BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of Portland Public School District 1J	))))	FINDINGS OF FACT, CONCLUSIONS, AND FINAL ORDER Case No. 25-054-053

I. BACKGROUND

On August 5, 2025, the Oregon Department of Education (the Department) received a written request for a special education complaint (Complaint) from the parents (Parents) of a student (Student) residing in the Portland Public School District (District). The Parents alleged that the District had violated one or more provisions of the Individuals with Disabilities Education Act (IDEA). The Department conducted a special education complaint investigation pursuant to Oregon Administrative Rule 581-015-2030.

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 Parents and the District agree to the extension to engage in mediation or local resolution or for exceptional circumstances related to the complaint.[2]

On August 12, 2025, the Department's Complaint Investigator sent a *Request for Response (RFR)* to the District identifying specific allegations in the Complaint to be investigated and establishing a *Response* due date of August 26, 2025. Due to staff vacations and an intervening holiday, the District requested and was granted an extension of time to respond.

On September 4, 2025, the District submitted a *Response* to the Complaint. The *Response* indicated that the District did not contest any of the allegations in the Complaint.

On September 11, 2025, the Parent discussed with the Department's Complainant investigator the District's *Response*, and the District's proposed corrective action. The Parents confirmed that the District had discussed the proposal with them.

The Complaint Investigator reviewed all the documents and submissions provided by the parties.

II. ALLEGATIONS AND CONCLUSIONS

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

The Department has jurisdiction to resolve this Complaint under 34 CFR §§ 300.151-153 and OAR 581-015-2030. The Parents' 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 August 6, 2024, through to the filing of this Complaint on August 5, 2025.

Allegations	Conclusions
When IEPs Must Be In Effect It was alleged that the District violated the IDEA when it did not implement the Student's IEP. Specifically it was alleged that: a. The District did not implement the behavior supports in the Student's Behavior Support Plan (BSP), as evidenced by an increase in behaviors during the 2024-25 school year; b. The District did not provide the 1:1 support outlined in the Student's IEP, instead relying on the Parent to provide this support, which contributed to an increase in the Student's behaviors; c. The District did not appropriately implement the Student's specially designed instruction due to the absence of a qualified teacher in the Student's class; and, d. The District did not provide the speech therapy services outlined in the Student's IEP. (OAR 581-015-2220; 34 CFR §§ 300.323, & 300.324)	**Not Contested** The District does not contest this allegation.
Requirement for Least Restrictive Environment It was alleged that the District violated the IDEA when, after identifying that the classroom the Student was assigned to was too restrictive, delayed moving the Student to the identified less restrictive environment for several months. It is alleged that the Student's behaviors increased in part due to their placement in this more restrictive environment. (OAR 581-015-2240; 34 CFR § 300.114)	**Not Contested** The District does not contest this allegation.

Free Appropriate Public Education (Denial of FAPE) It was alleged that the District violated the IDEA when it did not implement the Student's IEP, specifically services, accommodations, and specially designed instruction noted above. It is further alleged that the Student remained in a more restrictive environment for several months, after it was determined that the Student's placement was too restrictive. It is alleged that these actions denied the Student a FAPE. (OAR 581-015-2040; 34 CFR 300.101)	**Not Contested** The District does not contest this allegation.

REQUESTED CORRECTIVE ACTION
The Parents request that the District: 1. Provide at least 200 hours of 1:1 educational instruction for missed learning time (a portion of the ~600 hours lost), to be delivered over summer 2025 or early fall. 2. Reimbursement for Alternative Education provided by the Parents. 3. Provide Speech Therapy for the Student or reimburse the Parents for private Speech Therapy if the District is unwilling to provide the service. 4. Parent Compensation for acting as the Student's Paraeducator for 12 weeks to address lost wages incurred by the Parents.

III. FINDINGS OF FACT

1. The Student is 17 years old and is currently enrolled in a District high school.

2. During the 2024-25 school year, the Student's primary case manager took a leave of absence. This leave of absence required the District to utilize substitute teachers and resulted in some disruption to the delivery of the Student's IEP services.

3. As part of the District's *Response* in this matter, the District reported that the absences of the case manager impacted other similarly situated students, and that the District had offered compensatory services to address those educational disruptions.

4. On August 5, 2025, the Parents filed this Complaint.

IV. DISCUSSION

The Parents alleged three IDEA violations, which the District does not contest.

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

VII. STIPULATED CORRECTIVE ACTION

In the Portland Public School District
Case No. 25-054-053

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

Action Required	Submissions	Due Date
1. The District will deliver 35 hours of compensatory education to address the specific issues impacting the Student resulting from the case manager's absence. The District has proposed, and the Parents have accepted, the District's proposed offer of compensatory education.	The District will submit documentation demonstrating that it provided the proposed compensatory education.	**June 1, 2026**
2. In conformity with 25-054-045, 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 provided to ODE for review/approval. Sign-in sheet for training.	**October 15, 2025** **January 15, 2026**
3. The District will provide additional training to the relevant members of the Student's prior high school staff regarding FBA and BSP requirements and best practices for implementation.	Training addenda/materials provided to ODE for review/approval. Sign-in sheet for training.	**October 15, 2025** **January 15, 2026**

Dated: this 3rd Day of October 2025



Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing Date: October 3, 2025

Appeal Rights: Partied 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 provision of ORS § 183.484. (OAR 581-015-2030 (14).