BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of Portland School District 1J	))))	FINDINGS OF FACT, CONCLUSIONS, AND FINAL ORDER Case No. 26-054-080

I. BACKGROUND

On June 22, 2026, the Oregon Department of Education received a written request for a special education complaint investigation from the parent (Parent) of a student (Student) residing in the Portland School District 1J (District). The Parent requested that the Department conduct a special education investigation under OAR 581-015-2030. The Department confirmed receipt of this Complaint and forwarded the request to the District.

Under state and federal law, the Department must investigate written complaints that allege violations of the Individuals with Disabilities Education Act (IDEA) and issue an order within sixty days of receipt of the complaint.[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 July 07, 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 July 21, 2026.

The District submitted a *Response* on July 21, 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, 07/21/26
2. Student Individualized Education Program, 03/19/25,
3. Special Education Placement Determination, 03/19/25
4. IEP Meeting Notes, 03/19/25
5. Prior Written Notice, 03/18/26
6. Abbreviated School Day, 03/20/26
7. Student Progress Reports, 2025-2026
8. Student Schedule, 2025-2026
9. Student Attendance, 2025-2026
10. Student Course History, 07/13/26

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

11. Student Permanent Record, 2025-2026
12. Student Test History, 2025-2026
13. District Special Education Procedures, 2025
14. District Training Functional Behavior Assessment/Behavior Support Plan, no date
15. District Training Delivery of Service and Least Restrictive Environment (LRE), no date
16. District Training Considering Trauma, no date
17. District Training The IEP is the Program, 01/26/26
18. Quarter 1 Attendance Support Letter, 10/01/25
19. District and Parent Email Correspondence, 2025-2026
20. Comprehensive Functional Behavior Assessments, 04/01/24
21. Student Behavior Support Plan, 04/01/24
22. Outside Provider Progress Notes, 03/31/26
23. Student Enrollment and Transfers Board Policy, no date
24. Administrative Directive Student Transfers, no date
25. District Lottery Definitions and Details, no date
26. District Calendar, 2025-2026
27. District Notice of Intent to Enroll, 11/10/25
28. District List of Knowledgeable Staff
29. Special Education Board Policy, no date
30. Student Transportation Board Policy, no date

The Parent submitted a *Reply,* on June 29, 2026, providing an explanation and rebuttal and documents in support of the Parent's position. The Parent submitted the following relevant items:

1. Parent's *Reply* to the District's *Response* to *RFR*, 07/24/2026
2. Therapy Progress Note, 06/06/17
3. Email from District to Parent re Staffing Deficits, 12/17/21
4. District Communication & Behavior (CB) Class Change Email and Newsletters, 09/2022 & 10/2022
5. Outside Multi-Disciplinary Autism Assessment Report, 04/01/24
6. Email from Parent Regarding Speech/Anxiety Limits, 08/26/24
7. Email Chain from Parent regarding Autism, 10/18/24
8. Email from District to Parent Verifying Communication Boundaries, 10/18/24
9. District Report Card, 2024-2025
10. Student Measures of Academic Progress (MAP Growth) & OSAS State Student Score Reports, 2023-2025
11. Medical Case Manager Verification, 03/30/26

The Complaint Investigator interviewed the Parent on July 6, 2026. On July 1, 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 June 23, 2025, to the filing of this Complaint on June 22, 2026.

Allegations	Conclusions
Child Find and Evaluation Obligations The Complaint alleges that the District failed to meet its Child Find and evaluation obligations by not initiating or completing required evaluations, specifically not including Functional Behavioral Assessment (FBA), and by not assessing the Student's known disability-related needs such as anxiety, Selective Mutism, and indicators of Pathological Demand Avoidance (PDA), despite repeated parental notice. (OAR 581-015-2080; OAR 581-015-2105; OAR 581-015-2115; 34 CFR §§300.111, 300.301–300.305; 34 CFR §300.304(c)(4))	**Not Substantiated** The District considered prior FBA/BSP data and determined externalizing behaviors were no longer present. The District held multiple IEP meetings, reviewed attendance concerns, and discussed anxiety and communication needs. The District responded to parent reports, provided check-ins, and explored alternative placements.
Placement The Complaint alleges that the District failed to provide the Student with a special education placement that would allow the Student to make educational progress, failed to maintain a legally required continuum of placement options by acknowledging it did not have an appropriate autism-specific program for the Student's grade level, by not completing a crisis placement referral, and by creating transportation barriers that resulted in the Student being without access to school for an extended period. (OAR 581-015-2245, OAR 581-015-2250; 34 CFR §300.115-116)	**Not Substantiated** The evidence demonstrates that the District maintained a continuum of placement options as required under the IDEA. The Student's placement decisions were made through the IEP team process and were based on the Student's attendance patterns, communication needs, and social-emotional profile. The IEP team determined that the Student did not meet the

	service-time threshold for a more restrictive social-emotional classroom and did not exhibit behaviors warranting a crisis placement referral. Transportation barriers did not constitute a placement violation because transportation was not identified as a required related service for FAPE. Transportation concerns arose only in connection with the Parent's interest in the Alternative School, and the Parent ultimately decided against that option. The District suggested adding transportation as a related service, but the Parent chose to maintain the Student's enrollment at their current school. The record does not show that transportation needs prevented the District from offering or implementing an appropriate placement.
IEP Implementation The Complaint alleges that the District failed to implement the Student's IEP by placing the Student on an abbreviated school day and not providing the required services, direct instruction, modified materials, or communication-aligned supports necessary for the Student to access learning. The Complaint further alleges that the District did not develop a written plan for returning the Student to full-time school, resulting in continued loss of instruction.[3] (OAR 581-015-2220; 34 CFR §§300.101, 300.323)	**Not Substantiated** The evidence supports that the District implemented the Student's IEP during the Complaint period.

