BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of	)	FINDINGS OF FACT,
Portland School District 1J	)	CONCLUSIONS,
	)	AND FINAL ORDER
	)	Case No. 26-054-065

I. BACKGROUND

On May 18, 2026, the Oregon Department of Education (the Department) received a written request for a special education complaint investigation from the parent (Parent) of a student (Student) attending a public charter school in the Portland School District 1J (District). The Parent requested that the Department conduct a special education investigation under OAR 581-015-2030. The Department confirmed receipt of this Complaint and forwarded the request to the District.

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

On May 18, 2026, the Parents submitted relevant documents in conjunction with their filing of this Complaint:

1. IEP and associate documents related to the IEP meeting, 10/29/25
2. Documents associated with the Student's special education eligibility process, including Parent consents, multi-disciplinary assessments, medical reports, Eligibility Summary Statement, and Parent consent for services, 2/12/2025 to 11/5/2025
3. Copies of communication between the Parents and the District, 5/14/2025 to 5/18/2025
4. The Student's School report card, 11/2025

On May 29, 2026, the Department's Complaint Investigator sent a *Request for Response (RFR)* to the District identifying the specific allegations in the Complaint to be investigated and establishing a *Response* due date of June 12, 2026. On May 29, 2026, the District requested an extension of their *Response* due date to June 17, 2026, and the extension request was granted.

The Complaint Investigator conducted a virtual interview with the Parents on June 16, 2026.

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

The District submitted a *Response* on June 17, 2026, denying the allegations, providing an explanation, and submitting documents in support of the District's position. The District submitted the following relevant items:

1. IEP and associate documents including Placement Determination, Parent consent for services, Prior Written Notices, and meeting minutes, 10/29/2025 to 10/30/2025
2. Referral for Special Education evaluation including Team Meeting Notice, Notice of Evaluation Decision, Parent consent for evaluation, multi-disciplinary assessments, medical reports, IEP Progress Report, Eligibility Summary Report, and Disability Statement, 2/12/202 to 10/29/2025
3. Copy of Progress Report reporting Student's progress towards IEP goals, 5/19/2025
4. Service provider informal notes, 1/2026 to 6/2026
5. Copies of correspondence between District and Parents regarding the matters in this Complaint, 5/21/2025 to 5/18/2026
6. Eighth Grade Project Essay and Produce Grading Rubric
7. List of staff most knowledgeable about the circumstances in this Complaint

The Parent submitted a *Reply*, via email, on June 23, 2026, providing an explanation and rebuttal.

District staff could not be interviewed as they were unavailable, and not under contract, during the summer months. The Complaint Investigator reviewed and considered all 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 Complainant'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 May 19, 2025, to the filing of this Complaint on May 18, 2026.

Allegations	Conclusions
When IEPs Must Be in Effect The Complaint alleged that the District violated the IDEA when it failed to fully implement the Student's IEP, as written, including the failure to provide accommodations and modifications as indicated on the Student's IEP, and the failure to provide periodic reports on the progress the Student was making toward meeting the annual goals. (OAR 581-015-2220; 34 CFR §300.320)	**Substantiated** The District failed to fully implement the Student's IEP, including Specially Designed Instruction and consultation services to school personnel. The District also failed to provide IEP progress information as designated on the IEP.
Failure to Review and Revise the IEP The Complaint alleged that the District violated the IDEA by failing to review and revise the Student's IEP, as appropriate, to address the Parents' concerns regarding the implementation of the Student's IEP. (OAR 581-015-2225; 34 CFR §300.324 (b)(1))	**Substantiated** The District failed to review and revise the Student's IEP to address the Parents' concerns regarding its implementation and staff concern about the Student's lack of attendance at the sessions.
Free Appropriate Public Education (FAPE) Due to the alleged IDEA violations detailed above, the Complaint alleges that the District failed to provide the Student with a free appropriate public education (FAPE). (OAR 581-015-2040; 34 CFR §300.101(a))	**Substantiated** The District failed to provide the Student a FAPE by failing to implement the IEP and address Parent and staff concerns.

REQUESTED CORRECTIVE ACTION
• Order the immediate production of records, including all existing service logs, tracking data and teacher consultation notes. • Mandate an emergency IEP meeting within the next 10 calendar days to address the failures and establish a transition plan to high school • Compensatory education assessment to determine the number of hours of specialized instruction the student was denied by staff since October 29, 2025, so compensatory services can be provided.

