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. 25-054-074

I. BACKGROUND

On October 17, 2025, the Oregon Department of Education (Department) received a written request for a special education complaint investigation from the parents (Parents) of a student (Student) residing in the Portland Public School District 1J (District). The Parents requested that the Department conduct a special education investigation under OAR 581-015-2030. The Department confirmed receipt of this Complaint and forwarded the request to the District.

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

On October 30, 2025, the Investigation was paused as Due Process was initiated by the Parents. On November 13, 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 when Due Process was completed. The Due Process filing was withdrawn without prejudice on January 25, 2026. The *RFR* was re-sent to the Parties on January 27, 2026, establishing a *Response* due date of February 9, 2026.

The District submitted a *Response* on February 6, 2026, denying the allegations, providing an explanation, and submitting documents supporting the District's position. The District submitted the following relevant items:

1. District's Written *Response* to Complaint, 02/06/26
2. Individualized Education Program (IEP), 10/25/24
3. IEP Amendment, 10/25/24
4. IEP Progress Report, 01/27/25
5. IEP, 05/28/25
6. Meeting Minutes, 05/28/25
7. Student Permanent Record, 2024-25 School Year

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

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

8. Middle School Course History, 09/28/25
9. Report Card, 2024-25 School Year
10. Statement from the Math Support Teacher, 03/01/26
11. Emails, 10/15/24-02/25/26

The Parents submitted a *Reply* on February 20, 2026, providing an explanation, rebuttal, and documents in support of the Parents' position, as well as additional documents submitted on March 1, 2026. The Parents submitted the following relevant items:

1. Parents' *Reply* to the District's *Response* to *RFR*, 02/20/26
2. [Outside Agency] Learning Ability Evaluation Summary, 11/20/24
3. Screenshot, [the District] Website - Discontinued Assessments and Data Resources, no date
4. Emails, 05/12/25-05/14/25

The Complaint Investigator interviewed the Parents on February 23, 2026. On February 23 and 27, 2026, the Complaint Investigator interviewed District personnel. 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 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 October 18, 2024, to the filing of this Complaint on October 17, 2025.

Allegations	Conclusions
When IEPs Must Be In Effect The Complaint alleged the District violated the IDEA by failing to provide special education and related services "as written by not administering, collecting, maintaining, or documenting the curriculum-based measurements (CBM) required for [progress] monitoring the Student's annual math goal." (OAR 581-015-2220; 34 CFR § 300.323)	**Substantiated in Part** While the District utilized an allowable measurement tool under the IEP's "other leveled curriculum" provision, it failed to satisfy the procedural requirement to issue formal, written IEP progress reports for the April and June 2025 reporting cycles.
Access to Student Education Records The Complaint alleged the District violated the IDEA by denying the Parents "access to the underlying CBM data	**Not Substantiated** The District was not required to provide the Parents with the data requested because it did

that constitute part of Student's education records, despite repeated requests." (OAR 581-015-2300; 34 CFR § 300.613)	not meet the definition of an education record.
Parent Participation The Complaint alleged the District violated the IDEA when it failed to "provide the [CBM] data upon request [which] impeded parental participation in the IEP process and prevented the IEP team from evaluating progress or revising instruction." (OAR 581-015-2190; 34 CFR § 300.322)	**Not Substantiated** The investigative record demonstrated parental participation through the Parents' active engagement in multiple IEP meetings and voluminous correspondence, which directly resulted in the District's responsive decision to significantly increase the Student's math service minutes.
Free Appropriate Public Education (FAPE) The Complaint alleged the District's "combined failures [of] not implementing the IEP as written, not conducting [the] required CBM progress monitoring, not collecting or maintaining the required [progress monitoring] data, and not providing parents access to the data collectively denied [the] Student a [FAPE]." (OAR 581-015-2040; 34 CFR § 300.101)	**Not Substantiated** The District provided a program reasonably calculated to enable the Student to make progress. Any procedural violations were mitigated by continuous data sharing and the Student's unique circumstances, including high absenteeism and a persistent lack of work completion.

REQUESTED CORRECTIVE ACTION
1. District Staff receive training on proper IEP implementation and CBM data collection procedures. 2. Adopt internal procedures to verify that IEP progress monitoring methods and frequencies are implemented as written. 3. Private compensatory education services equivalent to the period during which the District failed to collect and use CBM data to guide instruction. 4. Submit documentation to ODE verifying compliance and implementation of corrective measures.

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 October 18, 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 fourteen years old and attends a high school in the District. The Student attended a middle school in the District at the time of the Complaint. The Student is eligible for special education and related services under the categories of Specific Learning Disability (SLD), Other Health Impairment (OHI), and Speech or Language Impairment (SLI).

2. The Student is described as an "eager learner when [they are] interested in a subject." The Student "has an ability to learn and recall new information. [They tend] to be extremely sensitive and empathic, [and] genuinely interested in pleasing." The Student also has "relentless curiosity and is excited and passionate about [their] interests. [The Student] is protective of family members, is very complex, has a wry and keen sense of humor, and is very direct with [their] observations and interests."