[3] Allegations related to compliance with Oregon Senate Bill 819 and abbreviated school day requirements are outside of the scope of this investigation. The Department has provided the Parent with information on how to file a complaint related to Abbreviated School Day Programs.

IEP Content The Complaint alleges that the District failed to include information in the Student's IEP necessary to address the Student's unique educational needs. Specifically, the Complaint asserts that the District did not include a written plan for returning the Student to full-time school, resulting in continued loss of instruction, and that the IEP lacked sufficient documentation regarding transportation services. (OAR 581-015-2200; 34 CFR 300.320)	**Not Substantiated** The Student's IEP included all required information to address the Student's unique educational needs.
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 by maintaining unsafe and chronically under-resourced classroom conditions, resulting in loss of instruction, lack of adult supervision, and an educational environment that did not provide the supports necessary for the Student to access learning. (OAR 581-015-2040; 34 CFR §300.101)	**Not Substantiated** The record does not support the allegation that the District maintained unsafe or chronically under-resourced classroom conditions that denied the Student access to a FAPE. The Student's loss of instruction resulted primarily from prolonged absences rather than from the District's failure to provide services. When the Student attended school, the District provided Learning Center support, speech-language services, academic instruction, and access to designated quiet spaces and regulation supports. The Student made progress in communication and reading skills, and staff implemented accommodations aligned with the Student's needs.

REQUESTED CORRECTIVE ACTION
1. Provide services consistent with the student IEP, including direct teacher led and small group instruction. 2. Provide access to a qualified special education teacher for specially designed instruction. 3. Provide a placement that is aligned with the IEP team's determination of need. 4. Provide compensatory education for services not 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 June 23, 2025. 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 was enrolled in seventh grade and was eligible for special education services under the IDEA categories of Autism Spectrum Disorder (ASD) and Speech Language Impairment (SLI) during the 25-26 school year.

2. The Parent provided clinical records dating back to 06/06/2017, that explicitly document a primary encounter diagnosis of a Communication Disorder with a Mental Status Exam noting speech status as "largely mute—speech difficult to decipher."

3. The Parent response reported the District was provided explicit written warnings from the Parent on August 26, 2024, and October 18, 2024, regarding anxiety-driven speech limitations and high-level social camouflaging ("masking").

4. The 03/19/2025, IEP documented that the Student received communication services addressing articulation, receptive and expressive language, and social-language skills. The IEP team reported that the Student was motivated to improve speech-sound production. The Student was able to ask for help during speech sessions and was identified as needing continued development of self-advocacy skills.

    a. Social-emotional information in the IEP reflected that the Student interacted positively with peers and generally maintained self-regulation across school settings. The Student had previously struggled to self-regulate in a specialized communication-behavior classroom, and placement had been changed to

general education with Learning Center support earlier in the year. No major behavioral incidents were reported following the placement change.

b. Classroom-based information indicated that the Student initially demonstrated strong classroom skills but had more recently begun rushing through assignments and submitting work without seeking assistance.
c. Attendance concerns were noted, with 17 absences out of 32 school days during the third quarter, which affected the Student's ability to follow routines and keep pace with instruction.
d. During small-group sessions, the Student worked hard, showed eagerness to learn, and was able to sustain attention despite occasional doodling during academic activities.

5. On 03/18/2026, the District issued a Prior Written Notice stating that the IEP team determined the Student required the services listed in the current IEP and an abbreviated school day to support re-acclimation to the school environment. The Notice identified that the team based its decision on teacher and staff feedback, classroom performance information, Parent input, and discussion during the IEP meeting.

6. The Notice documented that the team considered other service options but determined that the Student's educational needs could not be met without the services specified in the IEP and the abbreviated day schedule. The Notice further stated that all service options were reviewed by the IEP team and that the team agreed on the services and abbreviated day reflected in the IEP.

7. The 03/19/2025 IEP minutes reflect that the Parent reported to the IEP team that the Student continued to need support with self-advocacy skills and was more likely to communicate needs with teachers the Student felt comfortable with. The Parent stated that the Student sometimes had difficulty getting out of bed and arriving at school on time and that the Student appeared more tired than usual; the Parent indicated plans to consult a medical provider.

8. The Parent expressed concern that the pace of the language arts curriculum was difficult for the Student, who struggled to process information and keep up. Staff offered an opportunity for the Student to access additional support in a specific classroom during the seventh period, and the Parent requested that the Student attend that classroom for several days without a trial period. The Parent also asked whether the Student's math class could be scheduled later in the day due to challenges with morning attendance, and staff agreed to explore scheduling options.

9. The Parent reported that the Student had contacted home several times during the school year regarding peer conflicts and had left school early on those occasions. The school team requested that the Parent notify staff when such incidents occurred so the team could provide support.

10. On 09/11/2025, the District emailed the Parent regarding concerns with the Student's attendance. The Parent responded stating an IEP meeting may be needed and that the Student's current diagnosis was Autism Spectrum Disorder (ASD), but other members of the family had experienced anxiety.

11. On 09/16/2025, the District reached out to the Parent regarding the Student's attendance concerns. At this time, the Parent explained the difficulties being experienced at home with getting the Student to go to school each morning.

