BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of Portland School District 1J	)	AMENDED FINDINGS OF FACT,
	)	CONCLUSIONS,
	)	AND FINAL ORDER
	)	Case No. 25-054-045[1]

I. BACKGROUND

On June 18, 2025, the Oregon Department of Education (Department) received a written request for a special education complaint investigation from the attorney 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.[2] 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.[3]

On June 24, 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 July 9, 2025. The District requested an extension and a new due date for the *Response* was set for July 16, 2025.

The District submitted a *Response* on July 16, 2025, denying the allegations, providing an explanation, and submitting documents supporting the District's position. The District submitted the following relevant items:

1. Absentee Report, 11/13/24-04/01/25
2. Staff Licensure List, no date
3. Prior Written Notice - Notice of Triennial, 03/13/25
4. Meeting Minutes, 04/14/25
5. Individualized Education Program, 10/07/24
6. Annual IEP Review Meeting Notes, 09/30/24

[1] The final order was issued on August 14, 2025. Originally, the parties were ordered to hold an IEP meeting to create a plan for the delivery of compensatory education and services. On October 16, 2025, the Department was informed that the parties were unable to reach agreement and the Department agreed to make a determination about the amount of compensatory education and services.

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

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

7. Prior Written Notes, 10/07/24
8. IEP Progress Report, 10/07/24, 05/08/25
9. Individualized Education Program Draft, 06/04/25
10. Meeting Notes - Eligibility/IEP, 06/04/25
11. Communication Log, 02/25-03/25
12. Teacher Schedule, no date
13. Emails between parties, 08/20/24-06/04/25
14. Q4 Report Card, no date
15. High School Transcript, 06/25/25
16. Work Sheets, various dates
17. Data Collection Sheet, printed on 01/28/25
18. Prodigy Report, 12/07/24-03/26/25
19. Meeting Agenda, 04/03/25
20. [The Student]'s Reading Goals, 2023-24 School Year
21. Work Sheets, various dates
22. Meeting Agenda, 04/03/25
23. IBW ISC Parent Meeting Notes, 03/14/25
24. Progress Report Access Letter, 02/02/24
25. ParentVue Access Instructions, no date
26. Spreadsheet - [School] Schedules - Room 17, no date

The Parent submitted the following relevant items:

1. IEP Progress Report, 10/07/24
2. IEP Progress Report, 05/08/25
3. Emails between parties, 10/07/24-08/03/25
4. Work Sheets, various dates
5. Notes from ODE Call, 07/31/25

The Complaint Investigator interviewed the Parent and District personnel on July 31, 2025. 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 June 19, 2024, to the filing of this Complaint on June 18, 2025.

Allegations	Conclusions
Personnel Qualifications and Support for Personnel The Complaint alleged the District violated the IDEA by not having a "certified [special education teacher] in the classroom [from] approximately November 13th [*sic*] through March 28, 2025." Further, it was alleged the substitute teacher was not trained to provide appropriate support to the Student. (OAR 581-015-2200(1)(d); OAR 584-210-0100; OAR 584-210-0140; 34 CFR §§ 300.156, 300.207)	**Not Substantiated** The District did not violate the IDEA. They had personnel with the proper licensing and the substitute was trained to provide the appropriate support.
When IEPs Must Be in Effect The Complaint alleged the District violated the IDEA by not providing the Student with 161 hours of specially designed instruction (SDI) from November 13, 2024 to March 28, 2025. Also, the Parent did not receive progress reports during this period of time. (OAR 581-015-2220; 34 CFR § 300.323)	**Substantiated** The District did not consistently deliver SDI to the Student and did not provide progress reports during this period of time, impacting their ability to participate in the education of their child.
Content of the IEP The Complaint alleged the District violated the IDEA by developing an Individualized Education Program (IEP) which included vague terminology, goals were discontinued without explanation, and special education services for math were being removed. It was further alleged the present levels statement did not include baseline data for the math, personal budget and reading goals, and the goals were not aligned to the present levels statements in these areas. (OAR 581-015-2200; 34 CFR § 300.320)	**Not Substantiated** The District did not use vague terminology in the IEP or discontinue goals without explanation. The present levels statements included baseline data and were aligned to goals.

REQUESTED CORRECTIVE ACTION
The Parent requested the following corrective action: ● Provide "compensatory education to address the deficiencies and setbacks [the Student] has experienced."

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 June 19, 2024. 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.

1. The Student is a rising 11th grader who is pleasant, respectful, and cooperative. The Student qualifies for special education services under the disability categories of Intellectual Disability (ID), Deafness or Hard of Hearing (DHH), Speech Language Impairment (SLI), and Other Health Impairment (OHI).

2. A document titled, "[The Student's] Reading Goals School Year 2023-2024" stated, "My Professional Analysis: In Reading it is not a matter of regression on their goal but rather that [their] goal needs to be revised to a writing goal which [they] currently [do] not have. They have other reading goals." The document showed one suggested writing goal and three reading goals, and a Present Level.

3. On February 2, 2024, the District sent a letter to families explaining students' progress reports on their IEP goals were available for viewing at the same time report cards were issued each term. Instructions to access progress reports electronically were attached to the letter.

4. According to the District's Absentee Report for Room 17, from November 13, 2024 to April 1, 2025 there were 71 total vacancies, of which 70 were filled. The report noted one day, March 3, 2025, as "Substitute Not Needed." Filled vacancies indicated the following:
    a. Substitute 1 served 44 days.
    b. Substitutes 2, 4, 5, 6, and 8 each served one day.
    c. Substitute 3 served 11 days.
    d. Substitute 7 served six days.
    e. Substitute 9 served five days.

5. Staff Licensure Information indicated the following:
    a. Substitute 1 was a Restricted Substitute Educator with a Restricted Substitute Teaching License endorsed for any specialty (issued 7/1/2024).
    b. Substitute 2 was a Substitute Educator Classroom with a Substitute Teaching License endorsed for any specialty (issued 11/4/2023).

c. Substitute 3 was a Substitute Educator Classroom with a Professional Teaching License endorsed for Career Trades Generalist (issued 2/11/2025).
d. Substitute 4 was a Restricted Substitute Educator with a Restricted Substitute Teaching License endorsed for any specialty (issued 7/1/2023).
e. Substitute 5 was a Substitute Educator Classroom with a Substitute Teaching License endorsed for any specialty (issued 9/4/2024).
f. Substitute 6 was a Substitute Educator Classroom with a Preliminary Teaching License endorsed for Art (issued 12/24/2024).
g. Substitute 7 was a Substitute Educator Classroom with a Restricted Substitute Teaching License endorsed for any specialty (issued 7/1/2023).
h. Substitute 8 was a Substitute Educator Classroom with a Professional Teaching License endorsed for English Language Arts, World Language: German (issued 6/29/2022).
i. Substitute 9 was a Substitute Educator Classroom with a Substitute Teaching License endorsed for any specialty (issued 4/28/2025).
j. Special Education Teacher was a "Teacher - SPED Intsv Skills Ctr" with NCLB Paraprofessional and Reciprocal Teaching licenses endorsed for Special Education: Generalist and English to Speakers of Other Languages (issued 09/17/2019 and 03/18/2025).
k. Temporary Case Manager was a "LT Tchr-Hrly Gr K-12 LC Supp" with a Professional Teaching License endorsed for Special Education: Generalist (issued 12/14/2023).
l. TOSA was a TOSA-SPED with a Professional Teaching License endorsed for Special Education: Generalist (issued 11/21/2020).

6. In an email dated August 23, 2024, the Parent inquired about SDI for the students in the special education program and arrival of the new teacher.

7. An email dated September 3, 2024 from the TOSA indicated the new hire of the Special Education Teacher, who was formerly a paraprofessional in the Student's class.