III. FINDINGS OF FACT

IDEA regulations limit complaint investigations 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 May 19, 2025.

Any facts listed below relating to circumstances or incidents earlier than that date are included solely to provide context necessary to understand the Student's disability and special education history.

1. The Student was an 8th grade student attending a public charter school (School) within the District's boundaries.

2. The Student is currently eligible for special education services under the disability category of Other Health Impairment (OHI) due to their medical diagnosis of Attention Deficit Hyperactivity Disorder (ADHD), and had an operative 504 Accommodation Plan prior to the referral for Special Education evaluation.

3. The Student was found eligible for Special Education services on October 29, 2025, following an individual evaluation including: 1) file review, 2) behavior, 3) communication, 4) observation, 5) curriculum-based academic assessment, 6) medical/health statements, and 7) developmental history.

4. An IEP was developed for the Student on October 29, 2025, after the team determination of Special Education eligibility. The IEP team was comprised of the Parents, Special Education Teacher/Case Manager (SE Teacher), School Psychologist, and General Education Teacher (GE Teacher). The Speech Pathologist who completed testing on the Student was out on leave at the time of the IEP meeting. The Parents shared concerns regarding social struggles and that the Student desires friendships outside of school. They also shared the current 504 Plan "has not been enough to support [the Student], and that [the Student] struggles to complete work." The IEP detailed that the Student's ADHD impacts their "ability to fully engage in the general education curriculum and affects executive functioning, making it challenging to independently organize assignments, manage time and complete tasks without structured support." The team determined that the Student's initial Special Education placement would be "80% or more of day in Regular Class" as it offered access to general education curriculum" and would "best meet the Student's needs at this time."

5. The IEP team developed one goal for the Student focusing on Study/Organizational Skills. Specifically, the goal states: By the end of the IEP year, [the Student] will independently use a digital or physical planner to track assignments, break down long-term projects into manageable steps, and demonstrate higher independent completion rates of over 10% on assignments by handing in work on time with minimal adult prompting. The Specially Designed Instruction was to be provided by the SE Teacher/Provider in a Special Education setting for 45 minutes per week.

6. The Student's IEP stated that written information regarding the Student's progress toward the goal was to be reported by approximately January 27, 2026, April 6, 2026, June 12, 2026, and October 28, 2026.

7. The October 2025 IEP also included Supplementary Aids/Services; Modifications for the

Student throughout the school day. These supports were:

a. Offering alternative methods of demonstrating knowledge
b. Allowing a quiet workspace for focused work
c. Allowing extended time for complex assignments and providing step-by-step instructions
d. Allowing use of noise-cancelling headphones
e. Implementing a weekly check-in with designated support staff to review assignments and progress
f. Prompting to turn in work and to write down work and due dates

In addition, the IEP included Support for School Personnel provided by the SE Teacher/Provider for 5 minutes per week.

8. The District provided the Parents a Prior Written Notice and Consent for Initial Provision of Special Education Services on October 30, 2025, detailing the discussion and decisions regarding the Student's initial IEP and placement. The Parents signed consent for Special Education services on November 5, 2025 (Mother), November 6, 2025 (Father).

9. On November 7, 2025, the SE Teacher emailed the Student's GE Teacher to inquire about systems that are used in the class regarding assignments, and the SE Teacher indicated an interest in 'creating a folder' for the Student if one is not already being used. The SE Teacher also suggested that both teachers could check the folder 'once a week' to help the Student's schoolwork completion improve and it could also function as a reminder to the Student about incomplete assignments.

10. Following the October 2025 IEP meeting, communication between the two teachers in November 2025 consisted of the GE Teacher stating that a "travelling folder" may be helpful for the Student. In addition, the GE Teacher shared that assignments are "posted with due dates to the left of the board." The SE Teacher responded that they had added "pages inside the folder" and "would like to review it on Friday." The SE Teacher's schedule at the School was to work with the 8th grade students on Fridays, and conduct testing or provide additional support on Thursdays.

11. An email sent in mid-November 2025, from the SE Teacher to the Parents and GE Teacher, shared that they had met with the Student to review the homework planner and said that one of the teachers would look "for a parent signature to indicate that it went home and that you saw it." They also shared that small Post-it notes are available for the Student should they want to ask for help, but does not want to speak with the teacher. The SE Teacher wrote that quick note could be written and dropped on the GE Teacher's desk. The SE Teacher also included photos of the folder attached to the email.