12. On 9/16/2025, the School Counselor connected with the Student, who reported "really disliking school ... both because of social pressure and academics." The School Counselor suggested scheduling a weekly check-in with the Student. The Parent responded requesting that the School Counselor meet with the Student on 09/16/2025 as the Student would try to avoid school "tomorrow."

13. The District response reflects that the School Counselor did schedule check-ins with the Student as proposed on Tuesdays at 2:00 p.m. and informed the Parent of the check-in by email on 09/16/2025.

14. On 09/19/2025, the Parent emailed the District that the Student was out sick with respiratory issues.

15. On 09/29/25, the District Speech Language Pathologist emailed the Student's IEP case manager (Case Manager) stating that the spring IEP minutes reflected the Parent was concerned with the Student's increased anxiety and mentioned reaching out to the Student's doctor.

16. On 09/30/2025, the Parent emailed the School Counselor about "any other school option for [a] smaller setting". The District response states that the School Counselor provided the Parent information about the District's Multiple Pathways to Graduation office and suggested connecting with the Case Manager.

17. On 10/01/2025, the District sent the Parent an attendance notification letter stating the Student had been absent for approximately 67% of the school year thus far.

18. On 10/02/2025, the Parent responded communicating with the District regarding significant challenges in transporting the Student to school and maintaining consistent attendance. The Parent reported having recently begun new employment and, as a single caregiver without additional support, their work schedule created barriers to ensuring the Student's attendance until a revised schedule would begin at work on 10/06/2025. The Parent requested information about alternative educational options for the Student and stated that the Student had asked for accommodations to access a learning environment that was more appropriate for their needs.

19. On 10/03/2025, the District emailed the Parent regarding the Student's attendance. The District explained that both excused and unexcused absences were included in the attendance calculation and asked whether there were supports the District could provide to assist the Student in returning to school. The District also stated in the email that the Student had enjoyed school and made growth the previous year.

20. On 10/06/2025, the Parent requested an IEP meeting in response to the District's 10/03/2025 email.

21. On 10/06/2025, District staff emailed regarding scheduling an IEP meeting on 10/13/2025 at either 9:15 or 10:30. The Case Manager reported calling the Parent but there was not an answer.

22. On 10/06/2025, the District was able to schedule an IEP meeting for 10/13/2025 at 8:30 a.m.

23. On 10/13/2025, the District contacted the District's alternative education office to request information about possible middle-school placement options for the Student. The District reported that the Student was a seventh grader experiencing continued absences and reluctance to attend school, and that the Parent had expressed a need for smaller class sizes or alternative learning environments. The District explained that they had met with the Parent earlier that day to problem-solve the Student's ongoing attendance concerns and noted that certain alternative programs were not appropriate for the Student. The District requested guidance regarding what middle-school options were available so the Student could continue in an educational setting better aligned with the Student's needs.

24. On 10/15/2025, the District emailed the Parent following the IEP meeting and asked whether the Student was currently accessing any mental-health supports for anxiety and stated they would continue checking in with the Student at school. In this email, the District also invited the Parent to share any additional needs or ways the school could assist.

25. On 10/16/2025, the District Reconnection Services staff contacted the Parent after receiving a referral for the Student. Staff informed the Parent that they were available to discuss alternative school options and invited the Parent to reach out when available to begin exploring school options that might better meet the Student's needs.

26. On 10/21/2025, the Case Manager informed the Parent that a referral to the District's Reconnection Services had been submitted to explore alternative school options due to the Student's continued absences and reluctance to attend. The Case Manager stated that a family outreach coordinator had been assigned and was expected to have already contacted the Parent by phone and email. The Case Manager asked the Parent to confirm whether contact had occurred so the District could ensure the Parent was

connected with Reconnection Services staff to discuss available placement options to which the Parent responded that they had been in contact.

27. On 10/23/2025, the Parent emailed the District asking for the Student's current FBA/BIP.

28. On 10/23/2026, the District School Psychologist responded to the Parent stating the BIP was from the previous school year and the current behaviors were not the same as the previous year.

29. On 10/31/2025, the District sent a letter of withdrawal of the Student to the Parent due to the Student's absence for more than 10 consecutive school days. The Student was also withdrawn from Reconnection Services at this time.

30. On 11/03/2025, the Student enrolled in an online charter school served by another school district.

31. On 11/13/2025, the District schedules an IEP meeting for the Student on 12/17/2025 at 4:15.

32. On 11/25/2025, an alternative school in the District (Alternative School) emailed the Parent in response to their interest in enrolling the Student.

33. On 12/01/2025, Reconnection Services emailed the Case Manager and reported the Student's outreach coordinator indicated the Student was taking courses online and requested information and/or records.

34. On 12/05/2025, District staff reached out to the Alternative School and notified them that the Parent had submitted a hardship transfer petition to attend an alternative middle-school program. Staff explained that the Student's prior school placement was a comprehensive middle school and requested input from receiving-school personnel regarding whether the Student would be an appropriate fit for the smaller learning environment. Staff sought this information as part of the District's review of the petition and efforts to identify a school setting that could better support the Student's needs.

35. On 12/05/2025, the Alternative School responded to the District's inquiry regarding whether the Student would be an appropriate fit for a smaller learning environment. Staff stated that the Student's attendance had significantly declined during the current school year due to feeling overwhelmed by large class sizes, the number of students, and noise levels at the comprehensive middle school. Staff reported that the school had attempted to support the Student by proposing partial-day attendance in a smaller instructional setting, but the Student was unable to access that option. Staff noted that the Student had performed relatively well the prior year and shared that the Parent had reported concerns related to the Student's sleep and difficulty attending school. Staff

also referenced the Student's previous placement history and prior behavioral support planning and stated that the Student was currently working on articulation and social-skills goals in speech services. Staff indicated they were available to provide additional information as needed.

