

BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of
Portland Public Schools

)
)
)
)

FINDINGS OF FACT,
CONCLUSIONS,
AND FINAL ORDER
Case No. 21-054-016

I. BACKGROUND

On July 26, 2021, the Oregon Department of Education (Department) received a Letter of Complaint from the parents (Parents) of a student (Student) who previously attended school and resided within the Portland Public Schools district (District). The Parents 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.¹ This timeline may be extended if the complainant 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 30, 2021, 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 August 13, 2021.

The District requested the Parents obtain a release of information from the Student, who had reached the age of majority. On August 10, 2021, the Parents obtained the Student's consent for the District to release information in this matter to the Department. As a result, the District requested additional time to submit its *Response*. That request was granted. The District submitted a *Response* on August 17, 2021 denying the allegations, providing an explanation, and supporting documents for the District's position. In total, the District submitted the following items:

1. District Response
2. District Exhibit List, D—1, D—2, D—3, D—4, D—5
3. Student IEP, 09/20/2020
4. IEP Progress Report—Measurable Annual Goals, 11/06/2020
5. Student IEP Amendment, 01/19/2021
6. Transfer of Rights, 09/30/2020
7. Special Education Placement Determination, 09/30/2020
8. Prior Written Notice, 01/19/2021
9. IEP Meeting Minutes, 09/30/2020
10. Notice of Team Meeting, 09/16/2020
11. Prior Written Notice, 09/30/2020
12. Summary of Performance, 06/08/2021
13. Prior Written Notice, 06/08/2021
14. Student IEP, 10/02/2019

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

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

15. IEP Progress Report, 04/13/2020
16. Student IEP Amendment, 10/02/2019
17. IEP Progress Report—Measurable Annual Goals
18. Special Education Placement Determination, 10/02/2019
19. IEP Meeting Minutes, 04/23/2020
20. Notice of Team Meeting, 04/21/2020
21. Notice of Team Meeting, 09/25/2019
22. Prior Written Notice, 10/02/2019
23. IEP Meeting Minutes, 10/02/2019
24. Prior Written Notice, 04/23/2020
25. Eligibility Summary Statement, 04/23/2020
26. Prior Written Notice, Notice of Triennial, 04/23/2020
27. Prior Written Notice, Notice of Eligibility, 04/23/2020
28. Disability Statement, 04/23/2020
29. Parent/Guardian Consent for Individual Evaluation, 04/23/2020
30. Meeting Minutes, 04/23/2020
31. Email: Check in: (Student) meeting documents, 04/22/2020
32. Psycho Educational Assessment Report, 04/23/2020
33. IEP Progress Report—Measurable Annual Goals, 06/08/2021
34. Email: Re: Portland Public Schools Formal Complaint, 09/21/2019—10/18/2019
35. Email: Re: Request for Review re Portland Public Schools Response to Formal Complaint, 10/18/2019
36. Email: [Parents] Appeal of 10/08/2019 Conclusions of [Administrator], Regional Superintendent, 10/28/2019
37. Email: FHS List Serve Global Climate Strike – Student Walk Friday, Dec. 6th, 12/04/2019
38. Email: APPEAL REQUEST of [Parents] (student [Student], Franklin H.S.), 12/16/2019
39. Email: [Parents] appeal of 11/27/2019 Letter of [Administrator], 01/15/2020
40. Email: Re: [Student's] Weekly Health Course Update (1/22/19), 02/04/2020
41. Email: Student [Student] IEP/Scheduling Question, 04/04/2020
42. Email: RE: Emergency Team Response 2/10/2020 – 9:20 Monday AM, 02/10/2020
43. Email: Re: Scheduling [Student's] Evaluation Planning Meeting, 03/11/2020
44. Email: Re: Div 22 mediation with [Student] and PPS, 03/27/2020
45. Email: Is Distance Learning for Credit or Not?, 04/02/2020
46. Email: Re: Check In: Progress and Distance Learning, 04/16/2020
47. Email: IEP request for student [Student], 04/20/2020
48. Email: Re: Request for Virtual Scholars Gov class approved!, 04/23/2020
49. Email: RE: Check in re: [Student] meeting documents, 05/18/2020
50. Email: Re: Division 22 Mediation – extension correspondence, 05/29/2020
51. Email: RE: Urgent, IEP/504 Request for [Student] to be given extra time to complete modified-content course work in American History, 06/02/2020
52. Email: 5-8 Test, 06/10/2020
53. Email: Re: Div. 22 Mediation PPS and [Parent] – Scheduling, 06/15/2020—06/17/2020
54. Email: Re: [Student] Scheduling [Student's] IEP Meeting, 09/16/2020
55. Email: RE: Div 22 mediation – Zoom invitation – all emails needed, 09/22/2020
56. Email: Student [Student] request for night school econ, 09/23/2020
57. Email: RE: Div 22 Mediation – resending invitation, 09/24/2020
58. Email: Courtesy Copy of Amended Complaint—Ongoing IEP Violations, 09/25/2020
59. Email: Re: Fwd: Portland Evening Scholars Pre Registration [Student], 09/28/2020
60. Email: [Student] IEP Mtg, 09/30/2020
61. Email: Re: Parent Introduction – [Student]
62. Email: Re: [Student] – Teacher/Parent Meeting, 10/19/2020
63. Email: Re: Course Invitation, 10/21/2020
64. Email: Re: Updated invitation” Review Econ/Govt with Family of [Student] @ Fri Oct 16,