12. Another email, later in November 2026, from the SE Teacher to the Parents and GE Teacher, states that the Student needs to work on an essay and that it was added to the "homework page", and that notes that were taken could be available, as well. In this exchange, the

Parents requested more information regarding a "paper/project/presentation that was assigned at the start of the year" and that work on chunking it out and putting due dates is needed for completion of assignments.

13. In November 2025, the School provided the Parents a report card (i.e., Progress Report School Year 2025-2026) rating the Student across the following domains: Developing Community Values, Work Habits, Social-emotional Learning, Math, Reading, Writing, Speech, Social Studies/History, Science, Movement, Music, Handwork, and Spanish. The reporting categories were 1) Exceeding grade level expectations, 2) Meeting grade level expectations, 3) Making Progress toward grade level expectations, and 4) N/A. In the domain of Work Habits, the Student was rated as Making Progress in 7/8 subcategories, with one subcategory rated as Meeting Expectations. The other domains were largely rated as Making **P**rogress, with the GE Teacher noting that the Student "has recently made an effort to improve assignment completion."

14. On December 18, 2025, the Parent emailed the SE and GE Teachers that "[The Student] has not had their weekly meeting" with the SE Teacher since "prior to the Thanksgiving break" and that more than four (4) assignments are missing. The Parent requested an update and "if [the Student's] IEP accommodations are being followed accordingly." In response to the Parent's email, the SE Teacher emailed the GE Teacher that the Student would be pulled on Friday "at 9:15 to complete make-up work" and requested all the necessary materials.

15. In the afternoon of December 18, 2025, the SE Teacher responded to the Parent's email indicating "I am here on Friday and can grab [the Student]…and [the Student] will be pulled out to make up work."

16. On December 19, 2025, the SE Teacher emailed the Parent and GE Teacher stating that the Student worked "super hard today" and was completing assignments, which will be "handed in today." The SE Teacher indicated that the Student would be pulled out on Fridays and would need updates on work on Thursdays, as they are not able to view missing assignments or completed work, unless it is shared.

17. The SE Teacher's notes dated January 9, 2026, indicated that support for 8th graders was regarding 'grade recovery' and included a note to check in with the GE Teacher.

18. The SE Teacher's notes dated January 16, 2026, included a statement to check in with the GE Teacher to "see what the Student needs" as well as a reference to "SEL-character strong" and "8th: hands to self/many do not like to being touched."

19. On February 6, 2026, the SE Teacher emailed the Parents an update on the status of the Student's work. The SE Teacher indicated that the Student "has been coming in on Friday afternoons to complete items."

20. The SE Teacher's notes regarding February 6, 2026, indicate that 8th grade students were

engaged in “MAP testing all day”, and “catch-up help.”

21. The SE Teacher’s notes for the week of February 9th to February 13th, 2026, do not include any notation related to the Student or working with 8th grade students.

22. The notes of the SE Teacher for February 20, 2026, state that push-in support was provided for math, and the notes for February 27, 2026, state “SEL/8th grade Tier II.”

23. On March 6, 2026, the SE Teacher emailed the Parents and GE Teacher sharing that the Student “did not want to work upstairs to complete work” and there are a few things to complete. The SE Teacher included information regarding February 2026 and March 2026 assignments with due dates. The GE Teacher followed up with a response with information attached regarding the “8th Grade Project Components” and the grading rubric that would be used.

24. The SE Teacher’s notes dated April 24, 2026, state “[the Student] not going.”

25. The SE Teacher notes for May 2026 include the following information:
    a. May 1st - state testing
    b. May 8th - no Student
    c. May 15th - Student in group, state testing
    d. May 18th - push in
    e. May 22nd - state testing 8th grade
    f. May 29th – Student in class and a listing of assignments to complete or review

26. On May 14, 2026, the Parents emailed the SE Teacher, the School Psychologist, the GE Teacher and other members of the Student’s IEP team expressing concern about implementation of the Student’s IEP during the 2025-2026 school year. The Parents outlined the IEP components, including the Specially Designed Instruction the Student was to receive weekly, as well as the accommodations and modifications identified in the IEP. The Parents state that the Student “continues to have no reliable system for tracking assignments, and is only completing a “fraction of [their] work.” The Parents requested a written update from the SE Teacher and an IEP team meeting within the next two weeks, as well as progress data, which “per the IEP is to be reported quarterly in written progress notes.”

