

**BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION**

In the Matter of the )  
Portland Public School District 1J )  
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FINDINGS OF FACT,  
CONCLUSIONS  
AND FINAL ORDER  
Case No. 20-054-012

**I. BACKGROUND**

On October 30, 2020, 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 Portland Public School District 1J (District). The Parent requested that the Department conduct a special education investigation under OAR 581-015-2030. The Department confirmed receipt of this Complaint and forwarded the request to the District.

Under state and federal law, the Department must investigate written complaints that allege violations of the Individuals with Disabilities Education Act (IDEA) and issue an order within sixty days of receipt of the complaint.<sup>1</sup> This timeline may be extended if the Parents and the District agree to the extension in order to engage in mediation or local resolution or for exceptional circumstances related to the complaint.<sup>2</sup>

On November 4, 2020, the Department's Complaint Investigator sent a *Request for Response* to the District identifying the specific allegations in the Complaint to be investigated and establishing a *Response* due date of November 18, 2020.

On November 18, 2020, the District submitted a *Response* denying the allegations and providing explanation and supporting documents in support of the District's position. In total, the District submitted the following items:

1. District written response to Department's RFR, 11/18/2020
2. District Exhibit List
3. Student IEP, 09/25/2019
4. Student IEP Progress Report, 09/18/2020
5. Student Special Education Placement Determination, 09/25/2019
6. Notice of Team Meeting, 09/04/2019
7. Prior Written Notice, 09/25/2019
8. IEP Meeting Minutes, 9/25/2019
9. Student IEP, 09/18/2020
10. Student Special Education Placement Determination, 09/18/2020
11. IEP Meeting Minutes: 09/18/2020
12. Notice of Team Meeting, 09/16/2020
13. Prior Written Notice, 09/18/2020
14. Student IEP, 09/27/2018

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<sup>1</sup> OAR 581-015-2030(12) and 34 CFR § 300.152(a)

<sup>2</sup> OAR 581-015-2030(12) and 34 CFR § 300.152(b)

15. IEP Progress Report, 09/27/2018
16. IEP Amendment, 09/27/2018
17. IEP Progress Report, 06/11/2019
18. Eligibility Summary Statement, 09/27/2018
19. Special Education Placement Determination, 09/27/2018
20. Disability Statement: 09/13/2008
21. Prior Written Notice, 10/01/2018
22. Notice of Team Meeting, 09/18/2018
23. Parent/Guardian Consent for Individual Evaluation, 09/27/2018
24. Prior Written Notice, 03/07/2019
25. Prior Written Notice, 09/27/2018
26. IEP Meeting Minutes: 09/27/2018
27. Speech-Language Pathology Short Form Report, 9/27/2018
28. Notice of Team Meeting, 02/28/2019
29. IEP Meeting Minutes, 03/07/2019
30. Overview of Student's class
31. List of Student's assignments, 2020-2021
32. Email: Math materials, 11/01/2019
33. Email: Re: today, 11/06/2019
34. Email: Re: Google Classroom, 11/08/2019
35. Email: Re; Today, 11/13/2019
36. Email: (Student's) math class, 11/15/2019
37. Email: Today, 11/18/2019
38. Email: Grades, 12/09/2019
39. Email: Biology Class, 12/09/2019
40. Email: Re: Biology Class, 12/09/2019
41. Email: Physics, 12/13/2019
42. Email: Test, 12/17/2019
43. Email: Help, Request, 12/15/2019
44. Email: (Student) absence today, 12/20/2019
45. Email: Test, 12/22/2019
46. Email: (Student's) January Plan, 01/06/2019
47. Email: Yesterday, 01/08/2019
48. Email: Bad news, 01/08/2019
49. Email: Class, 01/08/2020
50. Email: Today: 01/08/2020
51. Email: Be there soon, 01/09/2020
52. Email: Problem, 01/09/2020
53. Email: Tomorrow, 01/09/2020
54. Email: Radar, 01/10/2020
55. Email: Fw: Fax Received, 01/13/2020
56. Email: Request, 01/14/2020
57. Email: Re: Attendance, 01/15/2020
58. Email: Re: Family, 01/15/2020
59. Email: Re: Request, 01/16/2020
60. Email: (Student), 01/16/2020
61. Email: Re: \_ News, 01/16/2020
62. Email: Re: (Student)/Attendance, 01/21/2020