2020 12:45pm – 1:30pm (PDT), 10/22/2020

65. Email: Re: Invitation: LJ Course Review Summary (ECON) @ Tue Oct 27, 2020 12:45pm - 1:30pm (PDT), 10/26/2020
66. Email: Re: Step 3 appeal, 11/13/2020
67. Email: Re: Scheduling Conferences [Student], 11/16/2020
68. Email: Apologies—Student [Student] Conferences,
69. Email: Friday's Upcoming Civic Engagement Activity for Graduate Portrait Credit, 12/12/2020
70. Email: Re: Student [Student], 12/17/2020
71. Email: Re: Introduction of Student [Student], on Your Roster, 01/06/2021
72. Email: your AP exam invoice, 01/08/2021
73. Email: Urgent Meeting Request—IEP not followed, Student [Student] in danger of failing/not graduating, 01/08/2021
74. Email: Re: Meeting Request: Scheduling, 01/12/2021
75. Email: Re: [Student] Academic Planning Meeting, 01/14/2021
76. Email: Re: Hello, 01/19/2021
77. Email: Re: VR Service Questionnaire, 01/20/2021
78. Email: Re: Missing: Class and Final Project, 01/28/2021
79. Email: Re: Draft Plan, 01/29/2021
80. Email: Re: PPS Reopening Update: Hybrid Learning Plans for Grades K-5, 02/12/2021
81. Email: Re: One-on-one conferences, 03/03/2021
82. Email: Re: Superintendent Guerrero on the Horrific Violence Against Our Asian and Pacific Islander Community Members, 03/20/2021
83. Email: Re: FHS: 4th Qtr learning Preference – RESPONSE REQUIRED, 03/30/2021
84. Email: Re: Human Impact Presentation, 04/19/2021
85. Email: [Student's] disability examination for her paperwork, 04/12/2021
86. Email: Re: 2nd period 4th quarter: Academic Skills, 04/19/2021
87. Email: Re: [Student] Independent Study Links, 05/05/2021
88. Email: Re: URGENT Reminder re January plan for [Student's] 0.25 graduation credit, 05/05/2021
89. Email: RE: Update on mask Use for High School Sports, 05/19/2021
90. High School: Independent Study Form, 2020-2021
91. [Student] High School Transcript, Grade 12
92. [Student] Q4 Report Card, 2020-2021
93. [Student] Q3 Report Card, 2020-2021
94. [Student] Q1 Report Card, 2020-2021
95. [Student] Q2 Report Card, 2020-2021
96. Email: How is the ECON review going? Ready for GVOT? ([Student] course reviews), 11/08/2020
97. Email: Re: Urgent Meeting Request—IEP not followed, Student [Student] in danger of failing/not graduating, 01/09/2021
98. District List of Knowledgeable Staff

On August 26, 2021, the Department's Complaint Investigator (Investigator) interviewed the Parents regarding these matters. On September 3, 2021, the Investigator interviewed the Student's Case Manager and District Legal Counsel regarding these matters. It later came to the Department's attention that the District's Response was not received by the Parents due to a mailing error. The Parents were provided additional time to provide a response to the District's response in this case. On September 23, 2021, the Parents provided additional information to the Complaint Investigator. The Investigator requested additional information from the Parents, which was received on October 1, 2021. Based on the additional information additional interviews with District staff were required. On October 8, 2021, the Investigator interviewed the Student's Principal and a Special Education Administrator. The 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 relevant 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 27, 2020, to the filing of this Complaint on July 26, 2021.