27. The GE Teacher responded to the Parent’s email on May 15, 2026, sharing “what has been happening in class.” The teacher outlined the in-class accommodations that have been provided for the Student:

    a. Due dates are clearly written and displayed on the board
    b. Suggestions for what to work on during work times are clearly listed and updated
    c. Check in with the Student during work time about what needs to be worked on and prompt with suggestions
    d. Frequent reminders during work time to stay on track

e. Multiple no-talking work periods per week with quiet music playing
f. Instructions for all assignments given in writing with checklists or graphic organizers
g. Extended time for assignments allowed when advocated in advance of due date; still accepted even if no advocacy
h. All tests are allowed as much time as needed

The GE Teacher also stated that the Student often says [the Student] will not do work at school and will only work at home and they try to get [the Student] to make any progress [the Student] can in class, but [the Student] is very resistant. The GE Teacher also mentions that the Student often "seeks out a friend during every non-silent work time and chooses to just talk."

28. The Parents responded the same day (May 15, 2026) to the GE Teacher, appreciative of the response and information, and requested time for a call or meeting to discuss their concerns.

29. The SE Teacher responded on May 15, 2026, to the Parents email, and outlined what they had done to support the Student (i.e., put together a planner and blue folder and how to use them) and shared that during the past few weeks they (SE Teacher) "have been working with the state testing group". The SE Teacher shared they have "written items on a post-it and offered time upstairs with the group", and when the Student has "chosen to attend the group, [the Student] seems to work hard". The SE Teacher also wrote that they met with the Student today to review the concerns the Parents shared via their May 14, 2026, email, with the Student. The SE Teacher wrote that the Student said, "they did not get the offer for help for several months", which the SE Teacher stated was not true. The SE Teacher then stated that they were not available for a meeting before the end of the school year, given the "shortened year with furlough days for District teachers."

30. The School's Dean of Students responded to the Parent's email on May 15, 2026, acknowledging the concerns shared and that "you feel there has been a disconnect between the supports outlined in the Student's IEP, the communication around those supports, and the level of partnership since the IEP was developed in October." The Dean included a District Special Education administrator on the email, "who may be able to offer support or ideas on answering your requests."

31. The Parents emailed the Dean of Students and the SE Teacher on May 18, 2026, formally requesting documentation related to the implementation of the Student's IEP, including written progress reports for Progress Period 1 and 2 (approximately January 27, 2026 and April 6, 2026); copies of session logs of the Specially Designed Instruction provided to the Student 45 minutes per week; documentation of the weekly check-in with the Student to review assignments and progress; the consultation provided by the SE Teacher to District personnel; and assignment completion data. The Parents also inquired about the IEP meeting they requested, and who would be attending, given that the SE Teacher was unavailable to meet.

32. On May 18, 2026, the SE Teacher emailed the School Psychologist and the Dean of Students stating that they "also sent [the Student's] quarterly progress notes to [the Student's] Parents." The SE Teacher noted that they were "continuing to offer work time to complete work and show [the Student] things not yet turned in", though no specific data on progress towards the annual goals was included. Comments stated the Student was "working weekly in the Learning Center", teachers report the Student "socializing and not completing work", and "Student takes [their] time but does great work."

33. The SE Teacher's notes for June 3, 2026, indicate "science test prep" and the June 4, 2026, notes indicate science testing was taking place.

34. On June 16, 2026, the Complaint Investigator interviewed the Parents. They shared their concern regarding the lack of implementation of the Student's IEP, and lack of communication regarding the services. They also stated that they had not received any IEP progress reports through the school year, though they had received a School report card in November 2025 rating the Student's performance across domains and academic subjects.

35. The District's *Response* dated June 17, 2026, stated in part:

    a. "The Student's IEP has been implemented this school year. While it appears that the Student did not consistently access the support described in the IEP, both [the Student's] general and special education teachers carried out the activities the IEP describes."
    b. The SE Teacher "emailed the Parents in February and March about the assignments [the Student] still needed to complete; in the latter [the SE Teacher] noted that [the Student] had stopped attending [their] Friday classes. [The SE Teacher] believed the relevant problem-solving discussions could happen via email with the Parents and [the Student's] GE Teacher."
    c. "In the email dated May 14, the Parents requested an IEP meeting, however, staff's schedules unfortunately did not allow for a meeting before the end of the school year." The District's calendar changed due to fiscal constraints and the last day for students was June 5, 2026, with teachers last day on June 8, 2026.