8. On September 29, 2024, the Special Education Teacher emailed the TOSA regarding missing present levels information in the Student's goals and a mismatch between the present level criteria and the written goal criteria, advising alignment. In response, the Special Education Teacher stated they were "unable to erase the previews [*sic*] IEP" and hadn't altered the goals because they were "perfect" and "in progress" since it hadn't been a year since the amended IEP.

9. IEP notes dated September 30, 2024 confirmed the team discussion around annual goals and team agreement. Goals were added for reading, previous IEP goals were continued, drafted goals were reviewed, and the math goal was revised. The IEP meeting was continued on October 7, 2024.

10. The TOSA emailed the Special Education Teacher on September 30, 2024, following the IEP meeting, to instruct them to remove old data from the IEP that was no longer relevant, update the math goal, and to add a present level for a social emotional goal.

11. The Student's IEP, dated October 7, 2024, described the following:
    a. Annual review date: October 6, 2025; Reevaluation date: May 25, 2025.
    b. The Student's Present Levels of Academic Achievement and Functional Performance (PLAAFP) stated the following:
        i. Mathematics: "[The Student] completed a list of 1/1 items to purchase and completed the math to stay within the expected budget. We will continue to work on this goal with 4/5 accuracy."
            i. Newly proposed math Goal: "By 10/01/2025, given a purchase limit, a list of 7 items, and a written prompt to develop a personal budget, [the Student] will write a list of purchase items that stays within the purchase limit, scoring a 1 out of 1 rubric point, as measured by 4 out of 5 progress monitoring assessments."
        ii. Reading: "[The Student] is working in [*sic*] blending noun [*sic*], the teacher has not work [*sic*] on syllables at this time. But [the Student] understand [*sic*] what a noun, compound nouns, and a verb is [*sic*]. On the compound nouns [the Student] is able to read and differentiate the 2 words that form them with 2/2 accuracy."
            i. The newly proposed reading goal stated, "[The Student] when giving [*sic*] a 2nd grade passage in class, and when it is read to the class, they are able to answer a comprehension questions [*sic*] from the passage 4/5 to 5/5 … ."
            ii. The present level was described as, "... but I am not able to access [the Student's] reading at this time, [they] do not want to read to me or read on their own and answer questions, more over fill a graphic organizer. [They] do not work [*sic*] graphic organizers if they do not need to write, if the answers in the graphic organizer are cut and paste. [The Student] likes that and [they] get [*sic*] 1/1 correct."
            iii. The second proposed reading goal stated, "By 10/01/25, given an adapted, grade-level, literary text with (15) teacher-selected, multisyllabic words reflecting (6) syllable types (e.g. open, closed, VSe, vowel teams, vowel teams-consonant, consonant-le, r-controlled), [the Student] will read the passage aloud and correctly decode each teacher-selected word by first dividing them into syllables, with 80% accuracy (i.e. 12 out of 15 words) for 4 out of 5 adapted, grade-level texts as measured by teacher data."
            iv. The present level conveyed, "[The Student] was reading 20 CVC words and CVCe words with different vowel sounds as of April of 2024. [The Student] is working on blending words to form compound words. [The Student] is currently working on adapting to their new instructor in the classroom and is participating in class activities, but ha[s] not participated in a formal reading assessment."
        iii. Writing: "[The Student] was given an application to fill out to work on [*sic*] the Green Scene (coffee shop) [they] refused to do it because [they] do not want to work in there [*sic*]."

i. The proposed writing goal stated, "By 10/01/2025, after reading an excerpt (e.g., between 50-75 words) from a beginning 2nd grade instructional level informational text, given a graphic organizer, sentence starters, and a written prompt to summarize the excerpt, [the Student] will write a summary including the main idea and at least 1 key detail, for 2 out of 3 summaries, on 3 out of 4 progress monitoring assessments."

ii. The present level explained, "In a group setting [the Student] participates in reading a second grade level text (ocean life, for example) and answering comprehension questions. [The Student] is learning how to write a grammatically correct sentence with correct sentence structure."

iii. A second proposed reading goal stated, "By 10/01/2025, given at least 1 sample completed application with color-coded highlighting, [*sic*] when completing an application for adult services, [the Student] will refer to their resume, Summary of Performance, and other documentation, to complete the application with 100% accuracy (e.g., accurate personal informational grammar, etc.) for 1 out of 1 adult-services application. Given visual and text supports, [the Student] filled out a vocational planning form including job interests, positive work skills, and work environment preferences."

iv. The Student's present level indicated "[The Student] has been reluctant to fill out a real job application with highlighted text support at this time."

iv. The Present Level of Development and Functional Performance section for Communication described three goals and their present levels.

i. The first goal stated, "By the end of the IEP cycle, [the Student] will improve their perspective taking skills by identifying how a person or character might have felt from video clips or real life situations of social interactions with 80% accuracy."

ii. Progress toward this goal indicated, "[The Student] continues to work on improving their perspective taking. They can identify basic emotions from facial expressions and tone of voice and [they] understand many visual gestures. When learning about sarcasm [the Student] benefits from verbal and visual support to analyze the situation. During a recent session, [the Student] identified the character[']s emotion and provided an appropriate response of what they should say in 80% of opportunities."

iii. A second communication goal indicated, "By the end of the IEP cycle, when given activities with visual supports to practice self-advocacy skills, [the Student] will identify which communication accommodations [they] need (e.g. multimodal communication, extra processing time, clarifying language that may be abstract, etc.)."

iv. Progress in this area described, "[The Student] practices self advocacy during structured activities (e.g. slide show with visuals of different situations). With prompts, models, and visual supports [the Student] says "can you repeat", "I need more time", "can you show me", "I need help", "I don't get it." In [the Student's] ISC classroom they independently ask the teacher and paraeducators for help, ask questions, requests to leave the class etc. The SLP did not observe any independent requesting for help/assistance during an ASL class last spring. [The Student's] PE teacher reported they self advocate occasionally. For example, when asked if they were going to run they said no because they were sore from cross country. The paraeducators report that [the Student] does not ask the general education teachers for help or ask questions. [They] sometimes ask the paraeducators for support when needed during those classes. [The Student's] ISC teacher reports that they ask and answer questions, ask for help, will request something if needed, will say "I'm not done" when they needs [*sic*] more time. [They] are using 3/5 self advocacy statements in the ISC classroom."

v. The third communication goal stated, "[The Student] will use grammatically correct sentences or questions to communicate with community members (store clerks, teachers, restaurant personnel, classmates etc.) on 4/5 opportunities. During structured activities with visual supports (sentence starters, sentence frames, word choices) [the Student] can produce grammatically correct sentences. Without visual supports [the Student's] errors included omission of the copular verb 'is' (the boy running), omission of the article 'a' (the man is surfer) or incorrect verb ending (surfer/surfing), omission of plural /s/ (bike/bikes)."

vi. The present level for this goal indicated "[The Student] is not self monitoring their speech independently to be able to self correct their errors. In all instances [the Student's] message was not significantly impacted by their errors. In unstructured activities (hanging out with friends in class, playing a game, working on an assignment with a peer etc [*sic*]) [the Student] uses shorter utterances of 3-4 words in length that are 78% grammatically correct (I finish it/I finished it). [The Student] communicates with peers, teachers and staff in their ISC classroom. They occasionally communicate with familiar teachers in the [general education] setting (PE), but not in all of their classes per paraeducator report. When prompted [the Student] greets community members (store clerks, bus driver etc [*sic*]). They are hesitant to speak with community members even when given visual supports. This may be due to lack of confidence."