63. Email: (Student), 01/21/2020
64. Email: Re: Finales, 01/22/2020
65. Email: Re: Math, 01/22/2020
66. Email: Problem, 01/29/2020
67. Email: Re: Email, 01/30/2020
68. Email: Problem, 02/18/2020
69. Email: Plans, 02/19/2020
70. Email: Email, 02/20/2020
71. Email: LA teacher, 02/24/2020
72. Email: Report, 03/12/2020
73. Email: Re: Book, 03/12/2020
74. Email: Re: Report, 03/12/2020
75. Email: School, 03/16/2020
76. Email: Re: [EXTERNAL] Checking-in, 04/01/2020
77. Email: Hangout, 04/14/2020
78. Email: (Teacher) Support for (Teacher's) Students, 04/17/2020
79. Email: Re: Update, 04/21/2020
80. Email: (Student), 04/21/2020
81. Email: Re: Call, 04/25/2020
82. Email: Re: Help, 04/27/2020
83. Email: docs, 04/27/2020
84. Email: Re: Language arts, 05/05/2020
85. Email: Re: [EXTERNAL] Re: (Student's) Situation, 05/19/2020
86. Email: (Student), 06/01/2020
87. Email: Re: Summer, 06/11/2020
88. Email: (Student's) Schedule, 08/28/2020
89. Email: Re: Zoom, 09/04/2020
90. Email: Re: (Student's) schedule, 09/07/2020
91. Email: student (Student), 09/08/2020
92. Email: Fwd: Today, 09/09/2020
93. Email: Re: School Chromebook, 09/09/2020
94. Email: Fwd: School, 09/11/2020
95. Email: Re: Intro letter link, 09/14/2020
96. Email: Re: Fwd: (Student) – Invitation to edit, 09/14/2020
97. Email: Re: (Student's) Missing Assignments, 09/14/2020
98. Email: Re: Forms, 09/15/2020
99. Email: Awesome to see you in Period 4, 09/14/2020
100. Email: Re: [EXTERNAL] Upcoming IEP Availability, 09/14/2020
101. Email: Draft IEP – (Student), 09/17/2020
102. Email: Re: today. 09/18/2020
103. Email: (Student), 09/18/2020
104. Email: Don't Move (Student) Out of Political Economy!, 09/19/2020
105. Email: Re: (Student) Schedule, 09/21/2020
106. Email: (Student) – 3 by 3, 09/21/2020
107. Email: Re: Essay, 09/22/2020
108. Email: IEP – (Student), 09/23/2020
109. Email: Re: Assignment, 09/24/2020
110. Email: Re: (Student's) homework, 09/25/2020

111. Email: Question, 09/24/2020
112. Email: See you today at 2 p.m. – Academic Support, 09/28/2020
113. Email: Assignment, 09/28/2020
114. Email: Re: (Student), 10/02/2020
115. Email: Re: (Student) IEP, 10/05/2020
116. Email: See you today in Asynchronous class – 2pm, 10/05/2020
117. Email: Re: [EXTERNAL] Re: [EXTERNAL] Re: (Student) IEP, 10/05/2020
118. Email: Other 9/11 Assignment, 10/05/2020
119. Email: Re: Was that helpful?, 10/07/2020
120. Email: Fwd: Assignment, 10/12/2020
121. Email: Re: Supporting student SD, 10/12/2020
122. Email: Re: Assignment, 10/22/2020
123. Email: Re: Meetings, 10/15/2020
124. Email: Re: Last day, 10/16/2020
125. Email: Re: Zoom, 10/16/2020
126. Email: Re: (Student), 10/20/2020
127. Email: Re: Recording classes, 10/22/2020
128. Email: [EXTERNAL] Re: (Student's) History Assignments, 10/23/2020
129. Email: Fwd: 10/8 assignment, 10/29/2020
130. Email: Re: 10/8 assignment, 10/29/2020
131. Email: Re: Help, 10/29/2020
132. Student grade and progress reports
133. List of Knowledgeable Staff
134. Example graphical organizer

