of multiple PWNs provided by the District were insufficient in detail and not written to be understandable to the general public.

Prior written notice must be given to the parent of a child within a reasonable period of time before a school district proposes to initiate or change the identification, evaluation, or

[9] OAR 581-015-2225(1)(b)(A); 34 CFR § 300.324(b)(1)(ii)(A)

educational placement of the child, or the provision of a free appropriate public education (FAPE) to the child; or refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a FAPE to the child. The content of the prior written notice must include a description of the action proposed or refused by the school district; an explanation of why the district proposes or refuses to take the action; description of each evaluation procedure, assessment, test, record, or report the school district used as a basis for the proposed or refused action; statement that the parents of a child with a disability have protection under the procedural safeguards and, if this notice is not an initial referral for evaluation, and the means by which a copy of the Notice of Procedural Safeguards may be obtained. Additionally, PWN must include sources for parents to contact to obtain assistance in understanding their procedural safeguards, a description of other options that the IEP team considered and the reasons why those options were rejected, and a description of other factors that are relevant to the agency's proposal or refusal. The prior notice must be written in language understandable to the general public.[10]

The evidence in this case reflects that the District failed to satisfy the statutory requirements for PWN content during the Student's triennial re-evaluation process. Following the February 3, 2026 meeting, the District issued PWN of Evaluation Decision that identified the District's proposal to evaluate the Student under the category of DD. The notice detailed the specific sources of information relied upon, including teacher and parent input, direct observations, referral data, and available educational records. While the Parent expressed confusion over specific phrasing regarding the Student's progress toward age-level expectations, the wording adequately reflected the legal purpose of a re-evaluation: to gather comprehensive data to evaluate ongoing eligibility. Furthermore, because there was input from the SLP and school-based observations, the scope of the notice focused on DD. The inclusion of the SRS on the consent form was provided to gather additional information for the Parent's consideration, rather than a formal denial of a standalone ASD evaluation request. The District was obligated to formally notify the Parent that the requested evaluation for ASD was not part of the re-evaluation process.

The evidence further confirms the procedural dates and details of April 24, 2026 PWN terminating DD eligibility complied with regulatory standards. While administrative delays meant the electronic system finalized the PWN on April 24, 2026, following the April 22, 2026 meeting, the document explicitly detailed the basis for the team's decision to discontinue DD services. Moreover, the Parent was provided with procedural safeguards, actively participated in all eligibility discussions, received the corresponding evaluation reports and meeting summaries, and ultimately gave consent to initiate a new ASD evaluation. Minor typographical errors or slight delays in document finalization do not render the notices legally insufficient or unintelligible, as administrative gaps between a meeting date and a system-finalized PWN date function as harmless technical errors when parents are present at the meeting, understand the outcome, and sign consent for next steps.[11]

The Department partially substantiates this allegation.

[10] OAR 581-015-2310(1-3)(4)(a); 34 CFR § 300.503(a-b)(c)(1)

[11] Ms. S. v. Vashon Island School District, 337 F.3d 1115, 1136 (9th Cir. 2003)

V. CORRECTIVE ACTION[12]

In the Matter of David Douglas School District 40
Case No. 026-054-089

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

Action Required	Submissions	As Soon As Possible But No Later Than Due Date
1. The District must provide the Parent with PWN detailing the Parent's request and the District's refusal to conduct an ASD evaluation at the February 3, 2026 evaluation planning meeting.	The District shall submit to the ODE the following: Revised PWN and evidence showing it was provided to the Parent.	**October 15, 2026**
2. If the Student is found eligible for special education services due to ASD, the District shall hold a meeting with the Parent to determine appropriate compensatory education for IEP services not provided from April 24, 2026 until the date of the October 2026 eligibility meeting and a plan for delivery of those services.[13]	The District shall submit to the ODE the following: If eligible, the finalized IEP and completed plan for delivery of compensatory education developed in a meeting with Parent; and Evidence showing compensatory education was provided.	**December 1, 2026** **June 30, 2027**

[12] 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)).

[13] If the parties are unable to reach an agreement regarding compensatory education, the Department will make a determination. The Department provides IEP Facilitation services when it is mutually desired by parents and school districts and is available to support the Student's IEP team in this meeting. If a Facilitated IEP meeting is desired, please email ode.disputeresolution@ode.state.or.us.

3. The District must ensure that all District staff responsible for supervising or implementing special education services receive training in each of the following areas: ● Evaluation Requirements, ● Determination of Eligibility, ● Review and Revision of IEPs, and ● PWN.	Training agenda/materials to ODE for review/approval. Sign-in sheet for training.	**October 15, 2026** **October 25, 2026**
4. The District must schedule an IEP meeting to review and revise the Student's IEP to address the lack of expected progress toward the IEP goals and, if appropriate, compensatory services for the period in which the IEP should have been revised.	Evidence showing documentation of data reviewed, parent participation, the offer of services and rationale, and a service delivery timeline. Evidence of completion.	**October 25, 2026** **June 30 ,2027**

Dated: this 14th day of September 2026



Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

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E-mailing Date: September 14, 2026

Appeal Rights: Parties may seek judicial review of this Order. Judicial review may be obtained by filing a petition for review within sixty days from the service of this Order with the Marion County Circuit Court or with the Circuit Court for the County in which the party seeking judicial review resides. Judicial review is pursuant to the provisions of ORS § 183.484. (OAR 581-015-2030 (14).) A party may request reconsideration by the Superintendent within 60 days after the date of the Order pursuant to OAR 137-004-0080 and OAR 581-015-2030(14)(b). A request for reconsideration does not stay this Order, and corrective action must begin according to the timelines stated herein. OAR 581-015-2030(14)(c).