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. 26-054-037

I. BACKGROUND

On March 17, 2026, the Oregon Department of Education (Department) received a written special education complaint (Complaint) from the parent (Parent) of a student (Student) residing in the Portland School District (District). The Parent requested that the Department conduct a special education investigation under OAR 581-015-2030. The Department confirmed receipt of this Complaint and forwarded the request to the District.

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

On March 25, 2026, 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 April 8, 2026. On April 8, 2026, the District submitted a *Response*, disputing the allegations described in the Complaint. The District submitted the following relevant items:

1. District Response
2. Student (Prior District) IEP, 5/12/25
3. Student (District) IEP, 5/12/25
4. Prior Written Notice, 9/22/25
5. Prior Notice of Special Education Action, 11/3/25
6. Meeting Minutes, 11/3/25
7. Student Neuropsychological Report 2/12/18
8. File Review of Existing Information/Student Referral, 2/22/24
9. Prior Notice about Evaluation/Consent for Evaluation, 2/22/24
10. Statement of Eligibility for Special Education, Emotional Behavior Disability (60), 5/20/24
11. Statement of Eligibility for Special Education, Emotional Behavior Disability (60),

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

5/20/24

12. Student Psychoeducational Report, 5/15/24
13. Statement of Eligibility for Special Education, Emotional Behavioral Disability (60), 5/20/24
14. Student Psychoeducational Report (Addendum), 6/11/24
15. IEP Progress Report, 1/26/26
16. Email: Fwd: SPED Records, 8/7/25
17. Email: Re: Enrollment of [Student] in [School], 8/13/25
18. Email: [Student] EIP, 9th…,8/13/25
19. Email: Re: Enrollment of [Student] in [School], 8/13/25
20. Email: Welcome to Portland Public Schools, 8/15/25
21. Email: Re: Enrollment of [Student] in [School], 8/20/25
22. Email: Re: SPED Records, 8/20/25
23. Email: Re: New student in need of Case Manager, 8/20/25
24. Email: [Student] schedule, 8/20/25
25. Email: Checking In, 9/2/25
26. Email: Re: Assessment, 9/3/25
27. Email: Re: Setting up a time to talk, 9/3/25
28. Email: Fwd: Special Education Evaluation Request for [Student], 9/12/25
29. Email: Transfer IEP, 9/26/25
30. Email: [Student]…, 10/2/25
31. Email: Re: Draft of Email Regarding Parent Request for [Student], 10/2/25
32. Email: Invitation: Hold [Student] Eval Planning…
33. Email: Transfer IEP, 10/6/25
34. Email: Invitation: Hold for [Student] Eval Planning…
35. Email: Cancelled event with note: Hold for [Student] Eval Planning…
36. Email: Accepted Hold [Student] Eval Planning…
37. Email: Invitation [Student] Eval Planning…
38. Email: Updated invitation: [Student] Eval Planning…
39. Email: Re: [Student] Evaluation Planning Meeting, 10/9/25
40. Email: Cancelled event with note…
41. Email: Invitation [Student] Eval Planning…
42. Email: Re: [Student] Evaluation Planning Meeting, 10/26/25
43. Email: Email from Parent Regarding [Student] Meeting, 10/27/25
44. Email: Re: [External] Re: [Student] Evaluation Planning Meeting, 10/28/25
45. Email: Re: [Student's] School Progress/Struggles, 10/28/25
46. Email: Re: [Student] support/accommodations, 10/28/25
47. Email: [Student] Feedback, 10/29/25
48. Email: Re: [Student's] School Progress/Struggles, 10/29/25
49. Email: Re: [Student] Evaluation Planning Meeting, 11/3/25
50. Email: Re: [Student]…Eval Planning-Confirmed-In person…, 11/3/25
51. Email: Re: Document shared with you: "[Student] Evaluation Planning", 11/4/25
52. Email: Re: Follow-up from [Student] Meeting, 11/4/25
53. Email: Re: [Student] Today, 11/5/25