v. In October 2024, the Hearing Consultation section of the PLAAFP was updated and described the Student. Despite initially struggling to hear and understand a classroom Jeopardy question due to significant fan noise and their back-row

seating, the Student successfully answered with staff support. They benefited from cues to engage and subsequently became more attentive to the game, later interacting positively with peers. To address the noise issue and improve their participation, a sound field system is being implemented in [the classroom], and efforts will be made to close the cafeteria door.

i. The proposed updated goal stated, "By 10/01/2025, given a written list of (5) career choices, [the Student] will identify careers of interest by selecting (2) careers and explaining why the careers align to their personal interests, scoring (2 out of 2) rubric points, as measured by (4 out of 5) progress monitoring assessments."

vi. The new Social Emotional Skills goal was phrased as, "By 10/01/2025, given a task that evokes feelings of self-doubt (e.g. earning a low score on a test), after preteaching of self-esteem strategies and given list of at least (10) positive self coaching statements in a journal, [the Student] will use (1) self-esteem strategy (e.g. self-coaching) to maintain positive self-esteem and will complete (1) self-reflection questionnaire (e.g. by answering: 'Describe which self-esteem strategy was used.' 'How did the strategy impact your self-view?') for (3 out of 4) incidents evoking self-doubt."

i. The present level on this goal described, "[The Student] will often say they can't read or do other things that they can do. 'I can't do the money' 'I can't read' for those kinds of things [they] are very quick to say [they] can't do it. But other things, [they] are very confident in themselves, like running and sports. [They] are pretty quick to try and do. Leveraging some peer modeling and/or working in a small group to learn those skills. This case manager has observed this to be true. Example-writing paragraphs. Initially, [the Student] was very hesitant to do the paragraph graphic organizer and rough draft. Tie in when they are having a tough influence of classmates and peers- very powerful [*sic*]."

vii. The present level for self-advocacy stated, "During structured activities targeting self advocacy/asking for help, in role playing situations, [the Student] uses language to ask for help accurately on 5/7 opportunities. With adult prompting to add more information they produced 7/7 grammatically correct sentences to request help. [*sic*] (e.g. I need a break from the movies - modeled 'I'm tired, I don't want to go to the movies).'"

viii. "[The Student's] disability affects their involvement and progress in the general education curriculum as the level and pacing is hard for [the Student] to follow and make academic progress. They need specially designed instruction in reading, writing, math, and communication to make academic progress. Their microtia/atresia (absence of outer) right ear means their normal hearing left ear can have difficulty understanding faint or distant speech especially when background noise is present. They will not be able to locate sounds using hearing alone."

c. The Special Factors section identified the Student as having communication needs.

d. Progress reporting was detailed as happening quarterly through written progress notes. Anticipated dates were not noted.

e. SDI was provided by a special education/provider in the anticipated location of the special education classroom, from October 7, 2024 through October 6, 2025 for:
    i. Social and emotional skills, self-advocacy, and transition skills for 30 minutes per week.
    ii. Writing and reading for 225 minutes per week.
    iii. Mathematics for 150 minutes per week.

f. Related services included:
    iv. Transportation for 60 minutes round trip.
    v. Audiology services for 60 minutes per year.
    vi. Speech-language therapy for 280 minutes.

b. Eighteen accommodations were outlined as being provided by Special Education Teacher, Provider, Regional Representative, and General Education Teacher across special education and general education settings. Two of the relevant accommodations included:
    i. "Case manager communication home via email weekly (to include academic updates from the ISC core areas, gen[eral] ed[ucation] classes, updates around specially designed instruction (SDI), modifications, strategies and tools being used, and what went well and what was hard)."
    ii. "Work samples shared with parents via email or [G]oogle form weekly (to include work from academic gen[eral] ed[ucation] classes, ISC core academic classes, and work from specially designed instruction."

12. Part two of the IEP notes, dated October 7, 2024, confirmed the team discussed and agreed on SDI drafted in the IEP.

13. A Progress Report for the Student, dated October 7, 2024, indicated:
    a. For their math and two reading goals, there was a progress code of three – progress had been made towards the goal, but the goal may not be met.
    b. For the two communication goals, a progress code of four – progress had been made towards the goal and the goal would be met by the next IEP review – was listed for April 3, 2024 and June 11, 2024, but nothing for October 7, 2024. A third communication goal had a score summary of "78% during a recent session", but no progress code.
    c. A writing goal, transition skills goal, and social and emotional skills goal each had a progress code of three.

14. An IEP Goals list provided dates for the following goals and dates addressed from lesson plan reviews:
    a. Math: "By 10/6/25 [the Student] will use their calculator 80% times [*sic*] when working any math related problem that are [*sic*] difficult for them."
        i. Dates: November 19; November 21; December 6; December 10; January 13; January 15; January 23.
    b. Math: "By 10/6/25 given a puchase [*sic*] limit, a list of 7 items, and a written prompt to develop a personal budget, [the Student] will write a list of purchase items that stays within the purchase limit, scoring 1 out of 1 rubric point as measured by 4 out of 5 progress monitoring assessments."

i. Dates: November 4; November 21; December 2; December 4; January 9; January 17.

c. Reading/Writing: "By 10/06/2025, given an adapted, grade-level, literary text with 15 teacher-selected, multisyllabic words reflecting 6 syllable types (e.g. open, closed, VCe, vowel teams, vowel teams-consonant, consonant-le, rcontrolled [*sic*]), [the Student] will read the passage aloud and correctly decode each teacher-selected word by first dividing them into syllables, with 80% accuracy (i.e. 12 out of 15 words) for 4 out of 5 adapted, grade-level texts as measured by teacher data."
   i. Dates: November 18, subject/verb; November 20, vocabulary game; December 3, comprehension questions; December 5, comprehension questions; December 9, common sight words; December 11, syllables/scratch game; December 13, syllables/jeopardy; December 17, Banbooz game; January 6, reading comprehension; January 8, reading packets; January 10, Hungry Hippo-comprehension; January 14, Jungle Book/definitions; January 16, Jungle [*sic*] book/vocabulary; January 22, snow man/details."

d. Transition/Social Skills, Self Advocacy, Social Emotional goal areas had no dates provided.

15. The Student's Communication Log indicated the following for goal areas:
   a. Math goal input noted on February 14, 2025; February 21, 2025; and March 7, 2025. On February 28, 2025; March 14, 2025; and March 21, 2025, no notes were provided. The notes indicated the Student worked on math skills and a budgeting project.
   b. Reading/Writing input noted on February 14, 2025 and March 7, 2025. February 21, 2025; February 28, 2025; March 14, 2025; and March 21, 2025 had no input provided. The notes indicated the Student worked on comprehension, editing, and daily writing.
   c. Transition/Social Skills goal had input placed on February 14, 2025; February 21, 2025; and March 7, 2025. No input was provided on February 28, 2025; March 14, 2025; and March 21, 2025. Notes indicated the Student started on their transition packet and exploring their interests.
   d. The self-advocacy goal section indicated notes for the month February and indicated: "2/14 week of [the Student] responds verbally when asked why [they] don't want to start a task. [They] do not require a list … ." Input noted for the month of March with: "3/6 - Refused to start assignment because [they] thought it was a test. Said [they] didn't like tests. Also on 3/6 - would not respond to communication regarding math assignment, continued to color. Said [they] were grounded from computers even for school work. Eventually we transitioned to just doing a math assignment on paper."
   e. The Social-emotional section indicated no notes for the month of March, but in February detailed the Student communicated well while working.
   f. The general education section indicated notes on February 18, 2025 and February 19, 2025, and on March 3, 2025.

16. An email from the Vice Principal dated November 25, 2024 informed parents/guardians of a Substitute Teacher teaching their children from December 2, 2024 through December 20, 2024. The Substitute Teacher had been in communication with the Special Education Teacher and would be following their lesson plans.