36. On 12/08/2025, the Alternative School emailed the outreach coordinator stating that the Parent determined the Alternative School did not provide the appropriate supports for the Student.

37. On 12/16/2025, the Parent registered the Student at their neighborhood school (Middle School), and the Middle School emailed the Student's previous school to gain information about their IEP.

38. On 12/17/2025, one of the Student's previous teachers reported to Middle School staff that the Student had attended class only a limited number of days, estimating a total of approximately seven to ten days. The teacher stated that when the Student did attend, they did not engage in instruction and preferred to sit alone in the corner of the classroom. The teacher reported that the Student had expressed anxiety, discomfort in crowds, and difficulty being around many people, despite the class having only two other students. The teacher also noted that the Student demonstrated academic skills significantly below grade level, reading at approximately a second-grade level and performing math at approximately a third-grade level. The teacher was unsure whether the Student had been completing any schoolwork at home, which might have affected their academic performance.

39. On 12/17/2025, District emails reflect the IEP meeting was cancelled as the Parent did not respond.

40. On 12/19/2025, the Parent was emailed the Student's schedule at the Middle School with a start date of 01/05/2026.

41. A transfer IEP meeting was scheduled for the Student on 01/15/2026 with notice emailed to the Parent on 01/12/2026.

42. On 01/14/2026, the District emailed the Parent apologizing for a mix up in emails for IEP meeting notification and asked if the 01/15/2026 date still worked for the Parent.

43. On 01/14/2026, Middle School staff reported via email that the Student completed an incident report and contacted the Parent after feeling disrespected by a staff member. Staff stated that the Student was distraught and explained that the interaction had triggered difficult memories related to the previous school experience. Staff noted that the Student did not provide details about what had occurred at the prior school.

44. On 01/16/2026, an email was shared with relevant staff to provide information to support the Student stating that:

    a. The Student's IEP team met to discuss the Student's transition to a new school and the supports needed to address ongoing difficulties with overwhelm, overstimulation, and communication.
    b. Team members reported that the Student could become significantly overwhelmed and was not always able to communicate or verbalize what was occurring, sometimes leaving the classroom or requesting frequent restroom breaks when experiencing distress.
    c. Staff agreed that short breaks were necessary to help the Student calm and reset and identified a designated quiet space for this purpose.
    d. The team also noted that the Student could struggle to express needs and that proactive teacher check-ins were helpful in supporting regulation and engagement.
    e. The team discussed the importance of facilitating connections with peers and staff and asked teachers to consider opportunities for connection when grouping students.
    f. The team planned to develop calming tools, and a break pass the Student could use when unable to verbalize the need for a break.

45. On 02/10/2026, the District scheduled an IEP meeting for 03/18/2026 to discuss the Student's IEP.

46. On 02/10/2026, the District sent the Parent a link to online math worksheets for the Student to complete on the days the Student was unable to attend school.

47. On 02/18/2026, the Parent emailed the District about the process to have the Student placed in a private, separate school setting.

48. On 03/04/2026, the Parent wrote to the District to confirm the plan to bring the Student to school at 2pm that afternoon, but by 1pm, the Student decided not to attend that day.

49. On 03/04/2026, the Parent contacted the District's Special Education Family Liaison to request information about the services available to support families of students receiving special education. The Parent asked for details about the liaison's role and how the liaison might assist with the Student's specific needs. The Parent stated an interest in learning how to collaborate with the liaison to support the Student's access to appropriate services.

50. On 03/14/2026, the District emailed the Parent an IEP meeting notice for the Student's 03/18/2026 annual IEP meeting with the Procedural Safeguards attached.

51. On 03/18/2026, the Student's IEP team met for their annual IEP review. The Parent explained the Student was being evaluated to determine if the Student met the profile of Persistent Drive for Autonomy ("PDA"). The group discussed that the Student could access the social-emotional skills ("SES") programming available at the Middle School. They also determined the Student would attend school on an Abbreviated Day to help address prolonged absences. The team discussed a previous Functional Behavior Assessment ("FBA") and related Behavior Support Plan ("BSP") completed in 2024 regarding externalizing behaviors. Because those behaviors did not occur during 5th and 6th grades, school staff during those years did not need to implement the BSP. The current team agreed to develop a new BSP to address the concern related to school attendance.

52. The Parent response states that the District staff reported that the Student did not access formal Social-Emotional Skills (SES) programming at the campus. Staff stated that the SES classroom was at full capacity and that the Student remained on a standard Learning Center caseload. Staff further reported that the Student was permitted to sit in the SES classroom for one period as an uncontracted arrangement, but this access did not constitute enrollment in or delivery of the SES program.

53. On 04/04/2026, the Parent provided consent for the Student's Abbreviated Day.

54. On 04/13/2026, the Parent sent the District a summary of the Student's visit with an outside licensed psychologist. The provider noted the Student's diagnosis of ASD continued to be appropriate and also noted the behavior described by the Parent is consistent with a PDA profile, which has a strong anxiety component; based on the Student's reported behaviors and struggles, it seems anxiety is a big part of the Student's difficulties. The outside psychologist reported options for addressing anxiety, including medication.

55. On 04/15/2026, the District provided the Parent with notice for an IEP meeting on 04/29/2026.

56. On 04/29/2026, The Student's IEP team reconvened to review the Abbreviated Day Plan. The team discussed that the Student had been attending school approximately half time with a reduced schedule and completing work in math and ELA. The group agreed to add one additional class to the Student's course schedule.