3. The Parents sent an email on October 15, 2024 and asked the Special Education Teacher whether they had any updated or new data on the Student's math baseline. They stated at the end of the 2023-24 school year, the Student was able to solve number operations at a "Q1 grade level with 38% accuracy." They noted the collective goal was for the Student to perform at grade level with 80% accuracy as measured by curriculum-based measures (CBM), so they were wondering if the team needed to "consider alternative strategies and/or increased specialized instruction" for the next IEP cycle. They concluded, "In addition, we are very concerned about [the Student's] current ability to solve, or even simplify, algebraic equations. We are eager to discuss strategies and supports that will help [the Student] achieve grade[-]level proficiency in algebra."

   The Special Education Teacher responded via email and said, "I will give [the Student] some assessments this week and let you know the results. I will also get you an IEP draft well ahead of our meeting next week, so we can discuss some current and next strategies."

4. In an email dated October 24, 2024, the Special Education Teacher said they had attached a draft IEP with updated present levels for the Parents to review for the IEP meeting the following day. They noted they would be "happy to discuss some changes" to the goals and instruction for the Student's eighth-grade year. The Special Education Teacher also noted, "[The Student] is growing up in so many ways, but still working on some things that we can help with."

5. An IEP dated October 25, 2024 and amended on January 10, 2025, outlined the following relevant information for the Student:
   a. The Parents attended both meetings.
   b. Present levels of academic performance:
      i. At the time, the Student had an F in math.
      ii. Districtwide math assessment: Fall of eighth grade - 4th percentile

iii. Statewide math assessment: Spring of 2024 - Level 1 (does not meet the achievement standard for grade-level math); it was unclear whether the Student finished all parts of the assessment.
iv. Math: "[The Student] continues to struggle with multi-step processes, especially those in algebra. On a recent EasyCBM test of math skills, [the Student] showed good command of number lines, measurement, and graphs. [The Student] seems to have missed a key component of 7th[-]grade math, and still makes mistakes with positive and negative number operations (1 [out of] 6). [The Student's] one[-]step algebra equations were demonstrated with 80% accuracy (4 [out of] 5)."
v. January 10, 2025 amendment:
(1) "Parents are concerned that [the Student] is many grade levels behind [their] peers, and not making adequate progress, especially based on standardized test scores. [The] Parents are interested in pursuing a research-based program that can build [the Student's] skills for high school."
(2) December 2024 standardized academic testing, administered one-to-one, showed the Student scored in the 2nd percentile in math. It was noted the Student demonstrated weaknesses in the areas of math calculation, math concepts, and applications.

c. Math goal #1: "By the end of the IEP cycle, given a short selection of grade[-]level problems such as EasyCBM or other leveled curriculum, [the Student] will solve the problems with 80% accuracy." It was noted that progress would be reported to the Parents quarterly via "written progress notes."
i. Present level: Level 7_1 Math Number Operations and Algebra, 31%. It was noted, "Positives and negatives were problematic (1 [out of] 6 problems involving operations with positive and negative integers)."
ii. An IEP progress report dated November 1, 2024, showed a progress code of 3, indicating the Student had made progress toward the goal but may not meet it, and that instructional strategies may need to be changed. It also indicated the Student had scored 31% on Level 7 of the EasyCBM in number operations and algebra. It was noted, "Positive and negative operations were problematic for [the Student]. This appears to be a missed area for [them]."
iii. The January 10, 2025 IEP amendment updated the Student's Present Level for the goal and reflected that the Student scored 86% on Level 7_3 Math Number Operations and Algebra. It noted the Student was improving, scoring 5 out of 6 on problems involving operations with positive and negative integers.
iv. An IEP progress report dated January 27, 2025, showed a progress code of 4, indicating the Student had made progress toward the goal and was likely to meet it by the next review. It also indicated the Student had completed EasyCBM Number Operations and Algebra at the 7th grade level at 87%, with 6 out of 7 problems correct.

d. Math goal #2: "By the end of the IEP cycle, given a multiplication expression with rational numbers (positives and negatives), [the Student] will apply the properties of operations and calculate the product by multiplying the absolute value and assign the product a sign by using the rules of integers (e.g., a positive times a positive is a positive, a negative times a negative is a positive) for (4 out of 5) problems, on (3 out of 4) progress monitoring

assessments." It was noted that progress would be reported to the Parents quarterly via "written progress notes."

i. Present level: 1 out of 6 problems involving number operations with integers.
ii. An IEP progress report dated November 1, 2024, showed a progress code of 4, indicating the Student had made progress toward the goal and was likely to meet it by the next review. It also indicated the Student had scored 80% "with 1[-]step equations." It was noted that the Student was "building skills around basic algebra and variable equations."
iii. The January 10, 2025 IEP amendment updated the Student's Present Level for the goal and reflected that the Student completed Level 7_3 of the Easy CBM in Math Number Operations and Algebra on January 22, 2025, and had scored 5 out of 6 on problems involving number operations with integers.
iv. An IEP progress report dated January 27, 2025, showed a progress code of 4, indicating the Student had made progress toward the goal and was likely to meet it by the next review. It also indicated the Student had scored 5 out of 6 (83%) on "algebra problems."

e. Specially designed instruction (SDI) from October 25, 2024 through October 24, 2025 as follows:
   i. 30 minutes per week in the general education classroom for math.
   ii. Starting January 10, 2025, SDI for math was increased to 130 minutes per week.
f. IEP meeting notes dated October 25, 2024 indicated, "Goals are not a good reflection of [the Student's] ability or skill levels. District and Statewide testing also do not give a full picture. [The Special Education Teacher] agreed to complete a [standardized assessment] test to better establish academic levels." For math, it was noted, "Increased focus on positive and negative operations, and how they apply to algebra."