36. The Parent's *Reply* to the District's *Response* dated June 23, 2026, stated in part:

    a. The Parents stated…"two progress reports described as "dated" January 26, 2026, and April 3, 2026…[the Parents] did not receive any progress report for Student before May 18, 2026, when case manager produced notes after our formal request."
    b. The Parents stated that "The District concedes that [the Student] did not consistently access [the Student's] services while asserting the IEP "has been implemented". Where the services required staff to initiate and deliver – a weekly check-in by designated staff, direct prompting, and SDI by a special education provider – a concession that [the Student] did not access the support is a concession that it was not delivered. [The Student] should never have been in a position to decline these supports in the first place; they exist to address the needs [their] diagnosis creates, and delivery model allowed [their] disability-driven avoidance to switch

them off defeated the IEP's purpose."

c. The Parents also stated that the "District concedes that no IEP team meeting was held and that it treated email as a substitute for the team process. It knew by early March that [the Student] had stopped attending the only setting in which it claims SDI occurred, and it did not reconvene the team. Staffing and calendar constraints are not a defense."

IV. DISCUSSION

When IEPs Must Be in Effect

The Complaint alleged that the District violated the IDEA when it failed to fully implement the Student's IEP, as written, including the failure to provide accommodations and modifications as indicated on the Student's IEP, and the failure to provide periodic reports on the progress the Student was making toward meeting the annual goals.

Oregon Administrative Rule 581-015-2220 requires that a school district "must provide special education services and related services to a child with a disability in accordance with an IEP", and also "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."

Federal regulation 34 CFR §300.320 requires that the IEP include "a description of how progress toward annual goals will be measured and when periodic reports will be provided, such as quarterly or concurrent with report cards."

There is no expectation that IEPs be implemented with perfection under the IDEA. "[A] district does not violate the IDEA unless it is shown to have materially failed to implement the child's IEP. A material failure occurs when there is more than a minor discrepancy between the services provided… and those required by the IEP."[1] "[T]he materiality standard does not require that the child suffer demonstrable education harm…However, the child's educational progress, or lack of it, may be probative of whether there has been more than a minor shortfall in the services provided." If a child is not provided with instruction as required, a shortfall in achievement would indicate a material failure to implement the child's IEP. "On the other hand, if the child performed at or above the anticipated level, that would tend to show that the shortfall in instruction was not material."[2]

The Student's IEP stipulated 45 minutes/week of Specially Designed Instruction to be provided by the SE Teacher/Provider, as well as 5 minutes/week of consultation services to be provided by the SE Teacher to School Personnel.

[1] Van Duyn v. Baker Sch. Dist. 5J, 502 F3d 811, 815 (9th Cir. 2007).
[2] Id. at 822.

The service provider's (SE Teacher) notes included with the District's *Response*, document dates that the SE Teacher met with the Student, including notes related to other (redacted) students. The notes were dated between January-June 2026, with fourteen (14) separate dates of notations. There were six (6) notations after the Parent's email of May 14, 2026, that included May 15th, 18th, 22nd and 29th, June 3rd, and June 4th. The SE Teacher's informal notes focused on the academic area of focus, but did not include any percentage data of the Student's ability to "independently use a digital or physical planner to track assignments, break down long-term projects into manageable steps, and demonstrate higher intendent completion rater over 10% on assignments by handing in work on time with minimal adult prompting." There were no notes included for the months of November 2025, December 2025, March 2026, and only one session noted in April 2026. In addition, seven (7) of the fourteen (14) dates noted by the SE Teacher indicated either the Student did not attend the session or was participating in state or district testing that day.

The Parents signed consent for initial placement in Special Education and consent for services on November 5th and 6th, 2025, and the 2025-2026 school year ended for students on June 5, 2026, allowing for 26 sessions of Specially Designed Instruction (barring Student absences). The total number of sessions documented by the SE Teacher was 14, and 7 of those session dates the Student did not attend or was participating with the 8th grade class in state or district testing. Fourteen (14) instructional sessions were missing (no documentation or data provided) from November 2025-April 2026. The Parents had emailed the SE Teacher on December 18, 2025, regarding missed sessions since "before Thanksgiving." The SE Teacher's response was that they would pull the Student the next day to complete make-up work.

No documentation was provided related to the consultation services for school personnel by the SE Teacher.