57. The Parent's response states that late April 2026 email threads show staff discussed the general education periods were too "challenging" and actively delayed critical schedule interventions based on staff attendance schedules, treating the Student's placement as an ad-hoc arrangement.

58. On 05/27/2026, the IEP team met to review the Student's Abbreviated Day Plan. Notice of the meeting was provided on 05/18/2026. Since the previous meeting, the Student

had attended 7 of the 18 school days. The team maintained the current schedule and the District planned to support the Student directly for the remainder of the school year. The Parent signed consent for the Abbreviated Day.

59. On 06/05/2026, the Parent and the District exchanged emails about conversations earlier in the school year and planning for the 2026-2027 school year. The Parent mentioned the transportation challenges related to the Student attending the Alternative School, and the District suggested adding transportation as a related service to the Student's IEP. The Parent had decided against the Student attending the Alternative School to maintain the social connections made at the Middle School. The Parent also explained they would like to have the Student start the new school year with a full-day schedule.

60. The District responded by email on 06/05/2026 that it would contact the Parent to discuss full day scheduling when the 2026-2027 school year started.

61. The Student's June 2026 IEP progress report noted the Student's progress was impacted by absences, but nonetheless gains were made in communication and reading goals.

62. The District reported the Student's progress in math stating, the Student had "made strides" in accessing grade-level material when the regular math teacher was present; when a long-term substitute took over the class, however, the Student had been "more discouraged." Still, the Student had improved multiplication and division skills using the iReady curriculum.

63. In writing, the District reported that the Student had engaged in some writing tasks but had not yet completed an essay. The progress report explained that, when the Student was discouraged, the Student continued to benefit from adult support in starting and sustaining focus on academic tasks. It is also noted the Student was adept at asking for help and breaks, although sometimes struggling to ask for clarification when not understanding how to start an assignment.

64. The Parent Response reports that District staff documented that the Student frequently presented as quiet, internally focused, and masked signs of distress, which led staff to believe the Student was doing well academically and socially. Despite this perception, the Student received failing marks across all core academic courses during the sixth-grade year. District documentation reflected that the Student demonstrated difficulty with interpersonal communication, social cues, and functional communication during periods of being overwhelmed or overstimulated, including episodes of non-responsiveness.

65. The Parent response to the Student's math progress states that the District assessment records showed that the Student's performance on the Measures of Academic Progress (MAP Growth) mathematics assessments consistently fell within the lowest national

percentile ranges. As a fifth-grade student in Winter 2024, the Student scored in the 2nd percentile nationally. Upon entering middle school, the Student's math performance remained at similar levels, scoring in the 3rd percentile in Fall 2024 and the 2nd percentile in Winter 2025. By the Student's seventh-grade year, the January 2026 MAP Math assessment placed the Student in the 12th percentile nationally, with performance categorized as "Low" across all assessed goal areas, including algebraic reasoning, geometric reasoning, numeric reasoning, and data analysis.

66. The Parent response states the Student state assessment deficits on the Oregon Statewide Assessment System (OSAS/SBA), showed the Student's academic deficits as the Student scored a Level 1 (Scale Score 2369) in Grade 6 Mathematics, demonstrating a "minimal ability to interpret and carry out mathematical procedures."

67. On 06/18/2026, the Parent filed this Complaint.

68. District staff at the Middle School were interviewed on 08/06/2026 reporting the following information:
    a. The District reported having a positive rapport with the Parent and described the Student as organized, studious, and social. The District stated that:
    b. The Student presented similarly to age-level peers but tended to internalize emotions and had difficulty navigating social situations.
    c. The Student enrolled at the Middle School on 01/06/2026 after the Parent reached out in 12/2025.
    d. The Student demonstrated strong initial engagement for the first three to four weeks, after which attendance concerns emerged.
    e. Due to prior absenteeism at the previous school, the District convened a meeting and placed the Student on an abbreviated school day schedule.
    f. The Student performed well with the abbreviated schedule, and the District discussed adding an additional course.
    g. The Student made growth during this period, and the Parent later requested a return to a full school day at the end of the school year.
    h. The Student had access to a BCBA at school.
    i. The District did not recall the Parent requesting evaluations until the Parent shared outside information indicating a PDA profile associated with the Student's Autism diagnosis.
    j. The District reported adding accommodations at that time and stated that this information provided a fuller picture of the Student.
    k. The District did not recall discussions regarding selective mutism or any indication that the IEP required changes beyond accommodations.

69. The Parent interview was conducted on 08/06/2026 with the following reported as relevant to the Complaint:
    a. The Student had attended the District since Kindergarten.

b. The Student was placed in a Communication Behavior (CB) classroom through fifth grade and, due to progress, was recommended for general education with IEP support as the least restrictive environment.
c. The Parent recalled the Principal expressing concerns about removing supports, but the IEP team agreed to the placement change.
d. The Parent indicated limited understanding of Autism supports at home and school and stated unfamiliarity with the IEP process, relying on the District's recommendations.
e. The Student performed well until seventh grade, when attendance concerns began.
f. The Parent noted early puberty and familiarity with adults and peers at the previous school as possible contributing factors.
g. The Parent reported difficulty determining why the Student resisted attending school and emailed the District multiple times seeking support, including requests for a smaller school setting or alternative placement.
h. The Parent stated the Student appeared to be normalizing peers but was actually mirroring behavior and internalizing emotions.
i. The Parent provided materials to the District regarding PDA supports after the District stated they did not know how to work with the Student.
j. The Parent did not recall requesting a new FBA or evaluation.
k. The Parent stated the primary concern was the need for a smaller class size and smaller setting.
l. The Parent stated that returning to a CB setting or assigning a paraeducator would not be appropriate due to social stigma, and the District reported no available middle-school programs that met the Student's needs.
m. The District informed the Parent that time was needed to observe the Student's new behaviors before recommending a change in placement.
n. The Parent stated the Student previously received specialized transportation in the CB setting but now accessed general education transportation, which seemed appropriate.
o. Transportation only became an issue when considering enrollment at the Alternative School due to distance from home.
p. The Parent stated the social-emotional classroom was not presented as an option; the Middle School's program was full, and the previous school did not have such a setting.
q. The Parent stated the IEP was appropriate, but the placement was not.
r. The Parent reported being connected with Reconnection Services but stated the available options did not meet the Student's needs.