54. Email: [Student] Meeting documents, 11/10/25
55. Email: Re: Follow up from [Student] meeting, 11/10/25
56. Email: Re: checking in, 11/10/25
57. Email: Fwd: [Student] Evaluation Planning Meeting – Request for PWN, 11/25/25
58. Email: School Attendance Update, 12/8/25
59. Email: New message from [School], 12/9/25
60. Email: Re: [Student] Timelines, 12/12/2025
61. Email: Re: [Student] – American Sign Lang 1…, 12/12/25
62. Email: [Student] Schedule, 12/15/25
63. Email: Student schedule change [Student], 12/16/25
64. Email: Re: [Student] Timeline, 12/17/25
65. Email: [Student's] Class avoidance, 12/19/25
66. Email: Re: [Student] Timeline, 1/6/26
67. Email: partial Day Absence, 1/7/26
68. Email: [Student] and YouTube, 1/15/26
69. Email: …, 1/21/25
70. Email: Re: [Student], 1/21/26
71. Email: Re: [Student] missing PE class, 1/21/26
72. Email: Reading Groups, 2/10/26
73. Email: Re: [Student] this semester, 2/11/26
74. Email: Re: [Student] IEP Revision, 2/18/26
75. Email: Updated invitation…
76. Email: Re: Hold for [Student] IEP Revision…, 2/24/26
77. Email: Accepted: Hold for…,
78. Email: Document shared with you…, 2/26/26
79. Email: Accepted: Hold for…,
80. Email: Re: what do you think about this as a reply…, 3/5/26
81. Email: Re: [Student] this semester, 3/5/26
82. Email: Cancelled event: Hold for [Student] IEP Revision…, 3/11/26
83. Email: Updated invitation: [Student] IEP Meeting, 3/11/26
84. Email: Document shared with you…, 3/13/26
85. Email: Re: [Student] IEP Meeting, 3/16/26
86. Email: Re: [Student] iep, 3/16/26
87. Email: Re: [Student] IEP Meeting, 3/16/26
88. Email: Updated Invitation [Student] IEP Meeting…
89. Email: [Staff] messaged you on Google hat…, 3/17/26
90. Email: Re: Document shared with you: "[Student]…", 3/17/26
91. Email: Fwd: [Student] IEP Meeting, 4/2/26
92. General Judgment, 4/11/2019
93. Parenting Plan
94. Supplemental Judgment RE Parenting Time and Child Support, 2/10/25
95. Parenting Plan
96. Individualized Education Plan, 3/19/26
97. Special Education Placement Determination (and IEP), 3/19/26

98. Prior Notice about Evaluation/Consent for Evaluation, 3/19/26
99. Meeting Minutes, 3/19/26
100. List of Knowledgeable Staff

On April 14, 2026, the Department's Complaint Investigator interviewed the Parent. On April 14, 2026, the Department's Complaint Investigator interviewed the District's Attorney related to these matters. The Complaint Investigator reviewed and considered all 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 March 18, 2025, to the filing of this Complaint on March 17, 2026.

Allegations	Conclusions
Evaluation and Reevaluation Procedures It was alleged that the District violated the IDEA when it did not reevaluate the Student following the Parents' request that the District reevaluate the child. (OAR 581-015-2105; 34 CFR § 300.301, & 300.303)	**Not Substantiated** The IEP team considered the Parents' concerns and appropriately issued Prior Written Notice explaining why it did not evaluate the Student at that time.
Parent Participation—General It was alleged that the District violated the IDEA, when it did not provide the Parents with an opportunity to participate in meetings held regarding the Student's IEP. It is alleged that the District held a meeting, which the Parents were not invited to, regarding the adoption and implementation of an IEP for the Student, that occurred in September 2025. It was alleged that the District did not provide notice and an opportunity for the Parents to participate in this meeting. It is further alleged that the Student's IEP services were predetermined by the District because the Parents were not invited to, or provided a meaningful opportunity to participate in the development of the Student's IEP.	**Not Substantiated** The IEP in effect during the relevant time was formulated by the prior school district. Upon enrollment in the District, the District implemented the Student's existing IEP from the prior district.

(OAR 581-015-2190; 34 CFR § 300.500, 300.327 & 300.501(b))	
Additional Parent Participation Requirements for IEP and Placement Meetings It was alleged that the District violated the IDEA when, following the development and implementation of the Student's IEP, the District did not provide the Parents with a copy of the IEP. (OAR 581-015-2195; 34 CFR § 300.322, 300.500, 300.327, 300.328, & 300.510(c))	**Not Substantiated** The District did not formulate a new IEP for the Student, rather it implemented the Student's IEP from the prior school district. As such, there was no IEP for the District to give to the Parents.
Content of the IEP It was alleged that the District violated the IDEA when the IEP implemented for the Student did not meet the Student's needs resulting from their disability. Specifically, it was alleged that the Student's IEP did not address the mental health needs exhibited by the Student. (OAR 581-015-2200; 34 CFR § 300.320)	**Not Substantiated** The District implemented the Student's IEP from the prior school district. When the District suspected additional eligibility categories, it convened an evaluation planning meeting.
IEP Team It was alleged that the District violated the IDEA when it did not ensure that the proper participants attended the Student's November 3, 2025, IEP team meeting. It is specifically alleged that a representative of the school district was not present for this meeting. (OAR 581-015-2210; 34 CFR § 300.344; 300.321, 300.324(a)(3) & (b)(3))	**Not Substantiated** Meetings minutes in the record support that the appropriate required IEP team members were present for the November 3, 2025, IEP meeting.
When IEPs Must Be In Effect It was alleged that the District violated the IDEA, when it did not provide the Parents with progress monitoring data, as called for in the Student's IEP, following the District's implementation of the Student's May 12, 2025, IEP.	**Not Substantiated** The record supports that the District did provide progress monitoring data. This data was available through the District's