6. On October 25, 2024, the Special Education Teacher emailed the Parents and said, "I am so happy we could work together and get [the Student] the kinds of support [they need] to be successful. Attached are meeting minutes and an IEP draft. I added a new math goal, and decided it would be a good measurement tool to keep the EasyCBM goal."

7. On October 31 and November 1, 2024, emails were exchanged between the Parents and the Special Education Teacher regarding the Student's academic progress. The Parents stated they were worried the Student would not be ready for the pace and difficulty of the math required for high school classes. The Special Education Teacher shared their concern and stated, "As [the Student] gets closer to high school, it is clear to me that [they are] not able to keep up with peers in these areas. Some of this [is] due to attention, and the chaotic and distracting nature of middle school. I am worried about [the Student], and I am worried that [their] progress is behind [their] peers. You should know that [the Student] is separating somewhat from [their] peers academically, even as [the Student] is becoming aware of [their] differences and trying to fit in socially."

   The Parents also stated, "In math, we are concerned about [the Student's] failure to progress on 2023-24 IEP goals; it is also an area in which we do not believe we have a complete understanding of [the Student's] present level of performance. The data we do have indicates

that [the Student] continues to be measured at below grade level expectations." They mentioned the Student's performance on districtwide math assessments was continuously scored at or below the fifth percentile. Additionally, they reported the Student's statewide math assessment performance was measured at level 1, indicating the Student was able to interpret and carry out mathematical procedures with "minimal precision and fluency." They asked the Special Education Teacher whether they could share additional measurable data from the EasyCBM or the District's online math instruction program that showed the Student's performance in the specific math domains of algebra and algebraic thinking, expressions and equations, geometry, and measurement and data.

The Special Education Teacher responded with scores from a diagnostic assessment from the District's online math instruction program. The Student reportedly scored at grade 2 in algebra and at grade 3 in measurement, number operations, and geometry. They said they did not believe those were "accurate reflections" of the Student's "actual grade level" in the identified areas. They stated they preferred to use the EasyCBM because "students with attention issues tend to rush through the [online math instruction program] to get to the games."

The Parents also stated they wanted to know specifically which skills the Student could perform, at what level or rate, and how those skills were measured. Additionally, they asked what skills the Student needed to learn to graduate at an eighth-grade math level in June 2025. The Special Education Teacher replied, "I am not sure I have a good answer for this one. I suppose we should look at the state standards for math." They also suggested a more extended conversation with the general education Math Teacher and noted the Student had been reluctant to ask for help in that classroom.

Finally, the Parents asked what SDI the Student was receiving for their disability in math calculation and math reasoning. The Special Education Teacher responded, "We do math worksheets, warmups, problem study, and math test review in my classroom. We also do [online math program instruction] minutes, aiming for 40 minutes per week."

8. On November 1, 2024, the Special Education Teacher emailed the Parents a copy of the Student's fall diagnostic math assessment report from the online instruction program. The Parents thanked the Special Education Teacher for the information and said they would review it.

9. On November 6, 2024, the Parents emailed the Special Education Teacher and said, "Let's go ahead and finalize the IEP goals as written until we meet [December 12, 2024] to discuss revisions. Can we please add progress monitoring or a similar method of measuring growth over the next six weeks? Would you please update the IEP to reflect our concerns for [the Student's] progress to meet 2023-24 math goals, the widening achievement gap between [the Student] and grade-level peers, and our concerns that [the Student] will not be ready for the pace and difficulty of writing and math required for high school classes."

10. A Learning Ability Evaluation Summary from an outside agency dated November 20, 2024, indicated the following math scores for the Student:
    a. Math computation on one achievement test: 7th percentile, 3.8 grade equivalent.
    b. Math computation on a different achievement test: 2nd percentile, 3.4 grade equivalent.
    c. Word problems: 9th percentile, 4.0 grade equivalent.

11. On December 11, 2024, the School Psychologist emailed the Special Education Teacher an update on standardized academic testing done with the Student. They said that, since the Student's sixth-grade scores, the Student had shown growth in all areas except math computation and math concepts/applications, both of which had declined.

12. On December 12, 2024, the Parents emailed the Special Education Teacher to check in about postponing the Student's IEP meeting until after the winter break. They said, "Given recent events and the need to work through things with [the Student], we will need additional time to prepare for the meeting. We will also need to review the results of [the Student's] [standardized academic assessment] prior to the rescheduled IEP meeting. Additionally, we expect the purpose of the rescheduled IEP meeting will be reviewing and revising [the Student's] IEP, and our concerns about [the Student's] lack of progress in meeting IEP goals … ."

13. PWN dated January 10, 2025 documented the IEP meeting on that date and the aforementioned IEP changes. It also noted that the District proposed to update academic goals "to reflect grade level learning standards, with updated present levels based on current data." The IEP team considered adding a second "Academic Support" period to give the Student additional time to work on SDI. However, the team rejected adding a second support period and instead increased the Student's SDI in math. It was noted the Student would also participate in the School's math intervention class for the second semester for additional math instruction.

14. On January 21, 2025, the Special Education Teacher emailed the Parents as a follow-up to the January 10, 2025 IEP meeting. They stated that, after reviewing everything, they thought the Student could benefit from an additional period of special education and wanted to consider adding the Student to the Special Education Teacher's seventh-period class. They explained it would require some afternoon schedule changes for the second semester and asked the Parents for their thoughts on the idea. On January 22, 2025, the Parents responded via email, stating they were considering the Special Education Teacher's recommendation. They stated they agreed the Student needed additional specialized instruction but were still "wading through [the Student's] recent assessments and clinical recommendations." They said they would connect with the Special Education Teacher the next day.