This lack of provision of special education services was a material failure of the implementation of the Student's IEP. In total, the Student missed 21 instructional sessions, 7 of which the SE Teacher noted he did not attend, and 14 sessions that were not provided to the Student. This impacted the Student's ability to make meaningful progress, as documented in the Progress Report of May 18, 2026. The progress information written by the SE Teacher for January 2026 and April 2026 and not provided to the Parents until May 18, 2026, indicates some progress in though the rating of '3' states that "progress has been made, but the goal may not be met."

The District's *Response* included an IEP Progress Report with comments dated January 26, 2026, April 3, 2026, and May 18, 2026, though the Parents asserted in their rebuttal that they "received no quarterly progress report before May 18, 2026, when the case manager produced notes following our formal request. The reports the District describes as "dated" January 26 and April 3, 2026, were never provided to us, which independently impeded our ability to participate."

The Department substantiates this allegation.

Failure to Review and Revise the IEP

The Complaint alleged that the District violated the IDEA by failing to review and revise the Student's IEP, as appropriate, to address the Parents' concerns regarding the implementation of the Student's IEP.

Both Federal regulation 34 CFR §300.324 (b)(1) and Oregon Administrative Rule 581-015-2225 require school districts "to revise the child's IEP, as appropriate to address any lack of expected progress toward the annual goals, due to the child's anticipated needs or due to information about the child provided to, or by, the parents."

The Student in this case was initially determined to be eligible for Special Education services in October 2025, under the disability category of Other Health Impairment. Following the eligibility determination, an IEP was developed to address the Student's needs and included one goal, focusing on Study/Organizational Skills with SDI to be provided weekly for 45 minutes by a special education teacher/provider. Specifically, the IEP goal stated, "By the end of the IEP year, [the Student] will independently use a digital or physical planner to track assignments, break down long-term projects into manageable steps, and demonstrate higher independent completion rates of over 10% on assignments by handing in work on time with minimal adult prompting." The IEP also included Supplementary Aids/Services; Modifications for the Student throughout the school day. These supports were:

- Offering alternative methods of demonstrating knowledge
- Allowing a quiet workspace for focused work
- Allowing extended time for complex assignments and providing step-by-step instructions
- Allowing use of noise-cancelling headphones
- Implementing a weekly check-in with designated support staff to review assignments and progress
- Prompting to turn in work and to write down work and due dates

In addition, the IEP included Support for School Personnel (GE Teacher) provided by the SE Teacher/Provider for 5 minutes per week.

On December 18, 2025, the Parent emailed the SE and GE Teachers that "[The Student] has not had their weekly meeting" with the SE Teacher since "prior to the Thanksgiving break" and 4+ assignments are missing. The Parent requested an update and "if [the Student's] IEP accommodations are being followed accordingly." The response from the SE Teacher indicated the Student would be pulled on Friday (December 19, 2025) to "make-up work."

On February 6, 2026, the SE Teacher emailed the Parents that the Student "has been coming in on Friday afternoon to complete items", though an email sent to the Parents on March 6, 2026, stated that the Student "did not want to work upstairs to complete work" and "there are a few things to complete."

On May 14, 2026, the Parents sent an email to the IEP team expressing concern about implementation of the Student's IEP during the 2025-2026 school year and requesting specific information regarding its implementation of the services specified on the IEP, and IEP meeting. The SE Teacher's response outlined what they had done to support the Student (i.e., put together a planner and blue folder and how to use them) and shared that during the past few weeks they "have been working with the state testing group". The SE Teacher also shared they have "written items on a post-it and offered time upstairs with the group", and when the Student has "chosen to attend the group, [Student] seems to work hard". The SE Teacher also indicated that they were not available for a meeting before the end of the school year.

The GE Teacher responded to the Parents email on May 15, 2026, and outlined the in-class accommodations that have been in place for the Student.

The District's *Response* included an IEP Progress Report-Progress Period 05/18/2026 with comments dated January 26, 2026, April 3, 2026, and May 18, 2026, though the Parents asserted in their rebuttal that they "received no quarterly progress report before May 18, 2026, when the case manager produced notes following our formal request. The reports the District describes as "dated" January 26 and April 3, 2026, were never provided to us, which independently impeded our ability to participate."

The Department substantiates this allegation.

Free Appropriate Public Education (FAPE)

Due to the alleged IDEA violations detailed above, the Complaint alleges that the District failed to provide the Student with a free appropriate public education (FAPE).