The Complaint Investigator interviewed the Parents and the Student on November 27, 2020. The Parents provided additional materials on December 2, 2020. As part of the Department's investigation the Complaint Investigator interviewed the Student's general education teacher, classroom teacher, case manager and speech language pathologist regarding this matter. The Complaint Investigator reviewed and considered all these documents, interviews, and exhibits in reaching the findings of fact and conclusions of law contained in this order. This order is timely.

## **II. ALLEGATIONS AND CONCLUSIONS**

The Department has jurisdiction to resolve this Complaint under 34 CFR §§ 300.151-153 and OAR 581-015-2030. The Parent's allegations and the Department's conclusions are set out in the chart below. The conclusions are based on the Findings of Fact in Section III and the Discussion in Section IV. This Complaint covers the one-year period from October 29, 2019, to the filing of this Complaint on October 30, 2020.

|   | <b><u>Allegations:</u></b>  | <b><u>Conclusions:</u></b>   |
|---|---|--|
| 1 | <p><b><u>IEP Implementation</u></b></p> <p>The Parents allege that the District violated the IDEA when the District failed to properly implement the Student's IEP. The Parents allege that certain courses were not taught in accordance with the accommodations listed in the Student's IEP. Specifically, the Parents allege that the Student did not receive the appropriate accommodation in one class in particular.</p> <p>(OAR 581-015-2220, 34 CFR 300.323, 200.324)</p> | <p><b><u>Substantiated in part</u></b></p> <p>The Student's IEP included accommodations for additional time to complete assignments and graphical organizers to assist the Student in completing written assignments. The records included evidence that the Student had access to most of these accommodations; however, District staff were unsure about how to provide the graphic organizer accommodation to the Student and one staff member imposed conditions related to assignment revision that were not consistent with the accommodation as written in the IEP.</p>   |
| 2 | <p><b><u>Free Appropriate Public Education (FAPE)</u></b></p> <p>The Parents allege that the District violated the IDEA in ways that amounted to a denial of FAPE. The Parents allege such violation includes:</p> <ul style="list-style-type: none"> <li>a. Teachers failing to provide IEP accommodations to the Student; and</li> <li>b. The Student experiencing a reduction in academic standing as a result.</li> </ul> <p>(OAR 581-015-2040, 34 CFR 300.101)</p>           | <p><b><u>Not Substantiated</u></b></p> <p>The Parent, Student, and District staff communicated by email regarding the Student's accommodations. For various reasons, District staff placed emphasis on staying current with assignments over revision of past assignments. The Student received opportunities to revise assignments in conformity with their IEP accommodations. There is no evidence in the record that demonstrates that the failure to provide the graphic organizer requirement resulted in the denial of educational opportunity for the Student or impeded the Student's progress towards IEP goals.</p> |

### III. FINDINGS OF FACT

#### Background

- 1) The Student in this case is an 18-year-old student in the 12<sup>th</sup> grade.
- 2) The Student is eligible for special education under the category of communication disorder.

- 3) The Student's disability affects their receptive language skills. These delays affect the Student's comprehension of classroom material, both written and discussed. The Student displays difficulty with academic vocabulary concepts and discourse level comprehension. The Student's expressive language delays are evident in written and oral sentence structure, where the Student demonstrates preference for simple declarative sentence structures, and vocabulary choices, which may manifest in the use of non-specific word choices or struggles with retrieving desired words.