15. On January 22, 2025, the Parents emailed the Special Education Teacher a letter listing their educational concerns for the Student. They reiterated assessment scores they had expressed concerns about on October 31, 2024, and added the following relevant information:
    a. "[The Student's] long-term math … progress has regressed in every domain of diagnosed specific learning disability over the last three years." They noted that based on

standardized academic assessment, the Student had "regressed" in math concepts and applications (19th percentile to 4th percentile), math computation (8th percentile to 2nd percentile), and math fluency (23rd percentile to 14th percentile).

b. "We are concerned that [the Student's] IEP goals are not aligned with the standards for grade level achievement … . We worry that the effects of continued negligible progress and/or regression will create and exacerbate lifelong social and emotional scars for [the Student] … ."
c. "We truly believe you have [the Student's] best interests in mind. However, we do not believe you are provided the time and resources to address [the Student's] academic deficits. We agree that [the Student] needs intensive academic intervention. However, we have reservations about the efficacy of an additional group academic support class during seventh period in addressing [the Student's] growing academic deficits." The rationale was the Student's schedule was tailored to the Student's "attentional resources" so that their core academic subjects were in the first half of the school day and the electives they enjoyed were in the afternoon.
d. "More importantly, given the complexity and severity of [the Student's] learning disabilities and executive functioning challenges, we believe it is necessary to use comprehensive remedial interventions that can meet [the Student's] multiple academic difficulties, and that contain the essential components of evidence-based instruction tailored to [the Student's] unique needs."
e. "[The Student's] academic and cognitive profile, standardized test scores, grades, academic achievement tests, and [their] social and functional challenges suggest and support the use of sensory-cognitive development of concept imagery and dual coding processing (explicit and sensory[-]based instruction) to promote [the Student's] development and meaningful acceleration in … math computation and math fluency. [The Student's] most recent private evaluation recommends approximately 200 hours of intensive academic remediation using intensive, individual, daily sensory-cognitive instruction."

16. On January 24, 2025, the Special Education Teacher emailed the Parents in reply to a letter from the Parents on January 22, 2025. The Special Education Teacher stated, "I just want to document that I am also concerned for [the Student's] progress both in middle school and for high school. I offered to increase the placement time to two periods per day in the learning center classes, but I am hearing you say that you disagree with this strategy. Based on [the Student's] difficulty with attention and executive functioning, I agree that more research[-]based programs could be helpful." The Special Education Teacher suggested adding a "math support" class for the second semester, increasing the Student's time using the online math instruction program and adding a "second (sometimes third) dose of math during the day." They explained they could increase the Student's special education service minutes, which could be delivered in the math support class. They also clarified that the District's instructional model did not "call for" one-to-one instructional time. Instead, instruction was delivered in small peer groups.

    The Special Education Teacher confirmed they would continue to provide service for the Student's goals in reading, writing, math, self-advocacy, and study skills in their classroom for

one period per day. They also acknowledged the Parents' dissatisfaction with the current IEP goals and committed to adding standards to the existing goals and updating the present levels in an upcoming IEP amendment. The Special Education Teacher offered to finalize these updates through informal discussions via phone or video call, or through a formal meeting, while emphasizing that the Student had demonstrated continued growth during their enrollment.

17. On February 3, 2025, the Math Support Teacher emailed the Parents the results of the Student's most recent math diagnostic assessment in the online math instruction program. They stated, "We're looking for growth over the course of the semester. The goal is for students to be one grade below their actual grade level. This means we hope to get [the Student] up to 7th[-]grade[-]level math in all domains listed." The listed domains and results showed the Student performed at grade 2 in algebra and algebra thinking, and grade 3 in number and operations, measurement and data, and geometry. The Parents replied via email, thanking the Math Support Teacher for the information and asking how often they assessed for progress. The Math Support Teacher responded, "We've been instructed to reassess every 12 weeks." They also mentioned the Student could work on the online math instruction program at home.

18. On March 18, 2025, the Math Support Teacher emailed the Parents the results of the Student's math diagnostic assessment taken that week. The results showed the Student's performance at grade 1 for measurement and data, grade 3 for geometry, and grade 4 for number and operations, algebra, and algebraic thinking. In response, the Parents requested the full math diagnostic assessment report to see more detailed domain information and to gain a "clearer picture" of the areas the Student was having difficulty with. The Math Support Teacher replied to the Parents and included attachments to the "Next Steps for Resources and Instruction" part of the math diagnostic assessment report.

19. On May 13, 2025, the Parents sent an email to the District's designated special education records request email address and said, "I would like to request my child's cumulative educational file, including all assessments, disciplinary records, and all available communications." The special education records were sent on May 14, 2025 and the Parents were asked to complete a separate form for the rest of the Student's records from the Records Management Team, which they completed the same day.