Allegations	Conclusions
<p><u>When IEPs Must Be In Effect</u></p> <p>The Parents allege that the District violated the IDEA when it failed to appropriately abide by specific provisions in the Student’s IEP. The Parents specifically allege the Student’s IEP contained provisions aimed at respecting family privacy rights, avoiding or eliminating partisan political issues aimed toward the Student, and providing Parents with advance access to, or opportunity to review, the Student’s curriculum. The Parents allege that the District did not implement these accommodations.</p> <p>(OAR 584-015-2220; 34 CFR § 300.323, 300.324)</p>	<p><u>Not Substantiated</u></p> <p>There is insufficient information in the record to make a determination regarding the intent of and possible violation of this accommodation in the Student’s IEP.</p>
<p><u>Review and Revision of IEPs</u></p> <p>The Parents allege that the District violated the IDEA when it failed to review and revise the Student’s IEP to address the Student’s disability as it related to specific curriculum. The Parents allege that the Student’s disability made certain health and biological curriculum unsuitable for them, and that the District refused to accommodate or craft instruction suitable for the Student’s needs.</p> <p>(OAR 581-015-2225; 34 CFR §§ 300.324(a)(4), (a)(5), (a)(6), & (b)(1))</p>	<p><u>Not Substantiated</u></p> <p>This issue falls outside of the relevant time period for an IDEA complaint.</p>

III. FINDINGS OF FACT

Background

- 1) The Student attended school in the District and graduated in the spring of 2021 with a regular high school diploma.

- 2) The Student was eligible for special education under the category of Other Health Impairment given their diagnosis of Cerebral Palsy. The Student demonstrated impairments primarily in executive functioning and experienced some physical impairment issues.
- 3) The Student received Specially Designed Instruction (SDI) in classroom/school skills and transition skills. The Student received support in organizing school work, calendaring, and working to identify desirable career paths and their associated educational requirements.
- 4) The Student's September 30, 2020, IEP included a number of supplementary aids and services to address the Student's needs. Among these were:
 - a. Provide Student with access to a trusted adult to check-in with when they are feeling overwhelmed, frustrated, or uncomfortable;
 - b. Student has the option to opt-out of class discussion and/or activities where sexuality is discussed, and that staff will avoid asking the Student "invasive questions" about their sexuality;
 - c. Teachers would refrain from using partisan politics in the classroom around the Student;
 - d. School communication with the home if the Student displayed a change in personality or sufficient failure to turn in work or fell behind in note taking;
 - e. Access to pre-printed materials and limit in-class writing for the Student;
 - f. Breaking down large projects/assignments into smaller intermediate pieces with specific deadlines;
 - g. Teacher checks for understanding at the start of independent work;
 - h. Allowing extra time to complete work;
 - i. Allowance for "think time" before requiring the Student to reply or come up with an answer to a question;
 - j. Allow access to word processor for lengthy writing tasks;
 - k. Provide Student with copies of teacher notes;
 - l. Limiting options on multi-option assignments;
 - m. Access to two sets of textbooks (home and school).
- 5) On November 8, 2020, the District reached out to the Parents to inquire as to their progress with reviewing the Student's economics curriculum and making adjustments to meet the Student's IEP. While not included as an accommodation in the Student's IEP, the District had a practice of allowing the Parents advance access to assignments to better support the Student with regard to executive functioning.
- 6) On January 7, 2021, the Parents sent an email to the District indicating that the Student may be falling behind with course work, and such deficiencies may jeopardize the Student's graduation, and asking for additional support.
- 7) On January 7, 2021, the Student's Foreign Language Teacher responded to the Parents' January 7, 2021 email, providing a summary of the Student's performance, relating that they did have concerns about the Student's progress, and sharing that they had contacted the Student and the Parents regarding those concerns in conformity with the Student's IEP accommodations. The Foreign Language Teacher reports having sent emails to the Parents and having left voicemails for the Parents regarding these concerns. On January 8, 2021, the Parents responded to the Foreign Language Teacher acknowledging their efforts to contact them.