(OAR 581-015-2220; 34 CFR § 300.323 & 300.324)	online portal, rather than sent directly to the Parents.
Prior Written Notice It was alleged that the District violated the IDEA when it provided Prior Written Notice (PWN) to the Parents after it began implementing an IEP for the Student. Specifically, it was alleged that the District formulated and began implementing an IEP for the Student in September 2025 but did not provide PWN to the Parents of this action until October 2025. (OAR 581-015-2310; 34 CFR § 300.503)	**Not Substantiated** The record supports that the District did not formulate an IEP for the Student, but rather implemented the Student's existing IEP from their prior school district. The District provided PWN of this action on September 22, 2025.
Free Appropriate Public Education (Denial of FAPE) It was alleged that the District violated the IDEA when, it did not reevaluate the Student in response to the Parent's request; it did not afford the Parents a meaningful opportunity to participate in meetings regarding the development of the Student's IEP; it did not formulate an IEP for the Student that addressed all of the Student's needs resulting from their disability; and, it did not provide the Parents with progress monitoring data for the Student's progress toward IEP goals . It is alleged that these actions denied the Student a FAPE. (OAR 581-015-2040; 34 CFR 300.101)	**Not Substantiated** The record supports that the District did: convene an IEP team meeting to consider the Parents' concerns; invite both Parents to the March 19, 2026 IEP team meeting; implement the Student's then current IEP from their prior school district, and moved to convene an evaluation planning meeting when it suspected additional eligibility categories; and, provide progress monitoring data in accordance with the Student's IEP.

REQUESTED CORRECTIVE ACTION
The Parent requests that the District: • Provide training to staff relevant to the concerns in this complaint; and • Convene a facilitated evaluation planning and IEP team meeting.

III. FINDINGS OF FACT

1) The Student in this matter is 15 years old and attends a high school in the District.

2) The Student is eligible for special education under the category Emotional Behavior Disability.

3) During the 2024-25 school year, the Student attended a different school district and had an IEP there. In August 2025, the Student enrolled in the District. The District implemented the Student's IEP from the prior school district upon enrollment.

4) During the 2023-24 school year the prior school district evaluated the Student. At that time Parent A expressed concerns for the Student's emotional regulation, ability to work independently, struggles with reading comprehension and fluency, and test taking. The evaluation indicated that the Student was diagnosed with ADHD, general anxiety, and oppositional defiance disorder. At that time the prior school district suspected an Emotional Behavior Disability and Other Health Impairment.

5) On May 20, 2024, following the completion of evaluations and review of relevant medical records, the Student's IEP team determined that the Student was eligible for special education in the category of an Emotional Behavior Disability. The team unanimously determined that the Student did not qualify in the category of Other Health Impairment. The Student's assessment included outside medical assessments and psychological assessments from community providers.

6) The Student's May 20, 2025, IEP recorded that the Student is good at advocating, self-organization, is empathic, respectful and polite. The Student shows an interest in animals, art, is very thoughtful, and tends to dive deeply into knowledge.

   Parent A expressed concerns that the Student struggles with executive functioning, organizational skills, written work, and reading comprehension.

   Parent B expressed concern that the Student struggles with executive functioning, transitions, maintaining focus, starting and ending tasks, time management, and emotional regulation. Parent B reported greater concerns for the Student than those reported by Parent A.

   The Student's May 12, 2025, IEP included goals in reading, writing, and study/organizational skills.

   The Student's reading goal envisioned that given specially designed instruction, the Student would "analyze what the text says explicitly as well as inferentially, including determining where the text leaves matters uncertain: cite strong and thorough textual evidence to support analysis. Identify areas where the text leaves ideas unclear or unexplored with 70%

accuracy on 4/5 opportunities." The Student receives 60 minutes per month of specially designed instruction for this goal.

The Student's writing goal envisioned that given specially designed instruction the Student would "produce clear and coherent writing in which the development, organization, and style are relevant to task, purpose, and audience. (Grade-specific expectations for writing types are defined in standards 1-3 above) with 70% accuracy on 4/5 opportunities." The Student receives 60 minutes per month of specially designed instruction for this goal.

The Student's study/organizational skills goal envisioned that, "Given specially designed instruction in study skills and access to an electronic grade book (e.g. Canvas Grade), [the Student] will practice [their] self-management and advocacy skills by reaching out to [their] case manager and/or teachers for help, clarification, or assistance at least 3x times per semester in classes in which [they] have a grade of 59% or less as measured by contact logs." The Student receives 120 minutes per month of specially designed instruction for this goal.