20. An IEP dated May 28, 2025 outlined the following relevant information for the Student:
    a. The Parents attended the meeting.
    b. The Parents expressed concerns at the meeting, but asked to add an additional statement," which would be uploaded to the Student's file.
    c. Present levels of performance:
        i. The Student's cognitive abilities were assessed in 2019 and 2022, with additional subtests in 2025 and demonstrated a "consistent weakness" in the area of Fluid Reasoning across all three administrations. Other weaknesses included Visual Spatial, Long Term Storage, and Rapid Automatic Naming.
        ii. The Student's eighth-grade attendance was in the "severe" range at 77%.

iii. The Student received an NG (No Grade) in math due to "limited work completion."
iv. The Student's attendance had affected their ability to "keep up" with grade-level expectations, which in turn had affected their grades.
v. Math: The statement was identical to the October 25, 2024 IEP. The Student's scores on the Districtwide math assessment for fall and winter of eighth grade were reportedly in the "low range."

d. Math goals:
   i. The first goal was identical to the goal on the October 25, 2024 IEP.
      (1) Present level: 4 out of 8 (50%) on a level 7.5 number operations and algebra CBM.
   ii. The second goal was also identical to the goal on the October 25, 2024 IEP.
      (1) Present level: "Applied problems with multiplication of positives and negatives: 65% correct."
e. SDI for math, 150 minutes per week in the general education classroom.

21. Meeting notes dated May 28, 2025 noted the Student attended one period of academic support in addition to one period of "Tier II Math Intervention."

22. On May 29, 2025, the Math Support Teacher emailed the Parents the final math diagnostic assessment results for the 2024-25 school year. The results showed that the Student performed at grade 2 in algebra and algebraic thinking, grade 3 in geometry and measurement and data, and grade 4 in number and operations. The number and operations domain was the only area to show improvement from the first diagnostic assessment in September 2024.

23. On May 29, 2025, the Parents emailed the IEP team as a follow-up to the IEP meeting the previous day. In that email, they addressed the Special Education Teacher with their concerns about the Student's math progress. They stated they were reviewing the most recent data they received from the Math Support Teacher to "determine the effectiveness of the current SDI being delivered to [the Student]." They continued, "In reviewing the service minutes for math listed on the draft IEP, we do not believe the IEP is reasonably calculated to enable [the Student] to make appropriate progress in light of [their] disability. We have concerns that the frequency and duration of services [are] not sufficiently intensive to address [the Student's] annual goals."

24. The Student's Permanent Record for the 2024-25 school year showed the Student was absent for 42 days out of 171 school days (75% attendance).

25. The Student's report card for the 2024-25 school year showed the Student received an "NG" (no grade) for all four quarters of their math course. The comments stated, "missing tests, quizzes," "missing assignments/incomplete," and "concern: attendance." The Student's previous report cards showed a grade of C in math for seventh grade, and a grade of "CP" (close to proficient) in sixth grade.

26. An undated screenshot from the District's website indicated that administration of the "easyCBM" was discontinued in June 2020.

27. On October 17, 2025, the Parents filed this Complaint.

28. In an interview with the Complaint Investigator, one of the Parents explained that they understood the purpose of using CBMs to monitor the Student's math goals was to ensure data was collected biweekly and to identify any areas of regression in real time, so that instruction could be modified and addressed. They stated this would ensure the Student would not sit in the special education setting "idly," without making any progress or accessing the general education setting.

29. One of the Parents noted the Special Education Teacher emailed in October 2025, to state they felt it was a "good idea" to keep the EasyCBM goal (Goal #1) in the Student's IEP, adding it was their preference to use that measurement tool. One of the Parents noted they "welcomed any administration of a CBM," and added that they expected the use of a comprehensive system and the systematic tracking of data to show how the Student responded to interventions used. They shared that they did not necessarily insist on a certain program; they wanted a "collection method that would result in meaningful participation" and allow the Student to make progress in math.

30. One of the Parents shared at the IEP meeting on October 25, 2024, that they received a progress report with only goals and no data toward the goals. One of the Parents confirmed they had emailed the Special Education Teacher to express their concerns about the Student's lagging skills and progress. They noted the Special Education teacher replied they shared in the Parents' concerns and added the Student was not able to keep up with their peers. One of the Parents shared they received two progress reports in November 2024, one of which contained no progress codes. They stated the progress report dated November 11, 2024, stated "progress had been made, but the goal may not be met."

31. One of the Parents noted they would typically receive progress reports through email, but added the School went paperless in 2025, so the Parents accessed progress reports through the online parent access system. One of the Parents recalled requesting the January 2025 progress report in an email to the Special Education Teacher in April 2025 because they were unable to access it through the parent access system. They indicated progress reports were not provided for the third or fourth quarter of 2025. One of the Parents stated the Student was not making progress across several IEP cycles and learned the District was not using the CBM program listed on the Student's IEP.

32. One of the Parents noted they had emailed the Special Education Teacher for "additional measurable data" and how the Student performed in the math domains. The Special Education Teacher provided data from the online program and added they did not feel the scores were accurate. According to the scores, the Student ranked between the second and third grade level. One of the Parents confirmed they specifically requested CBM data on October 15, October 31, and November 6, 2024. They confirmed they did not receive the data they requested. Instead, they said the Special Education Teacher would "write down a few

problems for us" to show the kind of problems they would give the Student to demonstrate their skills.

33. One of the Parents requested the Student's math IEP goal be changed during the IEP meeting on October 25, 2024. They asked the Special Education Teacher to clarify the math goal and indicated they did not think the goal would be helpful to the Student. They indicated the goal had changed, and they were "satisfied" with it. One of the Parents also stated, "I don't think we ever felt like we couldn't propose that a change be made, whether we could say specifically what needed to change." Although they shared that they did not know the math standards and had a "vague" understanding of the Student's challenges in math.