70. District staff at the previous school were interviewed on 08/07/2026 and reported the following information.
    a. The Student did not exhibit behavior concerns at school, and there were no indicators of difficulty.

b. The District reported attendance was managed through standard tiered supports, and this was the first time the Student had attendance issues.
c. The District flagged attendance concerns and initiated outreach. The Parent indicated possible family issues contributing to absences but did not request changes to the Student's program at that time.
d. The District sent the quarterly attendance letter, and the Parent responded requesting an IEP meeting.
e. The District scheduled the meeting but stated they did not have documentation supporting changes, as no concerns had been observed at school. The District informed the Parent that the Student needed to attend school for observation.
f. The District did not consider the social-emotional classroom because the Student did not meet the percentage of IEP service time required for that placement, the BSP was appropriate, and there were no discipline or support needs indicating a more restrictive setting.
g. The District stated the Intensive Skills Class was not appropriate for the Student.
h. The District discussed an abbreviated day, which the Parent did not agree to at that time.
i. The District connected the Parent with Reconnection Services; the Parent declined alternative education options with smaller class sizes due to concerns about stigma.
j. The Student was withdrawn on 10/07/26 for 10 consecutive absences, returned, and was withdrawn again on 10/27/26 for another 10 consecutive absences, after which the Student did not return.
k. The District referred the Student to Reconnection Services. Between 10/27/26 and enrollment at the Middle School on 01/06/26, the Student attended online classes through the Charter School, and the Parent explored enrollment in the Alternative School. The Parent reported that the Alternative School was not a good fit due to lack of individualized services and transportation barriers.

IV. DISCUSSION

Child Find and Evaluation Obligations

The Complaint alleges that the District failed to meet its Child Find and evaluation obligations by not initiating or completing required evaluations, specifically not including Functional Behavioral Assessment (FBA), and by not assessing the Student's known disability-related needs such as anxiety, Selective Mutism, and indicators of Pathological Demand Avoidance (PDA), despite repeated parental notice.

Under the IDEA, school districts have an affirmative and ongoing duty to identify, locate, and evaluate all children who are suspected of having a disability and who may require special education services. This obligation, commonly referred to as Child Find, requires districts to act when they have reason to suspect that a student may have a disability and may need specially designed instruction. Federal regulations at 34 CFR §300.111 and Oregon rules at OAR

581-015-2080, 2105, and 2115 require districts to initiate evaluations within a reasonable period of time once such a suspicion arises. In addition, when conducting evaluations, districts must ensure that assessments are sufficiently comprehensive to identify all of the student's special education and related service needs, including needs associated with anxiety, communication limitations, or other social-emotional factors. 34 CFR §300.304(c)(4).

In this case, the Parents allege that the District failed to meet its Child Find and evaluation obligations by not initiating or completing required evaluations, including a Functional Behavioral Assessment (FBA), and by not assessing the Student's known disability-related needs such as anxiety, selective mutism, and indicators of Pathological Demand Avoidance (PDA), despite repeated parental notice.

The record reflects that the District was aware of the Student's communication-related needs, anxiety, and attendance concerns throughout the complaint period. The Student's IEP included communication goals addressing articulation, receptive and expressive language, and social-language skills, and the team documented that the Student was motivated to improve speech-sound production and required continued development of self-advocacy skills.

The District also considered information provided by the Parent regarding anxiety-related communication limits and masking behaviors, and staff discussed these concerns during IEP meetings. The District responded to attendance-related concerns by scheduling counselor check-ins, exploring alternative school placements, convening multiple IEP meetings, and developing an abbreviated school day plan to support the Student's return to the school environment.

The District responded to emerging concerns by encouraging the Parent to access available supports and by proposing multiple service and placement options. Staff scheduled counselor check-ins, offered additional Learning Center support, and identified quiet space and break-pass accommodations to assist with regulation and communication. As attendance concerns increased, the District explored alternative educational settings accommodating the Parent's requests, including smaller learning environments, Reconnection Services, Multiple Pathways to Graduation options, and potential transfers to other schools. These efforts were intended to identify a setting that could better support the Student's needs and reduce barriers to attendance. Ultimately, after reviewing these options, the Student enrolled in the Middle School, where the IEP team continued to address the Student's communication, social-emotional, and academic needs.

With respect to a behavioral evaluation, the record shows that the District reviewed the Student's prior FBA and Behavior Support Plan from 2024 and determined that the externalizing behaviors addressed in that assessment were no longer occurring. The Student's teams in fifth and sixth grade had not needed to implement the prior BSP, and the current team agreed to develop a new BSP focused on attendance-related concerns rather than externalizing behaviors. The District's decision not to repeat the 2024 FBA was based on the absence of the

behaviors previously assessed, and the team instead addressed the Student's current needs through attendance-focused interventions and supports.