17. On January 16, 2025, the Director of Special Education (Assistant Director) emailed the TOSA, Vice Principal, and Principal, introducing a Temporary ISC Case Manager to the team and indicated they were a seasoned professional with experience in special education.

18. The Temporary ISC Case Manager emailed the Parent on January 21, 2025 regarding plans for the reevaluation due in May 2025, and another meeting to be held to review results and update the IEP.

19. In emails between the dates of January 22, 2025 through January 27, 2025, the Temporary ISC Case Manager confirmed they would work with the Substitute to get tracking sheets in place after the TOSA explained they were unaware of tracking sheets being used. The TOSA explained that a short[-]term substitute had been acquired. The TOSA provided lesson plans but was unsure the degree to which they were being used.

20. An email from the Vice Principal to unknown recipients on January 23, 2025, introduced the parents to the Substitute, who had worked with the students in this classroom before and knew the students well. They informed the parents of the Special Education Teacher's unknown timeline of applying for their reciprocal teaching license, in addition to sharing that the Temporary ISC Case Manager was helping with case management.

21. In an email from the Parent on January 27, 2025, the Parent inquired about how STI [*sic*] was being implemented and tracked since the Special Education Teacher's departure in November. They also queried about progress reports, work samples, and the Student's IEP accommodation of case manager communication.

22. IEP progress reporting data from January 27, 2025 for the 2nd Quarter indicated a progress code "6" which indicated that "At this time, progress data is not available due to inconsistent staffing. Updated progress reports will be available this Spring" for social and emotional skills, transition, writing, reading, and mathematics goal areas.

23. In a drafted response to the Parent email, the Temporary ISC Case Manager sent their draft response to the Director on January 27, 2025 and stated:
    i. "... [the Student] is receiving STI [*sic*] hours, but due to staffing issues data has not been tracked."
    ii. "... We are working on getting that set up and having the current sub set up a system to communicate with you on a weekly basis … . I … can provide support to help get the information that is needed. The TOSA … will also help support the class and the needs."

iii. "At this time, progress data is not available due to inconsistent staffing. Updated progress reports will be available this Spring."
iv. In response to the Temporary ISC Case Manager, the Director changed one response to, "We will go through work samples, get them over to you, and contact their gen[eral] ed[ucation] teachers as well to get you work samples in support of this." The Director instructed them to have the Substitute and TOSA collect samples in order to send to the Parent.

24. An email from the TOSA, dated February 10, 2025, stated the Student had already started using the lessons provided by the TOSA, but not the online component of the platform those lessons came from. The Parent replied the same day and asked what parts of the platform were being used to provide the Student's SDI, and what the Student had been using in class if the online part was unavailable. In a separate email on February 10, 2025, the Temporary ISC Case Manager reiterated the Student had started using the platform recently and there were worksheets which accompanied the program.

25. In an email to the Director, dated February 11, 2025, the Temporary ISC Case Manager wrote, "... they have not had a [t]eacher and data has not been collected in the fall. … since they still don't have a [t]eacher this is extremely problematic."

26. The Temporary ISC Case Manager emailed the Parent on February 21, 2025 and stated, "We expect to have data on how they are doing towards their IEP goals by April 4, which is the next progress report period."

27. An email dated March 10, 2025 indicated lessons plans were sent to the TOSA that were created by the Special Education Teacher, and would be compiled by the Temporary ISC Case Manager to show staff was teaching students in their goal areas.

28. In an email dated March 11, 2025 to the Director, the TOSA indicated the students in this classroom could not access their online curriculum. The Temporary ISC Case Manager reiterated this issue to the Director and Vice Principal in a separate email the same day.

29. A March 14, 2025 High School Parent Meeting Notes document stated, "SDI has been happening. We have [the Special Education Teacher's] Lesson Plans to prove that. There is a lack of data that shows that each student is having their individual goals met and that progress is being tracked. I had [the Substitute], the previous sub, create folders for each student with a tracking sheet of their goals. They are supposed to put any work the students are doing related to those IEP goals in the folder and start progress monitoring. The [*sic*] have started doing that but paras/teacher still needs to follow through and be taught how to do this correctly. Maybe the TOSA can do some training. Suggestions: Moving forward, monitor that tracking sheets are completed and that students [*sic*] IEP goals are being addressed … [The Student] has a one on one para who helps support them in Gen[eral] Ed[ucation] classes. Ge[neral] Ed[ucation] teacher/para modify the course for

general ed[ucation]. If a gen[eral] ed[ucation] teacher requires help in knowing how to modify a course, the [special education] teacher is always available. The para coordinates any needs in gen[eral] ed[ucation] with the [Special Education] Teacher. Currently their para provides on this weekly feedback form what is happening in gen[eral] ed[ucation]."

30. In an email on March 16, 2025 to the Director, the Temporary ISC Case Manager indicated there was a new substitute teacher for the ISC room and they would meet with them on Monday.

31. In an email to the Principal and the Director from the Temporary ISC Case Manager, dated April 2, 2025, they stated, "The TOSA and I met with the Special Education Teacher this afternoon. They informed us they were not going to do progress reports even though we offered for the TOSA to help them on Monday. … I know the Substitute worked with the TOSA and work was completed."

32. An agenda from a meeting on April 3, 2025 included:
    a. Discuss whether regression has occurred.
        i. "Spreadsheet shows lesson plans that correlates to their IEP goals which show that SDI was provided."
    b. Show me IEP goals you are talking about/have concerns about.
        i. "Reading Goal previously mastered should be discontinued."
    c. Discuss what goals, if any, should be updated.
        i. "Currently there is no Writing Goal. Suggest a new Writing goal … ."

33. On April 7, 2025 in an email from the Temporary ISC Case Manager to the Principal and Director, they stated "I did want you to know that the Special Education Teacher did not complete the shared drive communication log for last week. This now makes it 3 weeks that the Parent hasn't received it. I do not know if they sent any work samples. In my meeting with them I explained the importance last week of completing it online to show that we are in compliance and that the lawyer and you have access also. Consistent communication is something that the Parent emphasized again in our meeting last week since it's clearly stated in the IEP."

34. In an email exchange on April 9, 2025 between the Special Education Teacher, the Director, and the TOSA, progress report completion was discussed. The Director pointed out that quarter one progress reports were not entirely completed, and the Parent was not able to access quarter one.

35. On April 14, 2025, in an email from the Director to the Parent, they sent IEP progress reports from the 2023-24 and 2024-25 school years.

36. At the April 14, 2025 meeting, the IEP team discussed the Student's regression in the areas of reading and transition and the Parent expressed concern around staffing changes, including substitutes, having an impact on the Student's regression.

37. The Student's IEP progress reporting data for the third quarter, dated April 7, 2025, indicated progress was made in all goal areas.

38. A Progress Report for the Student, dated May 8, 2025, had no progress codes for any of the Student's goals.

39. In a May 30, 2025 email from the TOSA, they shared about the draft IEP, "The only updates made since our last meeting is to dates, and one of the proposed reading goals was aligned with evaluation results (literal/inferential comprehension). We left the math goals, although they may be removed since the plan is for [them] to not have a math class next school year. [They've] already met the math graduation requirement for a modified diploma."

