

BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of Portland School District 1J)	FINDINGS OF FACT,
)	CONCLUSIONS, AND
)	CORRECTIVE ACTION
)	Case No. 25-054-006

I. BACKGROUND

On January 23, 2025, the Oregon Department of Education (the Department) received a written request for a special education complaint investigation from the parent (Parent) of a student (Student) residing in the Portland 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.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 January 30, 2025, 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 February 13, 2025.

On February 13, 2025, the District submitted to the Department a *Response* to the Complaint. The *Response* stated:

“The District has carefully reviewed the allegations and, while it does not entirely agree with them, has decided not to contest the allegations described in the complaint. Rather, the District proposes several corrective actions it believes will address the Parent’s concerns raised in the complaint and move the parties forward in a collaborative manner to support [the Student] at school.”

With the *Response*, the District submitted the following relevant items:

1. District’s Written *Response* with proposed corrective action, 2/13/25
2. Individualized Education Program (IEP) Amendment, 9/19/23
3. Functional Behavior Assessment (FBA), 3/9/23

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

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

4. Behavior Support Plan (BSP), 3/9/23
5. IEP, 3/7/24
6. BSP, 5/3/24
7. District's IEP Meeting Minutes, 5/3/24
8. BSP Data, 5/6/24
9. IEP Amendment, 12/11/24

The Complaint Investigator discussed the nature and content of the District's proposed corrective action with the Parent on February 18, 2025. The Parent was provided an opportunity to provide additional input regarding proposed corrective action.

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 January 24, 2024, to the filing of this Complaint on January 23, 2025.

Allegations	Conclusions
<p>IEP Content</p> <p>The Parent alleges that the District violated the IDEA when it failed to include specific special education and related services and supplementary aids and services in the Student's IEP necessary to fully address the Student's needs that result from the Student's disabilities.</p> <p>(OAR 581-015-2200; 34 CFR §300.320)</p>	<p>Not Contested</p> <p>The District does not contest this allegation.</p>
<p>Review and Revision of IEPs</p> <p>The Parent alleges that the District violated the IDEA by failing to include one-on-one adult support in the Student's IEP, although the IEP team determined it was necessary.</p> <p>(OAR 581-015-2225; 34 CFR §300.324)</p>	<p>Not Contested</p> <p>The District does not contest this allegation.</p>

<p>When IEPs Must Be in Effect</p> <p>The Parent alleges that the District violated the IDEA by not providing special education and related services in accordance with the Student’s IEPs at the District School.</p> <p>(OAR 581-015-2220; 34 CFR §300.323)</p>	<p>Not Contested</p> <p>The District does not contest this allegation.</p>
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REQUESTED CORRECTIVE ACTION
<p>The Parent requested that the Department order the District to take the following corrective action:</p> <ul style="list-style-type: none"> • Provide immediate adult support for the Student. • Compensatory Education from the beginning of the 2023-34 school year until the time that the Student enrolled in home school. <p>The District proposed that the Department order the District to take the following corrective action:</p> <ul style="list-style-type: none"> • Participate in an ODE-Facilitated meeting with the Student’s IEP team at the Student’s school to address any concerns of the Parent, the District, or the school members of the IEP team. • With the Parent’s input, determine an appropriate amount of and method to deliver compensatory education services.

III. FINDINGS OF FACT

1. The Student is nine years old and in the third grade.
2. The Student is eligible for special education services under the disability category of Other Health Impairment (OHI).
3. During the 2023-34 school year, the Student attended second grade at a District sponsored charter school.
4. The Parent alleged that the charter school (1) “failed to provide [the Student] the necessary additional adult support needed to access [their] education” and (2) failed to implement the Student’s IEP, including the failure to collect academic data. The Parent reported that the Student “made little academic progress and [the Student’s] safety became a concern (eloping, spitting, etc.).”

5. The Student's March 7, 2024 IEP included an accommodation for "[a]dult support for direct instruction and repetition for new tasks and expectations" for 45 minutes per day, as well as "adult support for field trips."
6. At the start of the 2024-25 school year, the Student started attending a different District sponsored charter school as a third grader.
7. The Student's December 11, 2024 IEP Amendment included the following additions to the Student's present level of developmental and functional performance:

"In the general education setting, [the Student] requires additional adult support for prompting, on-task behavior, problem solving, and non-preferred activities. At recess, [the Student] requires adult support to maintain safe in [their] play, and to support [their social communication needs.

[The Student] requires adult support, and a time-management system on any and all devices [the Student] accesses at school."
8. The Student's December 11, 2024 IEP Amendment did not include any changes to accommodations related to adult support.
9. The Parent reported, "[the Student's] IEP dated 3/7/24, that was amended 12/11/24, states [the Student] requires 1:1 adult support and this has continued to not be provided to [the Student]."
10. The District has not contested the allegations made in the Complaint in this matter.

IV. DISCUSSION

The Complaint alleges IDEA violations, which the District does not contest.

The Department does not make a substantive determination on the allegations of the Complaint.

Based on the District not contesting the allegation of this Complaint, the Department orders the following Corrective Action:

V. CORRECTIVE ACTION³

In the Matter of Portland School District 1J

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

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

Action Required	Submissions	Due As Soon As Possible But No Later Than
<p>1. The District must ensure that all relevant staff who were responsible for developing and implementing the Student's IEP(s) receive training in each of the following areas:</p> <ul style="list-style-type: none"> a. IEP Content; b. Review and Revision of IEPs; c. IEP Implementation. 	<p>Training agenda/materials to ODE for review/approval.</p> <p>Sign-in sheet for training.</p>	<p>May 1, 2025</p> <p>September 1, 2025</p>
<p>2. The District must hold an IEP meeting with the Parent to review the Student's IEP, including amending the IEP to reflect the IEP team's previous determination that one-on-one support is needed, and determine an appropriate amount of compensatory education services for the Student and method of delivery.</p> <p>If the parties are unable to reach an agreement on the amount of compensatory education hours to be offered by the District, either party can request that the determination be made by the Department.</p>	<p>Documentation of offer to hold IEP meeting made to the Parent.</p> <p>Documentation of agreements between parents or guardians and the District, involving the type and amount of compensatory education services that the Student will receive.</p> <p>Evidence of delivery of compensatory services to the Student.</p> <p>Documentation of PWN issued related to compensatory education services for the Student.</p>	<p>April 15, 2025</p> <p>May 15, 2025</p> <p>December 1, 2025</p> <p>June 10, 2025</p>

Dated: this 24th Day of March 2025



Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing Date: March 24th, 2025

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).)