



Oregon

Tina Kotek, Governor



OREGON
DEPARTMENT OF
EDUCATION

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Dr. Charlene Williams
Director of the Department of Education

June 5, 2024

BY EMAIL

REDACTED

Dr. Sandy Husk, Interim Superintendent
c/o Mary Kane, General Counsel
Portland Public Schools District
501 N Dixon St
Portland, OR 97227
shusk@pps.net
mkane1@pps.net

Re: Case No 2024-10

Dear REDACTED and Dr. Husk:

REDACTED (Complainant) filed an appeal with the Oregon Department of Education alleging that Portland Public Schools violated ORS 659.850 and OAR 581-021-0045 by discriminating against their child (Student) on the basis of disability. Complainant specifically alleged that the district did not consider Student's disability when the district suspended Student for violating Portland Public Schools' Racial Harassment and Sexual Orientation Harassment/Bullying policy. The suspension in question occurred on April 3 and 4, 2024.

Under OAR 581-002-0009(3)(a)(C), the department may issue notice that it is closing an appeal if the department determines that a district is not in violation of a law or rule described in OAR 581-002-0003. This letter constitutes notice that the department finds that Portland Public Schools is currently in compliance with ORS 659.850 and OAR 581-021-0045.

On May 6, 2024, the department issued notice that it was accepting Complainant's appeal. The department has jurisdiction to hear Complainant's appeal under 581-002-0005(1)(a)(A), under which a complainant may file an appeal with the Oregon Department of Education if a complainant has exhausted a district's complaint process. In this case, the district informed

Complainant that they had exhausted the district's complaint process in an email dated April 18, 2024.

On May 22, 2024, the department received from the district the meeting minutes for a Manifestation Determination. The Manifestation Determination was held in accordance with applicable federal law and state rule. *See* 20 U.S.C §1415(k)(1)(B) & (E) and OAR 581-015-2405.

With respect to the narrow grounds on which this appeal was accepted, the department finds that Portland Public Schools adhered to applicable special education law when it suspended Student for violating district policy.

This does not mean that other remedies are not available to Complainant. Complainant has filed a complaint with the department alleging violation of special education law. That complaint is currently in process. Complainant has a right to pursue remedies through that process, and this notice has no bearing on it.

Case No 2024-10 is closed.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Mayer', is enclosed within a light gray rectangular border.

Mark Mayer, Complaint and Appeals Coordinator
Office of the Director
Oregon Department of Education