- 8) On January 8, 2021, the Student's Economics Teacher responded to the Parent's January 8, 2021 email voicing concern that the District was not following the Student's IEP, especially in regards to keeping the Parents apprised of the Student's progress. The Economics Teacher provided grades and access logs of the Student's participation. The Economics Teacher further detailed how they had kept the Parents updated by email.
- 9) On January 8, 2021, the District responded, indicating that the Student had completed approximately 58% of the relevant economics coursework and that the Student's current grades put them on track to graduate with an A. The District further observed that the Parents have access to view the Student's assignments and that there were no prior concerns communicated regarding the Student's progress.
- 10) On January 17, 2021, the District sent an email to the Parents indicating that due to the Student turning 18, the Student's educational rights would transfer to the Student from the Parents and that this would impact the Student's upcoming IEP meeting. As a result of this change the majority of the District's communication around graduation requirements was with the Student directly.
- 11) On January 19, 2021, the Student's IEP team met to review the Student's progress toward graduation and make amendments to the Student's schedule. The Parents raised concerns about some of the content included in the Student's economics course, specifically an assignment involving political cartoons depicting a candidate for president. The IEP team agreed that the Student would be removed from the general education setting for the Academic Skills class and receive SDI. The Student's schedule was adjusted such that the second semester would include 0.25 credits of Economics presented through an independent study.
- 12) Due to the Student turning 18 and the transfer of educational rights, the Student's IEP team primarily communicated with the Student for the remainder of the school year.
- 13) Following the January 29, 2021, IEP Team meeting, the District and the Parents agreed to certain parameters regarding the Student's transition from general education placement for economics to completing an independent study to receive SDI for their remaining economics credits.
- 14) On April 30, 2021, the Parents sent an email to the District requesting more information regarding the independent study for the Student to complete their economics credit.
- 15) On May 4, 2021, the Student's Case Manager responded to the Parent's April 30, 2021, email and informed the Parents that they had been working with the Student to complete the independent study and fulfill the outstanding credits. The Student's Case Manager provided a link to the various lessons and invited the Parents to discuss the issues further.
- 16) On May 5, 2021, the Case Manager sent an email to the Parents informing them that they had met with the Student to discuss progress and that the Student's independent study was 50% complete.
- 17) On May 5, 2021, the Parents responded to the email from the Case Manager objecting to the District's having not provided the Parent's with advance review of assignments and curriculum as previously agreed.

- 18) The Student successfully completed all graduation requirements.
- 19) On July 26, 2021, the Department received this Complaint.
- 20) On August 17, 2021, the District submitted its response to this Complaint.
- 21) On August 26, 2021, the Investigator interviewed the Parents regarding these matters. The Parents reported that the Student was previously subjected to questioning regarding political activity and opinion in the classroom. The Parents expressed a preference that the Student not be subjected to such questioning or conversations regarding partisan politics.
- 22) The Parents expressed concerns about one specific assignment. The Parents described the assignment as including a series of political cartoons that cast one candidate for president in a negative light. The Parents also referenced a political cartoon they alleged was disparaging of a US trade partner and trade policy. The Parents noted that due to the COVID-19 pandemic and the online delivery of curriculum there was no copy of the relevant assignment.
- 23) On September 3, 2021, the Investigator interviewed the Case Manager and the District's Legal Counsel. The Case Manager reported that some years prior a teacher had a conversation with the Student regarding their participation or lack of participation in an event outside of school. The Parents allegedly took exception to this dialogue, which led to the inclusion of an accommodation into the Student's IEP related to avoidance of partisan political issues.
- 24) In part to better assist the Student with their assignments, the Parents had access to the Student's assignments and curriculum in advance to help the Student with executive functioning among other concerns. The Case Manager reported that the Parents raised concerns about a political cartoon depicting foreign trade policy. The Case Manager stated that once the Parents expressed displeasure with one of the Student's assignments, the Student was removed from the general education economics curriculum and provided an independent study to complete the required credit in economics.
- 25) The Case Manager further reported that the Case Manager delivered the curriculum to the Student. The Case Manager reported the understanding that the Student's accommodation referred to discussions from staff toward the Student, not the content of curriculum. Nevertheless, the District agreed to modify the Student's curriculum to address the concern.
- 26) Due to a mailing error, the Parents did not receive a timely copy of the District's August 17, 2021, Response. Parents requested, and the Department granted, additional time to reply to the Response. On September 23, 2021, the Investigator received the Parent's Reply. On October 1, 2021, the Investigator requested additional clarifying information from the Parents. The Parents provided additional documentation and communications with District staff relevant to the concerns raised.
- 27) As a result of the additional information provided by the Parents, the Investigator requested additional interviews with District staff, specifically the Principal and a Special Education Administrator. The Parents' September 23, 2021, and October 1, 2021, Reply raised the question whether specific District staff supported the Parents' contention that the District failed to appropriately implement the Student's IEP by failing to eliminate