The Student's IEP indicated that progress toward the Student's IEP goals would be reported through written progress notes, reported quarterly.

The Student's IEP also included supplementary aids and services including extra time for completion of tests and assignments, graphic organizers for all written compositions, reduced amount of work while still meeting standards, text to speech/speech to text, alternate method used to demonstrate mastery of the material, use of a calculator, and audio books for reading.

7) On August 13, 2025, Parent A provided the District with a copy of the Student's IEP from the prior school district upon enrolling the Student. Included with this documentation were evaluations conducted by the prior district for the Student. Parent A also provided the District with a copy of the parenting plan between Parent A and Parent B.

8) On August 15, 2025, the District confirmed the Student's enrollment.

9) On September 11, 2025, Parent B requested an evaluation planning meeting with the District to discuss areas of concern.

10) On September 19, 2025, the District sent an email to Parent A, discussing Parent B's request that the District evaluate the Student for Autism Spectrum Disorder (ASD).

11) On September 19, 2025, Parent A, responding to the District, reported that they had no concerns about Autism, explaining that the Student was tested twice previously for Autism concerns, and that the Student was working with an Occupational Therapist who expressed no concerns for Autism.

12) On September 22, 2025, the District sent the Parents prior written notice (PWN) documenting the Student's transfer into the District and the implementation of the Student' May 12, 2025, IEP from the prior school district.

13) On September 26, 2025, the District sent an email to Parent A explaining in part that there "have been multiple educational professionals who have noticed characteristics of autism spectrum disorder in [the Student's] behaviors." The District went on to explain that if the Student were found eligible there would be additional supports for the Student.

14) On September 26, 2025, Parent A, responding to the District, expressed reservations and reiterated that they did not suspect autism, but that if "there are support strategies a diagnosis of ASD will provide that is meaningful and helpful" that they were in support of the District providing those supports. The Parents invited additional feedback from the District.

15) On October 2, 2025, the District sent an email to Parent A, indicating that the District would convene a meeting to address the educational concerns for the Student that had been raised by Parent B.

16) On October 2, 2025, the District scheduled an evaluation planning meeting for October 14, 2025.

17) On October 5, 2025, Parent A sent an email to the District expressing their concerns around the potential negative impact of additional testing for the Student.

18) On October 6, 2025, Parent B sent an email to the District regarding the history of the Student's IEPs and historical eligibility for special education. Parent B also reported that they were not invited to the Student's annual IEP team meeting in May 2025 with the prior school district.

19) On October 7, 2025, the District cancelled the October 14, 2025, evaluation planning meeting due to the unavailability of a team member.

20) On October 8, 2025, the District rescheduled the evaluation planning meeting for November 3, 2025.

21) On October 27, 2025, Parent A and the District exchanged emails discussing the attendees at the Student's scheduled evaluation planning meeting.

22) On November 3, 2025, Parent B sent a list of concerns for the Student's education to the District. Parent B listed concerns in the areas of executive functioning, academics, communication, sensory, and mental health. Parent B noted that it was their understanding that the Student's prior evaluation was conducted when the Student was attending online schooling and did not have the benefit of in-person contact.

23) On November 3, 2025, the Student's IEP team met to discuss the Parents' concerns for the Student's education and begin evaluation planning for the Student. During the meeting the District observed that the IEP then in effect was written when the Student was attending online school, and that changes should be made based on requirements of the Student attending a comprehensive high school. Present for the meeting were a District Administrator, School Psychologist, General Education Teacher, Speech-Language Pathologist, Case Manager and General Education Teacher.

24) On November 3, 2025, the District sent the Parents PWN of its intent to refuse Parent B's request to evaluate the Student in the additional eligibility category of ASD. The PWN indicated that the Student was evaluated for Autism in first grade, whereupon they did not meet the medical criteria. Despite Parent B's concerns, prior school teams did not evaluate the Student for ASD and instead found the Student eligible in the category of an Emotional Behavior Disability. The PWN noted that Parent A has sole custody of the Student, and that Parent A did not suspect that the Student has Autism. The District reported that it needed more time to gather additional information to determine if an evaluation in this area was appropriate. PWN observed that the Student attended online school for the past two years. The Student's IEP team and Parent A agreed that the team needed more data with the Student attending in-person school, to consider the ASD evaluation. The PWN indicated that the team rejected evaluating the Student for ASD at that time to collect additional information.

25) On November 10, 2025, Parent A sent an email to the District reporting various struggles the Student experienced including bullying, health and mental health concerns.