40. A draft IEP, dated June 4, 2025, showed updated Present Levels with curriculum-based measures and academic assessments that were completed in May 2025 for both reading and math goal areas. The Curriculum-Based Measures (CBMs) for reading indicated the Student answered 7 of 12 (58%) multiple choice comprehension questions correctly (three choices) and for the Five Senses/2nd grade, correctly answered 3 out of 5 (60%) of the comprehension questions. CBMs for writing indicated the Student earned one out of five rubric points when asked to write a complete sentence, combine two short sentences, and write a short paragraph (three sentences) describing a person they liked. CBMs for math indicated when asked to answer questions regarding geometry, fractions, time, measurement, coins, word problems involving subtraction, place value, addition, subtraction, comparing amounts, even vs. odd, and estimation, the Student answered 8 of 25 (32%) multiple choice questions correctly (three choices). The present level statements indicated:
    a. "[The Student] [was] able to use [their] calculator to check … the answer of basic math calculations. [The Student] also is able to budget a full day meal of [their] choice. [Their] goal said is not met just because it said that by given [the Student] a list of items to purchase [they] will stay with in the budget." [*sic*]
    b. "[The Student] likes silent reading. [The Student] does not like to participate in read aloud even if it is one sentence at [their] reading level. [The Student] understands words or phrases that [the Student] thinks are important in the passage. [The Student] is able to answer some of the comprehension questions on [their] own."
    c. "[The Student] has being [*sic*] able to complete the Green Scene job application and interview, but still needs to continue working in this goal."

    The drafted present levels section included results from the most recent evaluation which included assessment data from: subtests from the Clinical Evaluation of Language fundamentals - 5th Edition, speech samples, file review, Listening Inventory for Education-Revised (L.I.F.E.-R), classroom observations, and family input.

41. The drafted IEP from June 4, 2025 indicated the potential removal of each math goal with the phrase "(Remove?)" placed above the math goals. One reading goal also indicated potential removal with the phrase "(Remove?)".

42. The service summary in the drafted IEP from June 4, 2025 indicated SDI in the areas of:
    a. Social and emotional skills and self-advocacy for 30 minutes per week.
    b. Writing and reading for 150 minutes per week.
    c. Mathematics for 0 minutes per week.

43. In the Supplementary Aids/Services Accommodations section of the drafted IEP from June 4, 2025, two relevant accommodations included:
    a. "PARA LEA: Work samples shared with parents via email or google form weekly (to include work from academic gen ed classes, ISC core academic classes, and work from specially designed instruction)."
    b. "(Lets [*sic*] talk about this.) LEA: Case manager communication home via email weekly (to include academic updates from the ISC core areas, gen ed classes, updates around specially designed instruction, modifications, strategies and tools being used, and what went well and what was hard)."

44. Eligibility/IEP Meeting Notes, dated June 4, 2025, specified the Parent's concerns regarding inconsistencies between the last IEP and the current one, describing the IEP as a "Frankenstein document" due to many parties being involved. The Parent also expressed concern regarding the Student's lack of progress. The Parent shared questions regarding the drafted IEP, which included the outdated data being removed.

45. The Student's 2024-25 Report Card indicated the Student earned either an 'A' or a 'B' in all coursework while working towards a modified diploma. The Student's High School Transcript showed they were only absent for 1.5 days during the 2024-25 school year.

46. Data from the Student's Chromebook indicated the Student accessed an adaptive learning program for math and English on March 10, 12, 13, 14, 19, 20, and 21, 2025, and a different program on March 31, 2025 and April 2, 2025.

47. During the 2024-25 school year, Data Collection Sheets for the Student's IEP goals stated the following:
    a. Math; listed 2 goals, with baseline summaries. Baseline Score and Baseline Date stated, "Not Available."
    b. Reading; 2 goals listed, with baseline summaries along with 3 short term objectives. Baseline Score and Baseline Date stated, "Not Available."
    c. Writing; 1 goal listed with a baseline summary along with 3 short term objectives. Baseline Score and Baseline Date stated, "Not Available."
    d. Transition Skills; 1 goal listed on sheet. Baseline Score and Baseline Date stated, "Not Available."
    e. Social & Emotional Skills: 1 goal listed with a baseline summary. Baseline Score and Baseline Date stated, "Not Available."
    f. Self-Advocacy; 1 goal listed with a baseline summary. Baseline Score and Baseline Date stated, "Not Available."

48. During an interview with the Complaint Investigator, the Temporary ISC Case Manager explained they were retained by the Director to work for the School, and specifically help with the Student's case, in January 2025. They stated they immediately started implementing processes and communicating with the Parent and the staff to implement the Student's services.

49. They explained that, prior to their arrival, there had been a few substitute teachers after the Special Education Teacher left. The Special Education Teacher was still providing lesson plans, of which they received copies. The Temporary ISC Case Manager correlated the lesson plans to the Student's IEP goals to see if they were being met at the time, and indicated there was a direct correlation, and the IEP was being implemented. They indicated they also found some of the Student's work, which they copied and sent to the Parent, who indicated they had not received much work prior to that time. The Temporary ISC Case Manager met weekly with the Substitute and trained them, created tracking sheets and showed the Substitute how to use them, created a communication log to ensure weekly progress was provided to the Parent, and provided work directly to the Substitute which correlated to the Student's IEP goals.

50. The Temporary ISC Case Manager described their licensure as being a special education teacher, having their administrative license in special education, and previously working as a special education director.

51. When asked about the second and third quarter progress reports, the Temporary ISC Case Manager explained that in January 2025, all the data was completed but it was not compiled. They indicated they did not have enough information in such a short period of time to update the Student's IEP goal for January. The Temporary ISC Case Manager also looked at the Student's progress to see if there was any regression happening. They found the Student's reading goal was consistent and had not been changed, even though there was some documentation which showed the reading goal may have been met the previous year, and suggested changing the goal to be more relevant. They stated they left before third quarter progress reports went out, but perceived the data was available due to the tracking sheets. They indicated they had a transition meeting with the Special Education Teacher before they left.

52. The Temporary ISC Case Manager stated they emailed the Parent a copy of the progress report, and then emailed copies of previous reports because the Parent stated they had not received them. They did not recall exactly when they sent the progress reports, but that it was between January and April 2025.

53. When asked what SDI they observed the Student receive, they said, "... the specially designed instruction that [the Student] received was based on [their] IEP goals. … I not only did the tracking sheets for the IEP goals, trained the staff, but I also provided specifically [*sic*] work which related to the IEP goals, to the substitute and to [the Student's] one-on-one."

54. The Temporary ISC Case Manager told the Parent about the communication log and the tracking system, and said, "... that gave them a true view of what [the Student] was doing on a weekly basis towards [their] IEP goals."

55. When asked why the Special Education Teacher did not want to complete the progress reports, they stated the Special Education Teacher was concerned they may not have the information to do the progress reports upon their return. They stated both they and the TOSA reassured the Special Education Teacher that the TOSA would help them with the progress reports.

56. The Temporary ISC Case Manager stated one of the programs used was used in the classroom so there would be a more "research-based curriculum." They stated they followed the Student's IEP goals and provided the services listed in the IEP.

57. During an interview with the Complaint Investigator, the Director indicated that they attended all of the Student's IEP meetings during the 2024-25 school year. They stated the TOSA helped the Special Education Teacher with drafting the Student's IEP.

58. The Director explained during IEP meetings in September and October 2024, the IEP team discussed whether the Student's goals needed updating and in what areas. They indicated the Special Education Teacher expressed the Student's goals could continue to be worked on and were still appropriate, based on their observation.

59. When asked about the substitutes who worked with the Student from November 2024 through March 2025, they explained the substitutes were secured by the Assistant Principal. The Director also checked in with the TOSA, who was in the classroom more often. They indicated each time they visited the classroom, the Substitute was the substitute at the time. They described a cycle of having a new substitute every two weeks, per HR policies. The Assistant Director indicated lesson plans had been created for use with the students.

60. The Director did not believe the substitutes had special education teaching licenses, but had general education licenses. They indicated the TOSA, the Temporary ISC Case Manager, or both were the licensed special education teacher who was supervising instruction when the substitutes were in the special education classroom.