Although the Parent provided information regarding possible PDA characteristics and anxiety-related communication limits, the record demonstrates that the District considered this information within the IEP process and responded through service adjustments, environmental supports, and ongoing team review. The evidence does not show that the District ignored parental notice or failed to act when concerns were raised. Rather, the District engaged in repeated problem-solving, convened meetings, and implemented supports aligned with the Student's identified needs.

The Department does not substantiate this allegation.

Placement

The Complaint alleges that the District failed to provide the Student with a special education placement that would allow the Student to make educational progress, failed to maintain a legally required continuum of placement options by acknowledging it did not have an appropriate autism-specific program for the Student's grade level, by not completing a crisis placement referral, and by creating transportation barriers that resulted in the Student being without access to school for an extended period.

Under the IDEA, placement decisions must be made by the IEP team and must be based on the Student's individualized needs, not on the availability of programs or district resources. Federal regulations at 34 CFR §§300.115–300.116 and Oregon rules at OAR 581-015-2245 and 2250 require districts to maintain a continuum of alternative placements and to ensure that each student's placement is determined in conformity with the least restrictive environment (LRE) requirements. Districts must also ensure that placement decisions are reviewed annually and are supported by the services and supports identified in the IEP.

In this case, the Parent alleged that the District failed to provide the Student with an appropriate special education placement, failed to maintain a legally required continuum of placement options, did not complete a crisis placement referral, and created transportation barriers that resulted in the Student being without access to school for an extended period. The record reflects that the District convened multiple IEP meetings throughout the relevant period to review the Student's needs, attendance concerns, and access to instruction. The IEP team determined that the Student's needs could be met in the general education setting with Learning Center support and later determined that an abbreviated school day was necessary to support the Student's reintegration to the school environment. The Prior Written Notice issued on 03/18/2026, documents that the IEP team reviewed available service options and agreed on the placement and schedule reflected in the IEP.

The evidence also demonstrates that the District maintained and actively explored a continuum of placement options. As the Student's attendance concerns increased, the District staff

encouraged the Parent to consider alternative settings and initiated referrals to the District's Multiple Pathways to Graduation office and Reconnection Services. Staff discussed smaller learning environments, partial-day attendance options, and potential transfers to other schools in communication and collaboration with the Parent. The District contacted prospective receiving schools, gathered information about program fit, and communicated with the Parent about available options. These efforts reflect that the District did not limit placement options based on program availability and took steps to identify settings that might better support the Student's needs.

Although the Parent ultimately determined that certain alternative programs were not appropriate, the record shows that the District continued to support the Student's access to school and encouraged the Parent to select a placement aligned with the Student's needs. After reviewing available options, the Parent enrolled the Student in the Middle School, where the IEP team continued to address the Student's communication, social-emotional, and academic needs.

With respect to transportation, the record does not support the allegation that transportation barriers impeded the District's ability to provide an appropriate placement. Transportation was discussed as a related service only when the Parent raised concerns about accessing a potential alternative school setting. The evidence shows that these concerns were related to the Parent's work schedule and logistical challenges, rather than a disability-related need requiring transportation under the Student's IEP.

The Parent ultimately declined the alternative placement and chose to maintain the Student's enrollment at the Middle School, where specialized transportation was not required for access. Because the IEP team did not determine that transportation was necessary for the Student to receive a free appropriate public education, and because transportation needs did not prevent the Student from accessing the placement offered by the District, transportation did not impede the District's ability to provide an appropriate placement.

Based on the evidence, the Department concludes that the District maintained a continuum of placement options, encouraged the Parent to consider available settings, and implemented the placement determined by the IEP team.

The Department does not substantiate this allegation

IEP Implementation

The Complaint alleges that the District failed to implement the Student's IEP by placing the Student on an abbreviated school day and not providing the required services, direct instruction, modified materials, or communication-aligned supports necessary for the Student to access learning. The Complaint further alleges that the District did not develop a written plan for returning the Student to full-time school, resulting in continued loss of instruction.

Under the IDEA, school districts must implement a student's IEP as written and ensure that all special education and related services are delivered in accordance with 34 CFR §§300.101 and 300.323 and OAR 581-015-2220. Districts are required to provide the services, supports, accommodations, and instructional access identified by the IEP team and must ensure that any changes to service delivery occur through the IEP process.

In this case, the Parent alleges that the District failed to implement the Student's IEP by placing the Student on an abbreviated school day without providing required services, direct instruction, modified materials, or communication-aligned supports. The Parents further alleges that the District did not develop a written plan to support the Student's return to full-time school, resulting in continued loss of instruction.

The record reflects that the District implemented the Student's IEP as written. The Student received speech-language services addressing articulation and expressive and receptive language needs, learning center support, small-group instruction, teacher check-ins, and access to a quiet space and break-pass system to support regulation and communication. Staff provided online math worksheets for use on days the Student did not attend school, and the Student completed work in math and ELA during periods of attendance. The Student's June 2026 progress report documented gains in communication and reading goals, indicating that instruction and services were provided when the Student attended school.

The evidence also shows that the District responded to the Student's communication and social-emotional needs by developing environmental supports, facilitating teacher check-ins, identifying calming tools, and encouraging peer and staff connections. These supports were implemented across settings and were aligned with the Student's identified needs. The record does not support the allegation that the District failed to provide communication-aligned supports or modified materials.