Both Oregon Administrative Rule 581-015-2040 and federal regulation 34 CFR §300.101(a) require school districts to ensure that a free appropriate public education is provided to any individual child with a disability who needs special education and related services.

Each school district is responsible for providing a free appropriate public education to school age children with disabilities for whom the school district is responsible.[3] In order to determine whether a student has been denied a FAPE, the courts review a district's compliance with 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 IDEA, and whether the school district met the substantive requirement to develop an IEP reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances.[4]

Not every procedural error is sufficient to rise to a denial of FAPE.[5] The procedural test consists

[3] OAR 581-015-2040(1); 34 CFR §300.101(a).
[4] *Endrew F.*, 137 S.Ct. at 999.
[5] *Amanda J. v. Clark Co. Sch. Dist.*, 267 F.3d 877, 892 (9th Cir. 2001) (citing *Roland M. v. Concord 13684 Sch. Comm.*, 910 F.2d 983, 994 (1st Cir. 1990)).

of three pivotal procedural errors: (1) whether the student suffers a loss of educational opportunity;[6] (2) whether the parent's right to participate in the IEP process was infringed;[7] or (3) whether the procedural error caused a "deprivation of educational benefit."[8] Procedural errors rise to the level of a denial of FAPE where, absent the errors, there is a "strong likelihood" that alternative educational possibilities for the student "would have been better considered."[9]

The Student did not receive the Specially Designed Instruction as designated on the IEP throughout the 2025-2026 school year for 45 minutes/week by the SE Teacher/Provider. Sessions were missed and not made-up during November-December 2025, as well as in March 2026, and April 2026. The SE Teacher's documentation also included notations of when the Student did not attend the sessions, and emails from the SE Teacher to the Parents also highlighted that the Student was not attending the instructional sessions. With this information, the IEP team did not reconvene to discuss these concerns and determine any changes to the IEP that might be necessary. The Parents' *Reply* stated they were not provided IEP Progress Reports as required by state and federal law until the end of the 2025-2026 school year when the SE Teacher provided an IEP Progress Report Progress Period – 05/18/2026, with information dated January 16, 2026, April 3, 2026, and May 18, 2026. In addition, concerns shared by the Parent regarding missed sessions, and information shared by the SE Teacher regarding the Student's non-attendance at sessions were not addressed via an IEP meeting. There is also no evidence that the consultation services for school personnel were provided by the SE Teacher.

The Student was not provided an opportunity to make meaningful progress relative to the Study/Organizational Skills goal on their IEP, which impacted their ability to receive benefit from the special education services. In addition, given the concerns regarding the Student's lack of attendance at instructional sessions, the District violated the Parent's right to review current services, including accommodations and modifications, and services for school personnel to determine if revisions are necessary for the Student to receive FAPE. The failure of the District to provide the Parents periodic reports on the Student's progress toward meeting the annual goal impeded their ability to participate in the Student's IEP

The Department substantiates this allegation.

V. CORRECTIVE ACTION

In the Matter of Portland School District 1J
Case No. 26-054-065

[6] *Target* Range, 960 F.2d at 1484.
[7] *Id.*
[8] *Amanda J.*, 267 F.3d at 892 (citing *Roland M.,* F.2d at 994).
[9] *M.L. v. Federal Way Sch. Dist*., 394 F.3d 634, 657 (9th Cir. 2005).

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

Action Required	Submissions	Due Date
1. The Student's IEP team must convene with the Parents to review current services, including accommodations and modifications, and services for school personnel to determine if revisions are necessary for the Student to receive FAPE. If so, the IEP is to be revised.	1.Meeting Invitation 2.Reviewed/Revised IEP 3.Prior Written Notice 4.Meeting Notes	**September 30, 2026**
2. The Student's IEP team must convene with the Parents to determine what compensatory services the Student requires due to the 14 missed sessions of Specially Designed Instruction during the 2025-2026 school year.	1.Meeting Invitation 2.Compensatory Services Offered and Agreed Upon 3.Prior Written Notice 4.Meeting Minutes	**October 16, 2026**
3. The District must ensure that all District staff who are responsible for providing parents with IEP progress reports receive training on the District's obligation to provide parents with progress reports in accordance with a student's IEP.	1.Training agenda/materials to ODE for review/approval. 2.Sign-in sheet for training.	**September 18, 2026** **November 2, 2026**

Dated: this 17 Day of July 2026



_____

Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities
E-mailing Date: July 17, 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))