26) On December 8, 2025, the District sent an email to the Parents regarding the Student's attendance and encouraging assistance for the Student to improve their attendance.

27) On December 12, 2025, Parent A and the District exchanged emails regarding the Student's performance and mental health concerns exhibited in the school environment.

28) On January 21, 2026, the District sent another email to the Parents regarding the Student's attendance and encouraging assistance for the Student to improve their attendance.

29) On January 26, 2026, the District prepared an IEP progress report for the Student. The Student was making progress toward all their goals. The January 26, 2026, progress report also included progress data for October 31, 2025.

30) On February 11, 2026, in response to various behaviors exhibited by the Student, the District sent an email to Parent A suggesting an IEP team meeting to consider additional special education eligibilities for the Student.

31) On February 18, 2026, the District noted concerns for the Student around social-emotional

and language needs. The District also documented considering ASD eligibility.

32) On February 23, 2026, the District scheduled an IEP team meeting for the Student to consider a possible revision of the Student's IEP and to obtain consent from the Parents for additional testing. This meeting was scheduled for March 16, 2026.

33) On March 4, 2026, Parent A sent an email to the District asking what changes to the Student's IEP would result from the Student being found eligible under the ASD category.

34) On March 5, 2026, the District, responding to Parent A, explained how the educational eligibility of ASD would result in constructive changes to address a child's neurological learning differences. The District provided some examples of changes to the Student's education and experience at school when analyzed through a neurotypical lens and an ASD lens. The District further explained that District only considered ASD eligibility and would not make a diagnosis.

35) On March 11, 2026, the District sent an email to the Student's IEP team announcing that the meeting scheduled for March 11, 2026, was cancelled and rescheduled for March 16, 2026.

36) On March 11, 2026, Parent B sent an email to the District asking that the meeting be scheduled so that both Parents could meaningfully participate. The District later changed the date to March 19, 2026, with the intent to accommodate both Parent A and Parent B's attendance.

37) On March 12, 2026, the District sent meeting invitations to the Student's IEP team for a possible IEP meeting for the Student on April 13, 2026.

38) On March 16, 2026, the District sent an invitation for an IEP team meeting for the Student, scheduled for March 19, 2026. The District noted that the meeting would be virtual to accommodate the participants, that a draft IEP would be sent in advance for feedback, and that the District would include the Parents concerns in the draft document. The District also noted that the Student's annual IEP was due within approximately one month and observed that the Student's previous IEP was written for an online school and middle school, not the current school model.

39) On March 16, 2026, Parent B communicated to the District that the proposed March 19, 2026, date did not work for them.

40) On March 16, 2026, the District sent emails to the Parents asking them to confirm their availability for the later April 13, 2026, IEP team meeting. The District indicated that relevant team members were available to meet on this date.

41) On March 16, 2026, Parent B sent the District notice of their complaint to the Department.

42) On March 17, 2026, Parent B filed this complaint.

43) On March 19, 2026, the Student's IEP team met to review the Student's IEP. Parent A attended this meeting. Parents B did not attend. The team discussed the District's suspicions of additional special education eligibility categories for the Student and requested consent from Parent A to evaluate the Student for ASD.

44) On March 19, 2026, the Student's IEP was updated to include concerns from the Parents. As the result of the meeting the District proposed to evaluate the Student for ASD.

45) On April 1, 2026, the District sent a copy of the March 19, 2026, IEP team meeting minutes to the Parents.

46) On April 8, 2026, the District submitted its response in this matter. As part of the response the District included a copy of a custodial agreement for the Parents and explained that Parent A is the custodial parent and has sole decision-making authority about matters related to the Student's education. The Parents' divorce judgement indicated that the Parents have equal authority to inspect and receive school records and to consult with school staff regarding the Student's welfare and education. The Parents' Parenting Plan indicated that Parent A is the "ultimate decision making authority." The District's response also explained that upon implementing the IEP from the Student's prior school district, the District copied the IEP into the District's format. The District also noted that the Student's progress was reported quarterly in conformity with their IEP, and that such reports were provided through the District's online portal, rather than sent home as a physical copy.

47) On April 14, 2026, the Department's Complaint Investigator interviewed Parent B. Parent B reported that they were not invited to the Student's prior IEP team meeting during the 2024-25 school year when the Student attended school in the prior school district. Parent B further explained that they had not received a copy of the Student's IEP from the prior school district. As such they were not aware what IEP the District implemented for the Student during the 2025-26 school year. Parent B indicated that they were only made aware of the Student's enrollment in the District once they began receiving emails from the District announcing the Student's enrollment. Parent B indicated some confusion regarding what IEP was implemented by the District given they had no input in its creation. Parent B raised concerns for the Student's education during the fall of 2025. Parent B understood that the November 3, 2025, IEP team meeting was convened to address those concerns. Parent B reported that exposure to other children with Autism led them to have concerns for the Student, which they discussed with the Student's IEP team during the November 3, 2025, IEP meeting. Parent B described that the team did discuss and consider their concerns, but that the meeting was not as long as they would have liked.