The Student utilizes technology to look up the meaning of words and benefits from practice identifying unfamiliar words and using context cues to infer meanings. The Student benefits from guided practice utilizing the relationship between words in complex, academic sentences, and practice summarizing paragraphs to ensure understanding.

- 4) The Student requires the support of the District's speech language pathologist (SLP) to provide services targeting language-based educational goals. The SLP assists the Student with improving the organization of thoughts into language, sentence structure, written assignments, and improving vocabulary. The Student requires the SLP's support to improve organization of thoughts into language, improve sentence structure, word choice, and assistance with writing tasks to improve comprehension of vocabulary.
- 5) The Student's IEP team considered a modified diploma for the Student. In consideration of feedback from the Student's parents, and with appropriate accommodations and supports, the team determined that the Student would work toward a standard diploma.
- 6) On September 18, 2020, the Student's IEP team met to review the Student's IEP. The Student was present at this meeting. The Student's case manager was on leave during the time of the meeting. The District appointed a substitute special education case manager, Teacher 2, who was present for the meeting. Also present for this meeting were a District representative, a general education teacher, a special education teacher, and the Student's speech language pathologist.
- 7) Due to the ongoing Covid-19 pandemic, the District implemented a comprehensive distance learning model for all students. The Student attended classes by video conference during times relevant to these issues.
- 8) The Student's September 2020 IEP contained several accommodations including:
  - a) "1-3 day extension on assignments, as communicated with teacher;"
  - b) "Multiple opportunities and appropriate amount of time to revise assignments in attempt to meet standards;"
  - c) "As assignments are graded throughout the quarter, teachers will post grade on Synergy;" and
  - d) "Access to graphic organizers for writing assignments/essays."
- 9) The Student's previous IEPs from 2019 and 2018 also included the following accommodations:
  - a) "1-3 day extension on assignments, as communicated with teacher;" and
  - b) "Access to graphic organizers for writing assignments/essays."

- 10) On October 1, 2020, the Student and Teacher 1 exchanged emails about an assignment that the Student resubmitted and asked Teacher 1 to regrade. The Student expressed confusion regarding having received the same grade on the assignment despite having revised the assignment. Teacher 1 suggested that the Student work on more recent assignments and attempt to earn higher grades for those assignments. Parent 1 reiterated the request that Teacher 1 regrade the resubmitted assignment.
- 11) On October 2, 2020, Teacher 2 sent an email to Teacher 1 and Parent 1 regarding the Student's assignments in Teacher 1's class. Teacher 2 inquired of Teacher 1 whether the Student's assignments could be modified to accommodate the Student's preference for independent work. Teacher 2 also expressed an interest in obtaining additional information on assignments provided by Teacher 1 to further assist the Student with revising assignments, and observed that one of the Student's "...IEP accommodations is designed to allow (the Student) more time on assignments...Could we come up with a way that (the Student) would be able to receive credit on everything (the Student) completes?"
- 12) On October 5, 2020, Parent 1 exchanged emails with Teacher 1 and Teacher 2 regarding the Student's IEP accommodations. Parent 1 thanked Teacher 1 for their October 2 email, and included text from the Student's IEP accommodation, "Multiple opportunities and appropriate amount of time to revise assignment in attempt to meet standards," and observed that failing to allow the Student opportunities to revise assignments is "not consistent" with the Student's IEP.
- 13) On October 5, 2020, Teacher 2 wrote in response to Parent 1, "...it's fine for (the Student) to resubmit work, IF, (the Student) is caught up on current work. (The Student) still has other missing assignments (the Student) should finish before resubmitting anything. I want to make sure (the Student) keep up and don't get lost with what we are doing currently."
- 14) On October 5, 2020, Parent 1 responded to Teacher 1's email observing, that there "is no 'IF' statement in the IEP that requires (the Student) to be caught up in current work. The IEP allows (the Student) multiple opportunities to turn in late work."
- 15) On October 5, 2020, Teacher 1 and Teacher 2 exchanged emails discussing Teacher 1's openness to discuss with the Student any outstanding assignments and assistance with those assignments.
- 16) On October 7, the Student and their case manager exchanged emails. The case manager encouraged the Student to email Teacher 1 for assistance and encouraged them to request support from Teacher 2. The Student's case manager also offered to assist the Student with completing assignments.
- 17) On October 12, 2020, the Student's case manager wrote an email to Teacher 1 requesting access to assignments to assist the Student. The case manager provided Teacher 1 with additional background on the Student's disability and how they would assist the Student.
- 18) On October 12, 2020, the Student and Teacher 1 exchanged emails discussing the sufficiency of assignments completed by the Student in comparison to the relevant grading rubric for the class. The Student expressed difficulty understanding how their work did not