partisan political curriculum, and failing to keep the Parents apprised of the Student's progress especially when there were indications that the Student may be falling behind with school work.

- 28) On October 10, 2021, the Investigator interviewed the Principal and a Special Education Administrator. The Principal related that the Parents raised concerns regarding components of the curriculum for the Spring 2021 semester. Given the move to Comprehensive Distance Learning (CDL) in response to COVID-19, this curriculum was to be provided through the District's Virtual Scholars online program as opposed to building staff. The Principal related that the Parents had access to the curriculum through a login that allowed them to review assignments to assist the Student. This allowance was not part of the Student's IEP, but was a courtesy afforded to the family to assist the Student.
- 29) In January 2021, the Parents raised concerns that aspects of the curriculum to be presented during the Spring 2021 semester were, in their opinion, not in conformity with the Student's IEP accommodations, specifically the accommodation that teachers refrain from using partisan politics in the classroom around the Student. The issues in question were aspects of the Student's economics curriculum that utilized political cartoons in discussion of U.S. economic policy. The Principal reported an interest in addressing the Parents' concerns and ensuring the Student completed the requisite curriculum in a manner that allowed the Student to demonstrate proficiency in the relevant subject matter.
- 30) The Principal noted that they did not agree that the economics curriculum at issue was partisan or political and that, if the Parents had concerns with the curriculum, the Student's Case Manager was best placed to assist the Student in completing the required credits for graduation. The Principal further observed that the District's automated systems regarding grading and attendance were not updated to reflect the Student's withdrawal from the Virtual Scholars course, and that this may have caused confusion for the Parents regarding the Student's progress toward graduation. The Principal noted that this was among the obstacles presented by adjusting to CDL.
- 31) On October 10, 2021, the Investigator interviewed one of the District's Special Education Administrators. The Special Education Administrator observed that the Parent's access to the Student's curriculum was not an IEP accommodation but rather a courtesy offered by the District. The Special Education Administrator did not agree that the curriculum was in violation of the Student's IEP or that it was inappropriate, but agreed to accommodate the Parent's concerns by finding other ways for the Student to complete the remaining credits.
- 32) The Special Education Administrator reported that it did take some time for the Case Manager to craft the specialized instruction, which may have contributed to the Parent's perception that the Student was behind in completing the requisite curriculum. The Special Education Administrator observed that the Student consented to their Parents attending the January 2021 IEP meeting.
- 33) On January 19, 2021, the Student sent an email to the District providing their consent for the Parents to attend the January 2021 IEP meeting. Due to the transfer of educational rights, the Case Manager worked with the Student directly for the rest of the semester. The Special Education Administrator was not aware of an additional consent from the Student to share their educational information with the Parents.

- 34) The Parents provided, as part of their Reply, communications with the Student's teachers evidencing communications issues with teachers. The Special Education Administrator discovered that the Student's email address in the District's computer system was listed incorrectly, which delayed some communications between themselves and the Student. The Special Education Administrator noted, however, that this would not have limited communications between the Student and the Case Manager as they worked together directly.