    They described the TOSA supervised by visiting the classroom, meeting with the Substitute, ensuring there were lesson plans and instruction was happening, providing lesson plans and support, and providing support of IEPs and progress monitoring. They indicated the TOSA was usually in the classroom on Mondays, and part of the day on Thursdays. The Director explained the Temporary ISC Case Manager was remote and held weekly meetings with the TOSA and the Substitute. They indicated the Temporary ISC Case Manager also met with the Vice Principal to ensure there was a substitute every day, and that instruction was happening and there were lesson plans.

61. The Director stated there should have been progress notes at each quarter, and indicated one for the Student had been sent in January 2025 which noted data was unavailable. They believed this note was in reference to the Student's work samples which had not been collated at that time yet. When asking about "collating" the data, they said, "I mean create the progress of like [the Student] was doing math work and things like that over that time, but they did not write in the progress report what [their] specific progress was on that goal as related to the work samples."

62. When asked if the progress report was completed to IDEA standards, they said, "... when it's saying progress data is not available, then I believe that's correct in the sense that it wasn't available in a number. … There seems to be work samples that would show that there was some data that was available but wasn't reported in that report in January."

    The Director explained the School met with the Parent and explained there were daily lesson plans happening, which had been sent by the Special Education Teacher, and being supported and overseen by the TOSA. They also shared specific information about the material and curriculum provided to students in this classroom.

63. During an interview with the Complaint Investigator, the Special Education Teacher stated they obtained a special education license in California and had been a paraprofessional in Oregon since 2016. In 2024, they sought to get a credential transfer or a permit to teach. They stated the District told them it was possible for the Special Education Teacher to get a reciprocal credential.

    After their application was approved, the Special Education Teacher was authorized to begin teaching. They submitted the paperwork for the credential program, but the 90-day preliminary teaching credential expired, and they received an email from the District in November 2024 informing them they could no longer teach and were put on leave. Once that happened, the Special Education Teacher retained a substitute for the class and provided a program. They received the proper teaching credential in March 2025.

64. Regarding an IEP meeting on September 30, 2024, the Special Education Teacher recalled the Parent wanted some of the Student's service minutes reduced so they could take other classes.

65. When asked if they received support while drafting the IEP, the Special Education Teacher stated they had challenges signing into the district's IEP system because they were a new employee. They indicated they did not change some of the goals when drafting the IEP. They perceived the IEP meetings in September and October 2024 were related to the annual IEP review. They showed data to the Parent and perceived the Parent was pleased with the status of the IEP. The Special Education Teacher said of the IEP goals in fall 2024, "No, not all of them were continued. Some of the goals were not appropriate for [the Student] because [they] completed them or [the Student] was ahead of whatever the goal was. … And the goal was changed … not all the goals stay."

66. The Special Education Teacher explained the person who was assisting during their absence created a communication log, where the paraprofessional sent information to the Parent about the Student's progress. They stated the Principal also communicated with the parents about the status of the classroom and the students on a weekly basis. The Special Education Teacher stated they gave the Parent information from the communication log when it was requested.

67. The Special Education Teacher stated they were not the teacher of record from November 13, 2024 through March 28, 2025 because they did not have the proper credentials.

68. The Special Education Teacher explained there was only a discussion around changing the Student's math services to accommodate another class the Student wanted to take, but the services were not discontinued.

69. The Special Education Teacher stated they sent weekly work samples to the Parent in October 2024. Regarding sending the report cards, they said, "I don't know if it's being sent to them. I am assuming that it's being sent to everybody. I input it in the computer and my understanding is being sent the day that grades are sent."

70. The Special Education Teacher attended the eligibility meeting on May 16, 2025 and stated no changes were made to the IEP at that time.

71. During interviews with the Complaint Investigator, the Parent was unsure what SDI the Student received from September 2024 through November 2024, and stated they did not receive work samples until around November 2024. The Parent perceived there was no certified special education teacher on site to oversee the Student's SDI. They were concerned SDI wasn't happening, the worksheet samples were unrelated to the Student's IEP goals, that the substitutes were not certified special education teachers, and if the curriculum was addressing the Student's goals. The Parent perceived the Student did not have a case manager in charge of their SDI starting from November 2024.

72. The Parent stated the District did not explain their plan for the supervision of substitutes and special education services while the Special Education Teacher was gone. The Parent did not initially know the Temporary ISC Case Manager would not be on site because they were in California. The Parent stated that, on February 3, 2025, the Temporary ISC Case Manager told them they found the Student had no service log, the Substitute was not trained on IEPs and would require training, they did not know which worksheets related to the Student's goals, there had been a lack of data tracking, and everyone would be trained on how to use the online program.

73. The Parent asked who was responsible for implementing the SDI, and the Temporary ISC Case Manager told them they were going to have to ask the substitute to set everything up. They stated the Temporary ISC Case Manager also explained they would have to

train the substitute and paraprofessionals and remotely instruct them on how to set up student folders and data tracking sheets, and how to properly collect data.

74. The Parent stated they spoke with the Temporary ISC Case Manager on March 13, 2025, who told them that they and the TOSA had been trying to do assessments to establish the Student's current goals, but the TOSA struggled to complete the assessments. The Parent stated the Temporary ISC Case Manager indicated the data of the Student's past work had not been compiled, and they had only met with the paraprofessionals once for training since January 2025. The Parent described a call with the Temporary ISC Case Manager and Director on April 3, 2025, where they were shown a spreadsheet with dates from February and March. They said, "... it looked like someone had tried to document the dates when SDI was happening and they tried to tell me that this was evidence of [the Student's] SDI." The Parent stated they did not receive this spreadsheet. During the same call, the Parent shared they had not received any progress notes in November, and the Temporary ISC Case Manager shared there were notes from November, and they would receive progress notes in the spring. The Parent explained the Student's former case manager told the Parent they could not see any completed progress notes saved in the IEP system when they checked on March 14, 2025, but there was a progress report saved in there and not finalized.

75. The Parent shared previous progress reports were sent to them by the case manager, and would usually come as an email or part of an IEP email. The Parent stated they did not receive a progress report for the first or second quarters of the 2024-25 school year. The Parent stated the Temporary ISC Case Manager sent them progress notes, but perceived the November 2024 progress notes had not been created until April 2025. The Parent said, "April 3rd, [2025], [the Temporary ISC Case Manager] sent me progress notes dated from January. … the issue in these progress notes is that in several places it says progress data is not available due to inconsistent staffing."

76. The Parent stated the IEP was not changed much during the meeting on October 7, 2024.

77. When asked how the District said they would provide information on how SDI was being provided, the Parent said, "We talked about them sending me work samples as evidence of SDI … . It's written in the [IEP] that they are supposed to have regular communication with us and provide work samples." The Parent shared they did not receive work samples until after November 18, 2024. They said, "I got worksheets, but as [the Temporary ISC Case Manager] pointed out … the stacks of worksheets or any worksheets that we were sent, there's no clear tie in to how these related to IEP goals at all. … So they were showing me stuff that [the Student] was doing, but it didn't look like evidence of SDI." The Parent later stated the IEP did not indicate the communication between home and school was to be "regular", and indicated it might have been a phone call once a month. The Parent stated they did not receive the frequency of communication with the School during the 2024-25 school year which was outlined in the IEP.

78. The Parent shared the Temporary ISC Case Manager was concerned because the Student's levels and IEP goals were not matching up, and they wanted to change the goals to match the Student's current levels.

79. On June 18, 2025, the Parent filed this Complaint.

IV. DISCUSSION

Personnel Qualifications and Support for Personnel

The Complaint alleged the District violated the IDEA by not having a "certified [special education teacher] in the classroom [from] approximately November 13th [sic] through March 28, 2025. Further, it was alleged the substitute teacher was not trained to provide appropriate support to the Student.