34. One of the Parents noted the lack of data impacted their ability to identify and support the Student where needed. One of the Parents also mentioned they had the Student tested through an outside provider in November 2024 and again in November 2025, and the scores demonstrated the Student made no progress over three years. They said they shared these scores with the District at the January 2025 IEP meeting and requested a partial-day schedule so the Student could attend an outside tutoring program for math. The District denied their request and offered to place the Student in a tier three math support class with a math teacher who was "phenomenal."

35. During an interview with the Complaint Investigator, the Special Education Teacher explained the Student's math SDI was delivered during their one-period-a-day class. They added the Student practiced a variety of skills by using an online program and participating in whole-class and small-group instruction. The Special Education Teacher noted they assessed the Student using the online program and a specific CBM assessment system they had used for several years.

36. The Special Education Teacher explained the Student attended their class daily and received support not only for math, but also for study skills, writing, self-advocacy, and reading throughout the week. The Special Education Teacher shared the service minutes for the Student changed because the Parents were considering sending the Student to a private program and wanted more math support. The Special Education Teacher explained they increased math services by adding the Student to an intervention math class intended for students without an IEP who were "falling behind." They noted it was mostly an extra dose of the online math program, which was individualized and leveled.

37. The Special Education Teacher explained that they were listed as the provider for the Student's SDI, and they "didn't spend a lot of time checking in about it" with the Math Support Teacher, but they could see the Student's scores in the online program because they both had access. They indicated they used the Student's progress on the online program to adjust the Student's SDI.

38. The Special Education Teacher stated that they used the online program, and the EasyCBM system of leveled probes printed on paper, to assess the Student's progress. The Special Education Teacher noted they administered the assessments twice a month and kept the

collected work samples in a folder. The Special Education Teacher reported, "When the quarter came around, I would use, honestly, I might have two or three pieces of data, and I would look for the one that I thought best fit what the IEP goal was looking for." They then completed quarterly progress reports and shared the data with the Parents at grading periods. The collected work samples were typically reviewed with the Student at the end of a term or school year and either returned to the Student or recycled once the data had been recorded.

39. The Special Education Teacher shared the Student struggled with attention, "was not particularly motivated," and struggled with "processing new things." They shared if they did not update the Student's goal, it was because the Student did not show enough progress.

40. The Special Education Teacher recalled responding to the Parent's emailed request for additional measurable data by providing the full online program data, which included the skills the Student knew and the skills the Student needed to work on.

41. Regarding the lack of spring 2025 progress reports, the Special Education Teacher stated, "That should not have been the case. There was a progress reporting period in roughly April of that year, at the end of the next quarter, and then there was the progress reporting period at the end of the school year, which would've been June something." The Special Education Teacher believed progress reports were completed for the Student in spring 2025, but noted the data was not always accurate because the Student had "quite a number" of absences around the progress reporting periods.
    a. In a follow-up email after the interview with the Complaint Investigator, it was reported that the District was "unable to locate" progress notes from the April and June 2025 reporting periods. The Case Manager reportedly reviewed records and emails from that time frame and was reminded of a series of meetings with the Parents (evaluation planning, eligibility review, and IEP review) and email discussions about the Student. As such, the Case Manager believed the triennial evaluation and IEP present levels from that time explained the Student's progress at that time rather than progress notes.

42. In an interview with the Complaint Investigator, the Math Support Teacher described working as the Student's intervention teacher. They shared the curriculum they used was an online program. They added they had the Student complete a warm-up activity on paper first before working on the computer.

43. The Math Support Teacher noted the Student had difficulty working on the computer because it was too distracting. They shared that the Student was able to focus better when working on paper, and added the Student seemed "pretty solid" with basic multiplication and division facts.

44. The Math Support Teacher shared they did not work on grade-level math problems in the intervention class. They explained they worked within an online program and another program based on the Student's diagnostic results. They added that the material the Student

was working on was at a third- or fourth-grade level. They reiterated they would not have been working on grade-level standards in the intervention class.

45. The Math Support Teacher shared that students took a diagnostic at the start of class and would take another test during the next testing period to determine whether growth had occurred. They noted they did not know where the data was stored or how to access it. The Math Support Teacher noted they lost access when students moved out of their class. They reported they shared the data with the Parents and would copy the Math Teacher as a "heads up," but did not email the Special Education Teacher directly. They indicated they shared the information with the Parents as soon as they completed the diagnostic.

46. The Math Support Teacher recalled speaking with the Math Teacher "fairly often," but added they did not believe they ever spoke about the Student directly. They mentioned they did not believe they spoke the Special Education Teacher about the Student "at all during that time." The Math Support Teacher explained that their role in working with the Student was to provide additional math support, not to serve in a special education role, because they were not certified in special education. They shared "whatever I did would be something for [the Student]."
    a. Following their interview with the Complaint Investigator, the Math Support Teacher submitted a written statement dated March 1, 2026, clarifying that the Special Education Teacher had personally checked in with them regarding the Student's progress in spring 2025. They informed the Special Education Teacher they had been in contact with one of the Parents about the Student's progress.

47. The Math Support Teacher indicated they believed the Student was the only student in their class of nine with an IEP.