meet standards. Teacher 1 expressed difficulty assessing whether the Student understood the assigned readings.

- 19) On October 16, 2020, the Parents sent an email to the Student's case manager expressing disappointment in hearing that they would be leaving that position. The Parents observed that frequent staff changes were unfortunate given the Student's communication disorder. The Student's case manager pledged to pass on their records to ensure a smooth transition to support the Student.
- 20) On October 19, 2020, Parent 1 and Parent 2 sent an email to the Student's new case manager requesting assistance with the Student's communication with Teacher 1. The Parents observed that the Student was having difficulty understanding Teacher 1's instructions around assignments, which was compounded by the Student's communication disorder.
- 21) On October 22, 2020, the Student and Teacher 1 exchanged emails regarding recording classes. The District provided clarification that the Student could record classes to assist their comprehension.
- 22) On October 23, 2020, Parent 1 sent an email to Teacher 1 writing, "My understanding from (the Student) is that even through (the Student) is resubmitting assignments, (the Student) is still not exactly sure what you are looking for in these assignments. (The Student) is continuing to turn in these assignments and receiving a corresponding grade of 2..." Parent 1 went on to question whether the writing prompts and grading rubric were sufficiently detailed.
- 23) On October 23, 2020, Teacher 1 responded to Parent 1's email relating that were they to grade all outstanding assignments for the Student that the Student's grade would drop further.
- 24) On October 23, 2020, Parent 1 sent an email to Teacher 1 with a list of the Student's IEP accommodations. Teacher 1 responded providing information regarding how the Student could meet with them to gain additional insight on assignments or clarify any material that was not understood.
- 25) On October 30, 2020, the Department received this Complaint from the Parents.
- 26) As part of its Investigation, the Complaint Investigator interviewed the Student's substitute case manager, classroom teacher, special education teacher, and speech language pathologist.
  - a) The Student's special education teacher reported having worked with the Student to revise assignments for the general education teacher. The special education teacher observed that despite changes made to these assignments that the Student's grade had not improved on the resubmitted assignments.
  - b) Teacher 1 noted that while prepared notes were not generally part of the class, the Student did record the classes through the video conferencing software used to



deliver synchronous instruction. Teacher 1 also provided context and clarification to email communications with Parent 1 to clarify their intent and understanding of the communications.