The IEP must include a statement of the specific special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child.[4] The school district must establish and maintain qualifications to ensure that personnel necessary to carry out the purposes of this part are appropriate and adequately prepared and trained, including those personnel who have the content knowledge and skills to serve children with disabilities. Qualifications for related services personnel and paraprofessionals are consistent with any State-approved or State-recognized certifications, licensing, registration, and other comparable requirements that apply to professional discipline in which those personnel who are providing special education or related services. Special education teachers also must obtain full State certification if teaching in a public agency at the elementary, middle or secondary levels.[5]

A Restricted Teaching License qualifies its holder to teach in a prekindergarten through grade 12 Oregon public school district. The Restricted Teaching License is issued to qualified individuals who have at least a bachelor's degree and have substantial preparation in the subject matter endorsements on the license, but have not completed a teacher preparation program. The purpose of the Restricted Teaching License is to provide a school district with a licensed educator, on a restricted basis, if the school district demonstrates extenuating circumstances that merit the issuance of the restricted license to protect the district's programs or students. The Restricted Teaching License requires a district sponsorship. The sponsoring district must submit a statement describing the extenuating circumstances preventing the district from hiring a teacher holding a non-provisional teaching license appropriate for the assignment and how the issuance of the restricted license will protect the district's programs or students. The district must also explain how the qualifications of the applicant will resolve the

[4] OAR 581-015-2220(1)(d)
[5] 34 CFR § 300.156

extenuating circumstances.[6] The Restricted Teaching License qualifies the teacher to accept within the sponsoring district any instructional assignment from prekindergarten through grade 12 within the scope of the subject-matter endorsement(s) on the Restricted Teaching License. The scope of the endorsement shall be determined by course codes associated with the endorsement, as provided by the TSPC, and the substitute teaching assignments within the subject-matter endorsement areas authorized by the license.[7]

A Substitute Teaching License is a license that permits a qualified individual to substitute teach in a prekindergarten through grade 12 Oregon public school district, to replace a teacher who is temporarily unable to work.[8] To be eligible to become a substitute teacher, one must provide documentation of a valid and active non-provisional teaching license from another National Association of State Directors of Teacher Education and Certification (NASDTEC) jurisdiction valid for unrestricted full time teaching assignments or provider admission to and completion of an Oregon teacher preparation program approved by the Commission that resulted in eligibility for a non-provisional teaching license.[9]

Staff Licensure Information indicated none of the substitutes had a special education endorsement, but the Special Education Teacher, the TOSA, and Temporary ISC Case Manager had the "special education generalist" endorsement. The TOSA and the Temporary ISC Case Manager were both responsible for overseeing the substitutes and students in this classroom during the complaint period. An email from the Vice Principal on November 25, 2024 informed parents the Substitute would be teaching their children from December 2, 2024 through December 20, 2024 and would follow the Special Education Teacher's lesson plans, which the Director confirmed. The Director explained how the TOSA supervised the classroom, and oversaw and supported instruction, lesson plans, and progress monitoring. They indicated the TOSA was usually in the classroom on Mondays, and part of the day on Thursdays.

The staff licensing information indicated the TOSA and the Temporary ISC Case Manager, who both managed the students in this classroom during the complaint period, had the proper license to oversee special education classrooms. Regarding the Substitute's training, the Substitute followed the Special Education Teacher's lesson plans. Some emails indicated the Substitute struggled with different aspects of their assignment and the Temporary ISC Case Manager expressed concern the Substitute did not know what curriculum to use. However, several pieces of email evidence indicated the Substitute received ongoing training and support from the TOSA and the Temporary ISC Case Manager, including weekly meetings. While there were indications the Substitute encountered some challenges, there was not sufficient evidence to demonstrate they were left to fend for themselves without training or support from those with a special education background.

While an Oregon substitute with a general education license cannot be the teacher of record for a special education classroom or design and deliver SDI on their own, a district can allow a substitute teacher to deliver SDI temporarily, when it was designed by, and delivered under the

[6] OAR 584-210-0100(1)(2)(a)(b)
[7] OAR 584-210-0100(7)(a)(b)
[8] OAR 584-210-0140(1)
[9] OAR 584-210-0140(5)(a)(b)(c)(A)(B)(d)

proper oversight of, an appropriately licensed special educator. The evidence in this case demonstrated such a scenario by showing the involvement and training/support provided by the TOSA and the Temporary ISC Case Manager.

The Department does not substantiate this allegation.

When IEPs Must Be in Effect

The Complaint alleged the District violated the IDEA by not providing the Student with 161 hours of SDI from November 13, 2024 to March 28, 2025. Also, the Parent did not receive progress reports during this period of time.

At the beginning of each school year, a school district must have in effect an IEP for each child with a disability within the district's jurisdiction. School districts must provide special education and related services to a child with a disability in accordance with the IEP.[10]

Specially designed instruction means adapting the content, methodology, or delivery of instruction, as appropriate to the needs of a student with a disability to address the unique needs of the child that result from the child's disability; and to ensure access of the child to the general curriculum, so that the child can meet the educational standards.[11]
A district violates the IDEA when it materially fails to implement a student's IEP: "A material failure occurs when there is more than a minor discrepancy between the services a school provides to a disabled child and the services required by the child's IEP." The court noted further that, "[t]he materiality standard does not require that the child suffer demonstrable educational harm in order to prevail. However, the child's educational progress, or lack of it, may be probative of whether there has been a significant shortfall in the services provided. For instance, if the child is not provided the reading instruction called for and there is a shortfall in the child's reading achievement, that would certainly tend to show that the failure to implement the IEP was material. On the other hand, if the child performed at or above the anticipated level, that would tend to show that the shortfall in instruction was not material."[12]

In the October 7, 2024 IEP, quarterly progress reporting was specified but lacked anticipated dates. Data from January 27, 2025, showed no progress due to inconsistent staffing, with updated reports promised in the spring. While progress reports from October 7, 2024, and April 7, 2025, indicated progress, the May 8, 2025, report had no progress codes. The District claimed daily lesson plans were happening, but the Parent disagreed. On January 27, 2025, the Parent questioned SDI, progress reports, and work samples. The Temporary ISC Case Manager's draft response indicated SDI was occurring but data wasn't tracked due to staffing; in January 2025, available data was uncompiled, preventing IEP goal updates.

The Parent reported multiple concerns to the Temporary ISC Case Manager. On February 3, 2025, the Temporary ISC Case Manager did not know which worksheets corresponded to the

[10] OAR 581-015-2220 (1)(a)(b)
[11] OAR 581-015-2000
[12] *Van Duyn v. Baker Sch. Dist. 5J*, 502 F3d 811 (9th Cir. 2007)

Student's goals. Later, on March 13, 2025, the Temporary ISC Case Manager confirmed that the Student's past work data had not yet been compiled. On April 3, 2025, a call with the temporary ISC Case Manager and an Assistant Director revealed a spreadsheet with dates from February and March, which was presented as evidence of SDI. Additionally, the Parent stated they had not received any progress notes in November.

Emails indicate the Student began using a specific research-based program on February 10, 2025, but couldn't access its online component. On February 11, 2025, the Temporary ISC Case Manager expressed concern about a lack of fall data collection for students in the special education program and spoke with the TOSA about getting online access. A March 11, 2025, email from the TOSA stated that the students still couldn't access the online component. The Temporary ISC Case Manager also suggested another program for math and created lessons aligned with IEP goals.