48. The Math Support Teacher confirmed the Student did not show "a ton of improvement" according to the progress monitoring data they sent to the Parent on March 18, 2025. The Math Support Teacher added they sent the Parent as much information as they could retrieve after the Student took the assessment. They noted they did not believe they had access to "more than that."

IV. DISCUSSION

When IEPs Must Be In Effect

The Complaint alleged the District violated the IDEA by failing to provide special education and related services "as written by not administering, collecting, maintaining, or documenting the CBM required for [progress] monitoring the Student's annual math goal."

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 an IEP. A school district must conduct a meeting to develop an initial IEP within 30 calendar days of a determination that the child needs special education. As soon as possible following development of the IEP, special

education and related services must be made available to the child in accordance with the child's IEP.[3]

Each school district must ensure that the IEP is accessible to each regular education teacher, special education teacher, related service provider and other service provider who is responsible for its implementation and inform each teacher and provider of his or her specific responsibilities for implementing the child's IEP and the specific accommodations, modifications and supports that must be provided for or on behalf of the child in accordance with the IEP.[4]

The Student's IEP required the District to monitor their math goals using the EasyCBM or other "leveled curriculum" with a target of 80% accuracy. The Parents correctly noted, and the investigative evidence confirmed, that while the District did not consistently utilize the EasyCBM specifically, which was being phased out District-wide, it did utilize an alternative "leveled curriculum" to assess math performance and provide diagnostic data. Consequently, the District's choice of assessment tool remained within the parameters allowed by the IEP. However, the IEP also mandated quarterly progress reporting via written progress notes. While the District provided reports in November 2024 and January 2025, it admittedly failed to issue formal written progress reports for the April and June 2025 reporting cycles. Although the District provided standardized data and updated present levels during IEP meetings in those months, this informal sharing of data did not satisfy the specific procedural requirement under OAR 581-015-2220 to issue periodic written reports on the Student's progress toward annual goals. Therefore, the District violated the IEP as written regarding the frequency of formal progress reporting.

The Department substantiates this allegation in part.

Access to Student Education Records

The Complaint alleged the District violated the IDEA by denying the Parents "access to the underlying CBM data that constitute part of Student's education records, despite repeated requests."

Each participating agency must permit parents to inspect and review any education records relating to their children that are collected, maintained, or used by the agency. This provision includes all education records with respect to the identification, evaluation, and educational placement of the child and the provision of a FAPE to the child.[5]

The IDEA incorporates by reference the requirements of the Family Educational Rights and Privacy Act (FERPA).[6] These provisions require that a school district must comply with parental requests to inspect and review their child's education records without unnecessary delay.[7] In Oregon, this means that education records requested by a parent must be provided before any

[3] OAR 581-015-2220(1); 34 CFR § 300.323(a)
[4] OAR 581-015-2220(3); 34 CFR § 300.323(d)
[5] OAR 581-015-2300(1-2); 34 CFR § 300.613(a)
[6] OAR 581-015-2300; 34 CFR § 300.501(a); 34 CFR §§ 99.1 to 99.38
[7] OAR 581-015-2300(2); 34 CFR § 300.501(a)

meeting regarding an IEP, and in no case more than ten business days after the request has been made.[8] Under FERPA, "education records" are defined as those records that are (1) directly related to a student; and (2) maintained by an educational agency. This does not include records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.

The Supreme Court has interpreted the term "maintain" as "to keep in existence or continuance; preserve; retain" suggesting the purposeful and intentional keeping of records, such as those "kept in a filing cabinet in a records room at the school or on a permanent secure database."[9] In *Owasso*, the Supreme Court further reasoned that additional procedures dictated by FERPA for how student records should be treated, such as requiring districts to document requests to access a student's records and charging a "school official" with responsibility for the records, "implies that education records are institutional records kept by a single central custodian."[10]

The District's response and the investigative evidence detailed a consistent history of data transparency, including the provision of online leveled curriculum diagnostics, standardized academic assessment summaries, and "Next Steps" reports that detailed math domain-specific deficits. The Parents alleged a denial of access to "underlying CBM data," arguing that the District's provision of summaries was insufficient to inform their decision-making. The District was only required to provide the requested data to the Parents, however, if it qualifies as an "education record" under FERPA. The Special Education Teacher explained that while they utilized CBMs and other student work sample to inform quarterly progress reporting, these materials were not maintained once the scores were formally recorded. Furthermore, while the District must maintain specific special education documents such as eligibility statements and IEPs,[11] there is no mandate under the IDEA or state law requiring the permanent retention of every individual instructional worksheet or piece of raw data after the relevant data has been synthesized into a formal progress report.[12] Based on the evidence in this case, the District did not maintain the data in question in the manner required to qualify as an educational record and the District is not obligated to provide this information to the Parents. Because the District provided the comprehensive performance data it maintained, in the form of progress reports and IEP Present Level information, no violation of the right to access records occurred.

The Department does not substantiate this allegation.

Parent Participation

The Complaint alleged the District violated the IDEA when it failed to "provide the [CBM] data upon request [which] impeded parental participation in the IEP process and prevented the IEP team from evaluating progress or revising instruction."