IV. DISCUSSION

When IEPs Must Be In Effect

The Parents alleged that the District violated the IDEA when it failed to appropriately abide by specific provisions of the Student's IEP. The Parents specifically alleged that the Student's IEP contained provisions aimed at respect family privacy rights, avoiding or eliminating partisan political issues aimed toward the Student, and providing the Parents with advance access to, or opportunity to review, the Student's curriculum. The Parents allege that the District did not implement these accommodations.

At the start of each school year a district must have an IEP in effect for each child with a disability.³ Districts must provide special education and related services to children with disabilities in accordance with said IEP.⁴ To comply with these requirements, a district must ensure that the student's IEP is accessible to each regular education teacher, special education teacher, related service provider and other service providers responsible for its implementation.⁵

The Student's IEP contains numerous accommodations. One such accommodation is that, "teachers will refrain from using partisan politics in the classroom around [Student]." The Student's IEP does not include an accommodation allowing the Parents to review the Student's curriculum in advance of its delivery to the Student. The District reports that the accommodation was not aimed at curriculum, but rather toward staff engaging the Student in partisan political conversation.

Several issues complicate the Department's analysis of this complaint. The Student's IEP accommodation is not specific regarding what is partisan. The District reports understanding that the intent of the accommodation was conversation from staff aimed toward the Student. The District further acknowledged the complexity and subjectivity around what may be interpreted as "partisan."

The Parents provided copies of the relevant assignments and communications as part of their Reply. The District responded that the assignments cited were never assigned to the Student, as the Parents objected to these assignments in advance. The District convened an IEP meeting in January 2021, wherein the District and the Parents agreed to adjust the Student's curriculum to have the Student's Case Manager provide direct instruction in satisfaction of the remaining credits the Student needed for graduation.

There are no meeting minutes from the January 2021 IEP meeting. The Principal and the Special Education Administrator reported that they did not agree with the Parent's assessment that the curriculum was partisan, but expressed an interest in respecting the Parent's concerns and finding a solution for the Student to complete the remaining credits needed for graduation.

³ OAR 581-015-2220(1)(a)

⁴ OAR 581-015-2220(1)(b)

⁵ OAR 581-015-2220(3)(a)

The Student's curriculum was adjusted so that the outstanding credits were delivered through an independent study facilitated by the Case Manager. Finally, the Student's IEP does not include a provision around the Parents preapproving curriculum for the Student. The District reported that the Parents were provided access to the Student's assignments in advance as a courtesy.

The Department does not substantiate this allegation.

Review and Revision of IEP's

The Parents alleged that the District violated the IDEA when it failed to review and revise the Student's IEP to address the Student's disability as it related to specific curriculum. The Parents allege that the Student's disability made certain health and biological curriculum unsuitable for them, and that the District refused to accommodate or craft instruction suitable for the Student's needs.

A school district must ensure that the IEP team reviews a student's IEP periodically, but at least once every 365 days.⁶ This review should include a determination whether the annual goals for the student are being achieved.⁷ This review should also include revising the IEP to address information provided about the student by the parents, and other associated matters.⁸ IDEA complaints must allege a violation that occurred not more than one year before the date that the complaint is received by the Department.⁹

The Parents allege that the Student experienced certain health related issues stemming from their disability that made specific aspects of the health and biological curriculum unsuitable or sensitive for the Student. During the course of the Investigation, the District asserted that the Student had not taken any relevant courses in health or biology during the 2020/2021 school year. During the Investigator's interview with the Parents, the Parents agreed that the relevant period during which the Student had health and biological related curriculum was during the 2019/2020 school year, and would have been more than a year prior to the filing of this complaint.

The Department does not substantiate this allegation.

V. CORRECTIVE ACTION¹⁰

In the Matter of Portland Public Schools Case No. 021-054-016

Based on the facts provided, the Department does not order corrective action in this matter.

Dated: this 12th Day of October, 2021

⁶ OAR 581-01502225(1)

⁷ OAR 581-015-2225(1)(a)

⁸ OAR 581-015-2225(1)(b)(C) & (1)(D)

⁹ OAR 581-015-2030(5)

¹⁰ 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)).

x  _____

Tenneal Wetherell
Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing Date: October 12, 2021

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).)