An IEP Goals list provided information regarding the Student's goals, the dates they were addressed in lesson plans, and the types of lesson plans used. No dates were provided for the transition/social skills, self-advocacy, and social emotional goals. The Student's Communication Log indicated work the Student completed on some dates in February and March 2025. The notes demonstrated a link between the Student's work and their IEP goals. The Temporary ISC Case Manager stated they provided work for the Student which was specifically related to their IEP goals.

The Student's work samples from September 9, 2024, to March 13, 2025, showed work on various subjects related to their goals. A report generated from an adaptive learning platform for December 27, 2024, to March 26, 2025, showed the Student's accuracy was 50% for second and sixth-grade levels and 71% for the third-grade level. A spreadsheet of high school schedules for the special education program indicated all students used the same lessons for science, language arts, and math. A June 4, 2025, draft IEP noted the Student's varying performance on CBMs: moderate comprehension in reading, one out of five points for writing tasks, and the lowest performance in math. However, the present level statements noted some progress toward math, reading, and writing goals.

There were conflicting statements made by the Parent and the Temporary ISC Case Manager regarding providing the Student's SDI. The inconsistencies in these statements could not be resolved through the evidence provided. However, there were issues surrounding inconsistent data tracking, and creating processes to overcome that challenge. According to documentation, the Student used specific programs which were platforms to help facilitate SDI. There were some documented issues regarding access to one program, which spurred the use of these other programs. Documentation demonstrated dates when the Student's goals were addressed and through which types of lesson plans. After reviewing the Student's provided work samples, it was determined they were adapted to meet the Student's needs. The Student's CBMs showed varying levels of performance on assessments, but the present levels statements indicated progress.

Email communications showed there were some challenges in providing SDI, but there was also evidence to show the Student was provided SDI and completed work which could be linked to

their IEP goals. Additionally, the progress reports which had data showed the Student was making progress toward their goals. When looking at the totality of the circumstances, however, given the inconsistent information provided due to the constant turnover of staff members charged with the delivery of SDI, it is impossible to conclude that SDI was provided in the manner identified by the Student's IEP.

Two of the four progress reports for the 2024-25 school year indicated the Student made progress, but one stated data was unavailable, and the other had no data. The lack of data impacted the Parent's ability to participate in the Student's education. Emails and documentation indicated there were issues with data tracking and compilation, which affected the January 27, 2025 progress report. Other evidence demonstrated earlier reports were unfinished, which impacted the Parent's ability to access them and review important data. While the Parent was provided with previous progress reports in April 2025, two progress reports lacked data sufficient to enable their ability to stay informed about the Student's education.

The Department substantiates this allegation.

Content of the IEP

The Complaint alleged the District violated the IDEA by developing an IEP which included vague terminology, goals were discontinued without explanation, and special education services for math were being removed. It was alleged the present levels statement did not include baseline data for the math, personal budget and reading goals, and the goals were not aligned to the present levels statements in these areas.

The IEP must include a statement of the child's present levels of academic achievement and functional performance, including how the child's disability affects the child's involvement and progress in the general education curriculum. A statement of measurable annual goals, including academic and functional goals (and, for children with disabilities who take alternate assessments aligned to alternate achievement standards, a description of short-term objectives) designed to meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum and meet each of the child's other educational needs that result from the child's disability are also required. Further required is a description of how the child's progress toward meeting the annual goals will be measured and when periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided within the IEP. The IEP must include projected dates for initiation of services and modifications and anticipated frequency, amount, location and duration of services and modifications, as well as an explanation of the extent, if any, the child will not participate with children without disabilities.[13]

[13] OAR 581-015-2200(1)(a)(b)(A)(B)(c)(d)(e)(e)(f)

On September 29, 2024, the TOSA emailed the Special Education Teacher, noting issues with an IEP draft's present level statements and goal criteria. The Special Education Teacher responded that they had not altered the goals. The next day, the TOSA instructed the teacher to update a math goal and add a present level for a social-emotional goal. Meeting notes from September 30, 2024, confirm the IEP team agreed to add reading goals, continue previous goals, and revise the math goal. The TOSA explained during IEP meetings in September and October 2024, the IEP team discussed whether the Student's goals needed updating, and the Special Education Teacher expressed the Student's goals were still appropriate. Regarding the IEP meetings in the fall of 2024, the Special Education Teacher indicated some of the goals were changed because the Student met them, but they did not indicate which goals those were.

On October 7, 2024, all of the Student's IEP goals had present level statements that aligned with the goals themselves. For instance, a math goal and its present level both focused on the Student's ability to budget, using frequency to measure success. Similarly, another math goal aligned to its present level by addressing increased calculator usage. Both reading goals and their present levels used frequency to measure success. The second reading goal also highlighted the Student's ability to recognize nouns, verbs, and compound nouns while focusing on syllables.

The Student's present levels for their writing, transition skills, social and emotional skills, and self-advocacy goals did not include measurements of the Student's current status through either percentages or frequency, but included descriptions of what the Student had completed up to that point, or observations about the Student. Each of the goals used frequency to measure progress and were aligned with information from the Student's present levels statements.

A parent-provided agenda from April 3, 2025, proposed reviewing potential regression and updating the Student's goals, including discontinuing a mastered reading goal and adding a new writing goal. However, a May 30, 2025, email from the TOSA stated that only one reading goal had been updated, and the math goals remained unchanged. The draft IEP from June 4, 2025, had the word "Remove?" written above the math and one reading goal, and the service summary listed zero minutes of SDI for math. The Special Education Teacher later stated that while there was a discussion about changing the math goals, services were not actually discontinued.

In September 2024, a draft IEP was corrected after the TOSA noted issues with its present levels and goals. During the September 30, 2024, IEP meeting, reading goals were added and a math goal was revised. While the Special Education Teacher said some goals were changed that fall, they couldn't provide specifics. However, other evidence did not show any math goal changes or discontinued goals without explanation. A June 2024 draft IEP mentioned the possibility of removing the math goal, but there is no evidence it was ever removed. The present level statements included baseline data for math, personal budget, and reading goals, and the goals were aligned with the statements.

The Department does not substantiate this allegation.

Additional Finding – Free Appropriate Public Education (FAPE)

School districts must provide FAPE to all school-age children with disabilities for whom the district is responsible.[14] Procedural violations may only lead to finding that a child did not receive a FAPE if they: "(I) impeded the child's right to a free appropriate public education; (II) significantly impeded the parents' opportunity to participate in the decision making process regarding the provision of a free appropriate public education to the parents' child, or (III) caused a deprivation of educational benefits."[15] In determining whether a student was denied a FAPE, courts review a district's compliance with both the procedural and substantive components of the Student's education. Reviewing courts must inquire whether the school district complied with the procedural requirements of the IEP, and whether the school district met the substantive requirements to develop an IEP reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances.[16]

As discussed previously, the District failed to deliver the SDI required by the Student's IEP and failed to measure the Student's progress towards their IEP goals and provide progress reports, impacting the Parent's ability to be informed about and meaningfully participate in their child's education, resulting in a denial of FAPE.

V. CORRECTIVE ACTION[17]

In the Matter of Portland School District 1J
Case No. 025-054-045

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 ensure that all District staff responsible for IEP progress reporting receive training in data collection and the requirements for reporting IEP progress to parents.	Training agenda/materials to ODE for review/approval. Sign-in sheet for training.	**October 15, 2025** **January 15, 2026**

[14] OAR 581-015-2040
[15] 20 USC § 1415(f)(3)(E)(ii)
[16] *Endrew F.*, 137 S.Ct. at 999.
[17] 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)).

2. The District must schedule an IEP meeting with the Parents to determine how 100 hours of compensatory education/services will be delivered. 3.	Plan to deliver compensatory education/services to ODE. Evidence of completion.	**October 15, 2025** **August 1, 2026**

Dated: this 5th Day of December 2025



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Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing Date: December 5, 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).)