Parent B expressed concern that the Student's March 19, 2026, IEP team meeting appeared largely scheduled to accommodate Parent A. Parent B reported that they were first included on emails to schedule the meeting on March 11, 2026. After receiving the proposed date

Parent B communicated to the District that they could not attend the meeting on March 19, 2026, and asked whether the meeting could be rescheduled. Parent B expressed their dissatisfaction that the date of the meeting was not changed so that they could also participate. Parent B understood that Parent A did attend the March 19, 2026, meeting. Parent B reported receiving notice of the meeting, a draft of the Student's IEP ahead of the meeting, and a copy of the meeting minutes following the meeting.

Parent B reported that they communicated with the District at the start of the school year that it was important for the District to communicate information about the Student to Parent A and Parent B individually. Parent B noted that upon receipt of the District's *Response* in this matter, they saw emails from the fall of 2025 with the District expressing concern about the Student's mental health. Parent B questioned why this information was not shared with them at the time.

48) On April 14, 2026, the District's Complaint Investigator interviewed the District's Attorney regarding this matter. The District's Attorney explained that school staff responsible for enrollment usually communicate with the parent who comes to school to enroll a student and provide information to that parent using whatever contact information is provided. After enrollment, the District included Parent B on communications from the District.

The District reported that Parent B raised concerns with the District about additional possible special education eligibility categories for the Student in the fall of 2025. After receiving that information, the District convened an IEP team meeting on November 3, 2025, to consider Parent B's concerns. The District indicated that at the time the team did not have sufficient information to determine if evaluation of the Student for an additional eligibility category was warranted. The District indicated that the Student previously attended online school, and that it would gather additional information before considering additional evaluations. By the spring of 2026, the District did suspect additional eligibility categories for the Student. Intending to move forward with evaluations for ASD, the District proposed the March 19, 2026, IEP team meeting. The District agreed that the meeting proceeded without Parent B, largely because the meeting sought parent consent to proceed with evaluations. The District understood that the divorce judgement between Parent A and Parent B gave Parent A decision making authority. Given that the District's purpose in convening the IEP team was to obtain consent to evaluate for a suspected disability, the District prioritized Parent A's attendance to obtain that consent.

IV. DISCUSSION

Evaluation and Reevaluation Procedures

It was alleged that the District violated the IDEA when it did not reevaluate the Student following the Parents' request that the District reevaluate the child.

Before conducting any evaluation or reevaluation a district must provide notice to the parent, describing the evaluation procedures the district proposes to conduct as a result of the evaluation planning process. The district must also obtain informed written consent for the evaluation. If the district refuses an evaluation or reevaluation it must provide the parent with prior written notice (PWN).[3] Such PWN must include description of the proposed action, why the district proposes or refuses to take action, and a description of each evaluation procedure, assessment, test, record, or report the district used as a basis for the proposed or refused action.[4]

On September 11, 2025, Parent B requested that the District evaluate the Student for the additional special education eligibility category of Autism Spectrum Disorder (ASD). On November 3, 2025, the district convened an IEP team meeting to consider Parent B's concerns. During the meeting most of the team, including Parent A, agreed that the Student did not display characteristics suggestive of additional special education eligibility categories. Following the meeting, the District issued PWN of its intent not to evaluate the Student at that time. The PWN observed that the Student previously attended school online, that the Student was previously evaluated for ASD and found not to meet diagnostic criteria, and that the team agreed that it needed more data before evaluating the Student.

The District considered Parent B's concerns in November 2025 and appropriately issued PWN of the reasons why it did not then evaluate the Student.

The Department does not substantiate this allegation.

Parent Participation—General

It was alleged that the District violated the IDEA, when it did not provide the Parents with an opportunity to participate in a meeting held regarding the Student's IEP. It is alleged that the District held a meeting, which the Parents were not invited to, regarding the adoption and implementation of an IEP for the Student, that occurred in September 2025. It was alleged that the District did not provide notice and an opportunity for the Parents to participate in this meeting. It is further alleged that the Student's IEP services were predetermined by the District because the Parents were not invited to or provided a meaningful opportunity to participate in the development of the Student's IEP.