[8] OAR 581-015-2300(3)(a)
[9] *Owasso Indep. Sch. Dist. No. 1-011 v. Falvo,* 536 U.S. 426 (2002)
[10] *Id.*I
[11] District Administrative Directive 2.50.021-AD - Education Records Management, Section XII(A)(2), 02/24
[12] District Administrative Directive 2.50.021-AD - Education Records Management, Section I(A)(1), 02/24; OAR 581-021-0220(6)(b)

School districts must provide one or both parents with an opportunity to participate in meetings with respect to the identification, evaluation, IEP, and educational placement of the child, and the provision of a FAPE to the child. School districts must provide parents with a written notice of the meeting sufficiently in advance to ensure that one or both parents will have an opportunity to attend. The written notice must state the purpose, time, and place of the meeting and who will attend. It must inform the parent that they may invite other individuals whom they believe have knowledge or special expertise regarding the child. The notice must inform the parent that the team may proceed with the meeting even if the parent is not in attendance and inform the parent of whom to contact before the meeting to provide information if they are unable to attend.[13]

The school district must take whatever action is necessary to ensure that the parent understands the proceedings at a meeting, including arranging for an interpreter for parents who are deaf or whose native language is other than English. A meeting does not include informal or unscheduled conversations involving school district personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision if those issues are not addressed in the child's IEP. A meeting also does not include preparatory activities that public agency personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.[14]

The Parents argued in their Reply that their participation was "hollow" because they lacked the specific raw data needed to challenge the District's proposed goals. However, the investigative record revealed robust and meaningful participation that extended beyond mere attendance at multiple IEP and amendment meetings. The District actively facilitated parental involvement by performing specific standardized and cognitive assessments at the Parents' request, specifically to clarify the Student's math-related deficits. Furthermore, the team reviewed and discussed a private academic evaluation provided by the Parents to inform the Student's instructional needs. In *JG v. Douglas County School District*, the Ninth Circuit held that parental participation is satisfied when parents have a meaningful opportunity to share their views, even if the District does not ultimately adopt their preferred methodology or data-collection format.[15] The District's responsiveness was clearly evidenced by the significant increase in math service minutes from 30 minutes to 150 minutes per week. This ongoing, responsive adjustment to the IEP proves that the Parents' input not only reached the District but directly influenced and formulated the Student's programming.

The Department does not substantiate this allegation.

Free Appropriate Public Education (FAPE)

The Complaint alleged the District violated the IDEA by not providing special education services and progress monitoring, thereby denying the Student a FAPE.

[13] OAR 581-015-2190 (1)(2); 34 CFR §§ 300.322
[14] OAR 581-015-2190 (3-5); 34 CFR §§ 300.322(d), 300.501(b)(c)
[15] J.G. v. Douglas County School District, 552 F.3d 786 (9th Cir. 2008)

School districts must provide a FAPE to all school-age children with disabilities for whom the district is responsible. "School-age children" are children who have reached five years of age but have not yet reached 21 years of age on or before September 1 of the current school year. An otherwise eligible person whose 21st birthday occurs during the school year is eligible for a FAPE for the remainder of the school year. The requirements of this rule also apply to children with disabilities who have been suspended or expelled from school.[16]

To provide a FAPE, an IEP must be "reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances."[17] The Parents argued that the District's failure to provide specific math data resulted in a lack of academic progress. However, the District's response and the investigative record highlighted critical factors within the "child's circumstances" that hindered achievement: a 77% attendance rate and a consistent lack of work completion, which resulted in "NG (No Grade)" marks across all four quarters of their 8th-grade math course. Additionally, the Student's cognitive profile included a persistent normative weakness in Fluid Reasoning, which directly impacts their ability to master the complex, multi-step algebraic processes required in the 8th-grade curriculum.

Under the Ninth Circuit's ruling in *Board of Education v. Rowley*, the District is required to provide a "basic floor of opportunity," not the "best possible" or most intensive instruction.[18] By quintupling the Student's math service minutes, increasing them from 30 minutes to 150 minutes per week, and adding a specialized math intervention class, the District provided a program that met this legal threshold. The procedural error of missing formal progress reports for the final two cycles did not rise to the level of a "material failure" (*Van Duyn v. Baker School District*) because the District continued to share standardized and diagnostic data during team meetings and via email, ensuring the Parents remained informed of the Student's performance and regression.[19] Because the District remained responsive to the Student's evolving needs and provided a program aimed at meaningful benefit, no denial of a FAPE occurred.

The Department does not substantiate this allegation.

V. CORRECTIVE ACTION[20]

In the Matter of Portland Public School District 1J
Case No. 025-054-074

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

[16] OAR 581-015-2040; 34 CFR § 300.101
[17] Endrew F. ex rel. Joseph F. v. Douglas County School District RE-1, 580 U.S. 386 (2017)
[18] Board of Education of the Hendrick Hudson Central School District v. Rowley, 458 U.S. 176 (1982)
[19] Van Duyn ex rel. Van Duyn v. Baker School District 5J, 502 F.3d 811 (9th Cir. 2007)
[20] 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)).

Action Required	Submissions	As Soon As Possible But No Later Than Due Date
1. The District shall provide training to all special education case managers regarding the procedural requirements for periodic reporting of a student's progress toward meeting annual IEP goals. The training must include, at a minimum, that: a. Written progress reports must be issued at the frequency specified in a student's IEP (e.g., quarterly). b. Informal data sharing, meeting discussions, or the provision of standardized test results do not satisfy the procedural requirement to issue IEP progress reports.	The District shall submit the following: A copy of the training materials/presentation. An attendance log signed by the staff members who participated.	**May 26, 2026**

Dated: this 27 Day of March 2026



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Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing Date March 27, 2026

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).)