- c) Teacher 1 was familiar with where to find student IEPs, and the accommodations in the Student's IEP. Teacher 1 explained that additional time for the completion of assignments was provided. Teacher 1 further explained that due to the Covid-19 pandemic, all assignment deadlines had been removed. Teacher 1 characterized their email correspondence with the Student and Parent 1 as expressing a preference for the Student to stay current with class assignments, rather than focus on revising assignments to improve their grade.
- d) Teacher 1 and Teacher 2 explained that this was the first year that they worked with the Student. Due to the Covid-19 pandemic, they had limited background on the Student. District staff further noted that the Student's case manager was out on leave during most of the fall semester and that District staff knowledge of the Student's needs and accommodations was largely limited to this semester and discussions with the Student and Parent 1 during the September 22, 2020 IEP meeting. District staff acknowledged that Student 1's IEP included graphic organizers.
- e) The Student's SLP provided an overview of the Student's expressive and receptive communication. The Student can work with the SLP on an as needed basis for assistance on assignments. The SLP described that such accommodations as graphic organizers were generally available in some classes, and that the SLP would create others on an ad hoc basis during assistance provided to the Student with organizing thoughts in furtherance of comprehending assigned material. Such ad hoc graphic organizers were generally created when the Student and the SLP worked together in person before the District's shift to comprehensive distance learning. Such graphical organization of ideas have not been part of the distance learning model. The SLP observed that the struggles displayed by the Student were not uncommon given the additional effort required to complete the standard diploma versus the modified diploma.
- f) The District's representative was present at the September 18, 2020 IEP meeting. The District representative was also relatively new to the Student's IEP team. During the interview with the Department Investigator, the District representative reviewed the meeting minutes and their strategies to ensure that the Student provided feedback regarding the suitability of their accommodations and additional needs. The District representative recalled the team's focus on the Student's completion of credit required for graduation from high school and avoiding any courses that would impede that goal.

#### **IV. DISCUSSION**

##### **1. IEP Implementation**

The Parents allege that the District violated the IDEA when the District failed to properly implement the Student's IEP. The Parents allege that certain courses were not taught in

accordance with the accommodations listed in the Student's IEP. Specifically, the Parents allege that the Student did not receive the appropriate accommodation in one class in particular.

At the beginning of each school year, a district must have an IEP in effect for each child with a disability.<sup>3</sup> A district must provide special education and related services to the student with a disability in conformity with that student's IEP.<sup>4</sup> As soon as possible following the development of the IEP, the provision of special education and related services therein described must be made available to the student.<sup>5</sup> Districts are required to make the IEP accessible to each regular education teacher and special education teacher responsible for its implementation.

During interviews with District staff, the Student's regular education teacher and special education teacher described their access to the Student's IEP. Staff were aware of the accommodations afforded to the Student. Staff agreed that two of the accommodations in the Student's IEP involved additional time for the completion, submission, or revision of assignments, and were unsure how to apply those to the Student's current courses as delivered through distance learning. Teacher 1 explained that the accommodation was likely less relevant to their course because assignment due dates were not enforced. Teacher 1 reported observing that due to the Covid-19 pandemic and distance learning, students struggled to meet deadlines, and therefore assignment deadlines were removed partway through the course.

The Student's IEP also contained an accommodation related to "access to graphic organizers for writing assignments/essays." Teacher 1 reported having some premade graphic organizers for the course. District staff were unsure who would prepare such organizers or provide them to the Student for the course. The Student's SLP reported creating graphic organizers on an ad hoc basis. Such graphic organizer use was not as widespread during comprehensive distance learning, nor was this accommodation modified due to the change to online instruction delivery.

The Student expressed difficulty understanding the purpose and intent of written assignments from Teacher 1. The Student and Teacher 1 exchanged emails regarding the assignments, such as those on October 12, 2020, where the Student expressed difficulty understanding how to sufficiently complete the assignment, and Teacher 1 expressed difficulty understanding whether the Student understood the readings. The Student's IEP included an accommodation for graphic organizers for preparing written assignments.

During interviews with District staff, Teacher 2 expressed some frustration in understanding the intended outcome from Teacher 1's written assignments. Teacher 1 reported working with the Student to revise an assignment, which received the same grade as the initial submission. The Student's SLP described their use of graphic organizers, although the record demonstrates that other District staff were unsure how to provide this accommodation. Teacher 1 also stated that the Student could turn in revised assignments once newer

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<sup>3</sup> OAR 581-015-2220(1)(a)

<sup>4</sup> OAR 581-015-2220(1)(b)

<sup>5</sup> OAR 581-015-2220(2)(a)

assignments had been completed; however the accommodation does not include this restriction.

The Department substantiates this portion of the allegation.