A school district must provide one or both of a child's parents with an opportunity to participate in meetings with respect to the identification, evaluation, IEP, and educational placement of the child.[5] If a child with a disability, who has an IEP that is in effect from a previous school district in Oregon, transfers to a new district and enrolls in a new school within

[3] OAR 581-015-2105; 34 CFR § 300.301, & 300.303
[4] OAR 581-015-2310; 34 § 300.503
[5] OAR 581-015-2190; 34 CFR § 300.500, 300.327 & 300.501(b)

the same school year, the new school district must provide a free appropriate public education to the child. This includes, providing services comparable to those described in the student's IEP from the previous district until the district either adopts the child's IEP from the previous school district or develops, adopts and implements a new IEP for the child.[6]

Parent B reported that they were not invited to the IEP team meeting for the development of the Student's IEP. The record supports that the district the Student previously attended developed an IEP for the Student on May 12, 2025. When the Student enrolled in the District in the fall of 2025, the District implemented the IEP from the prior school district. The District sent the Parents PWN of this action on September 22, 2025. As such, there was no IEP team meeting convened by the District that Parent B was not invited to. Rather, the District implemented the IEP the Student had from their prior school district.

The Department does not substantiate this allegation.

Additional Parent Participation Requirements for IEP and Placement Meetings

It was alleged that the District violated the IDEA when, following the development and implementation of the Student's IEP, the District did not provide the Parents with a copy of the IEP.

School districts must take steps to ensure that one or both of the parents of a child with a disability are present at each IEP or placement meeting or are afforded the opportunity to participate in said meetings. District must take additional steps such as providing notification sufficiently early enough to ensure that parents have an opportunity to attend, including providing alternative methods of participation. District must give parents a copy of the IEP at no cost.[7]

Parent B reported that the District did not provide them with a copy of the Student's IEP after the Student enrolled in the District. On September 22, 2025, the District sent the Parents PWN informing them that the District was implementing the Student's IEP from the prior school district. As part of implementing the IEP from the prior school district, the District copied the IEP into the District's IEP format. The District did not move to revise the Student's IEP until March 19, 2026. Ahead of the March 19, 2026, IEP team meeting, the District provided Parent B with a draft copy of the Student's IEP for their input. The record supports that during times relevant to this complaint, the District had not formulated a new IEP which it was required to provide to the Parents.

The Department does not substantiate this allegation.

[6] OAR 581-015-2230; 34 CFR § 300.323

[7] OAR 581-015-2195; 34 CFR § 300.322, 300.500, 300.327, 300.328, & 300.510(c)

Content of the IEP

It was alleged that the District violated the IDEA when the IEP implemented for the Student, did not meet the Student's needs resulting from their disability. Specifically, it was alleged that the Student's IEP did not address the mental health needs exhibited by the Student.

A student's IEP must include a statement of measurable annual goals, including academic and functional goals designed to meet the needs resulting from their disability. The IEP should meet other education needs and describe how the student's progress will be measured and when periodic reports on their progress toward meeting their goals will be provided. The IEP should also include the specific special education, related services, and supplementary aides and services, the student requires for the student to advance appropriately toward attaining their annual goals.[8]

On September 22, 2025, the District sent the Parents PWN of its intent to implement the Student's May 12, 2025, IEP developed by the Student's prior school district. On November 3, 2025, the Student's IEP team met to address Parent B's concerns for the Student's education. At that time, the team agreed that it did not have sufficient information to reevaluate the Student for the concerns raised by Parent B. The District documented this in PWN dated November 3, 2025. In the months following that meeting, the District alerted the Parents to issues around the Student's attendance and mental health concerns. These concerns and other considerations led the District, on March 11, 2026, to schedule an IEP team meeting for March 19, 2026, to consider evaluating the Student for Autism Spectrum Disorder (ASD). Following the filing of this complaint, the District held the planned March 19, 2026, evaluation planning meeting to address the concerns about the Student, and subsequently obtained Parent A's consent to evaluate the Student.

Parent B's concerns were considered by the Student's IEP team at the November 3, 2025, IEP team meeting. At the time, the team agreed that the Student's IEP then met their needs. Following the meeting, the Student began to exhibit behaviors of concern that led the District to convene the March 19, 2026, evaluation planning meeting to consider other eligibility categories to meet the Student's needs.

The Department does not substantiate this allegation.

IEP Team

It was alleged that the District violated the IDEA when it did not ensure that the proper participants attended the Student's November 3, 2025, IEP team meeting. It is specifically alleged that a representative of the school district was not present for this meeting.

[8] OAR 581-015-2200; 34 CFR § 300.320

School districts must ensure that the IEP team for each child with a disability includes specific required participants. These participants include, a regular education teacher, a special education teacher, a representative of the school district, and an individual who can interpret the instructional implications of relevant evaluations. Other individuals with relevant knowledge invited by the parents or the district may also be invited.[9]

The record contains minutes from the November 3, 2025, meeting. The minutes indicated that a District Administrator, School Psychologist, Speech-Language Pathologist, Case Manager, and General Education Teacher, attended the meeting, in addition to the Parents. The record supports that the required IEP team members were present for the Student's IEP team meeting.

The Department does not substantiate this allegation.

When IEPs Must Be In Effect

It was alleged that the District violated the IDEA, when it did not provide the Parents with progress monitoring data, as called for in the Student's IEP, following the District's implementation of the Student's May 12, 2025, IEP.

At the beginning of each school year, a district must have in effect, an IEP for each child with a disability. District must provide special education and related services to that child with a disability in accordance with their IEP. The IEP must be accessible to each regular education teacher, special education teacher, related service provider, and other service provider, responsible for its implementation.[10]

The Student's May 12, 2025, IEP included goals in reading, writing, and study/organizational skills. The IEP required that the District report progress quarterly. The record includes a progress report dated January 26, 2026, which includes progress data for October 31, 2025, and January 26, 2026. The District's response indicated that progress data was viewable by the Parents through the District's online portal.

The Department does not substantiate this allegation.

Prior Written Notice

It was alleged that the District violated the IDEA when it provided Prior Written Notice (PWN) to the Parents after it began implementing an IEP for the Student. Specifically, it was alleged that the District formulated and began implementing an IEP for the Student in September 2025 but did not provide PWN to the Parents of this action until October 2025.

[9] OAR 581-015-2210; 34 CFR § 300.344; 300.321, 300.324(a)(3) & (b)(3)
[10] OAR 581-015-2220; 34 CFR § 300.323 & 300.324

A district must provide prior written notice to the parent of a child with a disability before it proposes or refuses to initiate or change the identification, evaluation, or educational placement of a child, or the provision of a free appropriate public education. The notice must contain a description of the action proposed or refused and an explanation of why the district proposes or refuses to take the action. The notice must also include a description of each evaluation procedure, assessment, test, record, or report the district used as a basis for the proposed or refused action.[11]

Parent A enrolled the Student in the District on August 15, 2025. Parent A provided the District with a copy of the Student's IEP from the prior school district as part of the enrollment process. On September 22, 2025, the District provided PWN to the Parents of the District's intent to implement the Student's May 12, 2025, IEP from their prior school district. The September 22, 2025, PWN indicated that the District considered immediately convening an IEP team to reevaluate the Student, but found that the May 12, 2025, IEP was current and could be implemented by the District.

The District provided PWN of its intent to implement the Student's existing IEP. That PWN included the information the District relied on in making this determination.

The Department does not substantiate this allegation.

Free Appropriate Public Education (Denial of FAPE)

It was alleged that the District violated the IDEA when, it did not reevaluate the Student in response to the Parent's request; it did not afford the Parents a meaningful opportunity to participate in meetings regarding the development of the Student's IEP; it did not formulate an IEP for the Student that addressed all of the Student's needs resulting from their disability; and, it did not provide the Parents with progress monitoring data for the Student's progress toward IEP goals. It is alleged that these actions denied the Student a FAPE.

School districts must provide FAPE to all school-age children with disabilities for whom the district is responsible.[12] 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."[13] 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

[11] OAR 581-015-2310; 34 CFR § 300.503
[12] OAR 581-015-2040
[13] 20 USD § 1415(f)(3)(E)(ii)

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.[14]

The record supports that the District did convene an IEP team meeting to consider the Parents' concerns for the Student's education. As part of that meeting the team decided not to reevaluate the Student at that time. The District documented its reasoning in a November 3, 2025, PWN.

The District invited both Parents to the Student's March 19, 2026, IEP team meeting. Parent A was able to attend that meeting. Parent B was unable to attend that meeting. Records provided to the District indicate that Parent A had legal decision-making authority for the Student's educational needs. The District reported that given its suspicion that the Student had a disability, which required Parent A's consent to evaluate the Student, it therefore necessitated prioritizing Parent A's attendance at the meeting.

The record supports that the Student enrolled in the District with a current IEP. The District subsequently implemented the IEP from the prior school district. When Parent B initially raised concerns regarding support to the Student and additional eligibility categories, the team agreed that there was insufficient evidence to suspect additional eligibility categories for the Student. Following the November 3, 2025, IEP team meeting the Student began exhibiting concerning behaviors. Thereafter, on March 19, 2026, the District convened an IEP team meeting for evaluation planning to consider additional eligibility categories.

The record supports that the District did collect and provide progress monitoring data to the Parents through its online portal on October 31, 2025, and January 26, 2026

The Department does not substantiate this allegation.

VII. CORRECTIVE ACTION

In the Portland Public School District
Case No. 26-054-037

The Department does not order corrective action in this matter.

Dated: this 15 Day of May 2026



Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

[14] *Endrew F.*, 137 S.Ct. at 999.

E-mailing Date: May 15, 2026

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).)