## **2. Free Appropriate Public Education (FAPE)**

The Parents allege that the District violated the IDEA in ways that amounted to a denial of FAPE. The Parents allege that teachers failed to provide accommodations listed in the IEP to the Student. The Parents further allege that the Student experienced a reduction in academic standing as a result.

School Districts are required to provide a free appropriate public education to all school aged children with disabilities for whom the district is responsible.<sup>6</sup> In determining whether a District has denied Student a FAPE, there is a two-part test. First, the District must comply with the procedures set forth in the IDEA, and second the student's IEP must be reasonably calculated to enable the student to receive educational benefits.<sup>7</sup> While harmless procedural errors do not constitute a denial of FAPE,<sup>8</sup> "...procedural inadequacies that result in the loss of educational opportunity...clearly result in the denial of FAPE."<sup>9</sup>

FAPE is provided when the unique circumstances of the child are considered, and the IEP is appropriately ambitious and reasonably calculated to permit advancement through the general education.<sup>10</sup> An offer of FAPE is generally the IEP developed by a district. To "meet its substantive obligation under the IDEA, a school must offer an IEP reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances."<sup>11</sup>

The District met the procedural requirements of the September 18, 2020, IEP team meeting. The Student's usual case manager was then on leave; however, the District assigned a substitute case manager who had some familiarity with the Student having worked with them previously. The Student's speech language pathologist, a general education teacher, special education teacher, and District representative also attended the meeting. The accommodations in the Student's IEP appear little changed from 2018. These accommodations have allowed the Student to make progress through to their senior year.

The Student struggled to understand the writing assignments in Teacher 1's course. The Student's IEP included accommodations to assist the Student. District staff were aware of the accommodations, and there is evidence in the record that the Student had access to these accommodations. As observed above, there was a lack of clarity regarding some specifics around the delivery of certain accommodations. However, there is no evidence in the record that demonstrates that the failure to provide the graphic organizer requirement or the

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<sup>6</sup> OAR 581-015-2040(1)

<sup>7</sup> *Bd. of Educ. v. Rowley*, 458 U.S. 176, 206-07 (U.S. 1982)

<sup>8</sup> *L.M. v Capistrano Unified Sch. Dist.*, 556 F.3d 900, 910 (9<sup>th</sup> Cir. 2008)

<sup>9</sup> *Shapiro v. Paradise Valley Unified Sch. Dist. No. 69*, 317 F.3d 1072, 1079 (9<sup>th</sup> Cir. Ariz. 2003)

<sup>10</sup> *Id.* (slip op., at 13)

<sup>11</sup> *Endrew F., v Douglas County School District Re-1*, 137 S. Ct. 988, 999 (2017)

requirement that current assignments be completed prior to turning in revised assignments resulted in the denial of educational opportunity for the Student or impeded the Student's progress towards IEP goals.

The Department does not substantiate this allegation.

**V. CORRECTIVE ACTION<sup>12</sup>**

*In the Matter of Portland Public School District #1J  
Case No. 20-054-012*

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

|    | Action Required  | Submissions <sup>13</sup>   | Due Date  |
|----|--|---|---|
| 1. | The District is to provide training to school special education staff members as well as general education staff regarding appropriate implementation of accommodations in Student IEPs. | Copy of proposed training agenda and materials to be provided to District's ODE county contact for review/input by March 1, 2021. Attendance sheet and training materials used to be provided to ODE. | Agenda/materials to be provided by May 1, 2021. Training to be provided by September 1, 2021. |

Dated: this 29th Day of December 2020



\_\_\_\_\_  
Cindy Hunt  
Chief of Staff  
Oregon Department of Education

E-Mailing Date: December 29, 2020

<sup>12</sup> 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)).

<sup>13</sup> Corrective action submissions and related documentation as well as any questions about this corrective action should be directed to Mike Franklin, Oregon Department of Education, 255 Capitol St. NE, Salem, Oregon 97310-0203; telephone – (503) 947-5634; e-mail: mike.franklin@ode.state.or.us, fax number (503) 378-5156.