The record further reflects that the Student experienced significant absences during the relevant period, including periods of non-attendance while the Parent explored alternative placements, during online instruction, and following implementation of the abbreviated school day. The evidence shows that these absences were primarily related to the Student's anxiety, reluctance to attend school, and the Parent's logistical challenges in transporting the Student, rather than to any failure by the District to implement the IEP or provide access to the Student's placement. The District continued to make services available at each campus where the Student was enrolled, and staff encouraged the Parent to maintain attendance, access supports, and participate in IEP meetings to address emerging concerns.

Although the Student missed instruction during transitions between placements and during periods of online coursework, the record does not show that the District failed to provide services required by the IEP or that the District prevented the Student from accessing instruction. The District convened multiple IEP meetings, provided notice, explored alternative placements, and implemented supports intended to increase the Student's access to school.

The evidence does not indicate that the District withheld services or failed to deliver services that were available when the Student attended.

The Department does not substantiate this allegation.

IEP Content

The Complaint alleges that the District failed to include information in the Student's IEP necessary to address the Student's unique educational needs. Specifically, the Complaint asserts that the District did not include a written plan for returning the Student to full-time school, resulting in continued loss of instruction, and that the IEP lacked sufficient documentation regarding transportation services.

Under the IDEA, a student's IEP must include a clear description of the special education and related services necessary to meet the student's unique needs. Federal regulations at 34 CFR §300.320 and Oregon rules at OAR 581-015-2200 require that the IEP contain measurable annual goals, a statement of the services and supports to be provided, and any necessary accommodations, modifications, or supplementary aids.

In this case, the Parents allege that the District failed to include information in the Student's IEP necessary to address the Student's unique educational needs. Specifically, the Parent asserts that the District did not include the required written plan for returning the Student to full-time school following placement on an abbreviated day, and that the IEP lacked sufficient documentation regarding transportation services.

The record reflects that the Student's IEP included information regarding communication needs, social-emotional functioning, academic concerns, and attendance-related barriers. The IEP documented the Student's communication goals, Learning Center support, speech-language services, and environmental supports such as teacher check-ins, access to a quiet space, and calming tools. The IEP team discussed the Student's anxiety, communication limits, and masking behaviors, and incorporated supports aligned with those needs. The evidence does not show that the IEP omitted required information regarding the Student's communication, academic, or social-emotional needs.

The record shows that the District reviewed the Student's prior 2024 FBA and BSP and determined that the externalizing behaviors addressed in that assessment were no longer occurring. Throughout 2025, the Student's needs were related to anxiety, being overwhelmed, communication limits, and attendance refusal rather than behavioral escalation. These concerns did not constitute new interfering behaviors requiring a formal behavioral assessment under IDEA or OAR 581-015-2115. The District responded to emerging needs by providing environmental supports, communication accommodations, teacher check-ins, quiet-space access, and learning center services. On 03/18/2026, the IEP team considered behavioral needs and agreed to develop a new BSP focused on attendance-related concerns. The evidence does not show that the IEP team determined a new FBA was required, and IDEA does not mandate

an FBA unless the team identifies behavior that impedes learning in a manner requiring formal assessment.

Although the Student experienced missed instruction during transitions between placements, online coursework, and periods of non-attendance, the record does not show that these absences resulted from missing or inadequate IEP content. The District made services available at each campus where the Student was enrolled, and the Student's absences were related to attendance barriers rather than omissions in the IEP.

The Department does not substantiate 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 by maintaining unsafe and chronically under-resourced classroom conditions, resulting in loss of instruction, lack of adult supervision, and an educational environment that did not provide the supports necessary for the Student to access learning.

Under the IDEA, school districts must ensure that every eligible student receives a free appropriate public education (FAPE). FAPE requires that special education and related services be provided in conformity with the Student's IEP and that the Student have access to instruction designed to enable progress appropriate in light of the student's circumstances. Federal regulations at 34 CFR §300.101 and Oregon rules at OAR 581-015-2040 require districts to provide the services, supports, and educational environment necessary for the student to access learning.

In this case, the Parent alleges that the District failed to provide the Student with FAPE by maintaining unsafe and chronically under-resourced classroom conditions, resulting in loss of instruction, lack of adult supervision, and an educational environment that did not provide the supports necessary for the Student to access learning. The record does not support the allegation that the Student's educational environment was unsafe or under-supervised. The Student's IEP documented positive peer interactions, generally appropriate self-regulation, and no major behavioral incidents following the Student's placement in general education with Learning Center support. Staff reported that the Student could become overwhelmed or anxious, but the District responded by providing access to a quiet space, developing calming tools, implementing teacher check-ins, and encouraging peer and staff connections. The evidence does not show that unsafe conditions, inadequate supervision, or staffing shortages prevented the Student from accessing instruction or receiving IEP services.

The record reflects that the Student experienced significant absences during the relevant period, including periods of non-attendance while the Parent explored alternative placements, during online instruction, and following implementation of the abbreviated school day. These absences were primarily related to the Student's anxiety, reluctance to attend school, and the

Parent's logistical challenges in transporting the Student, rather than to any failure by the District to provide services or maintain appropriate classroom conditions. The District continued to make services available at each campus where the Student was enrolled, encouraged the Parent to maintain attendance, and convened multiple IEP meetings to address emerging concerns.

Although the Student missed instruction during transitions between placements and during periods of non-attendance, the record does not show that the District caused the missed services or failed to make required services available. The Student's absences were not the result of unsafe conditions, lack of supervision, or under-resourcing, but rather attendance barriers unrelated to the District's implementation of the IEP. The District provided instruction, speech-language services, Learning Center support, environmental accommodations, and academic materials when the Student attended school. The Student's progress report documented gains in communication and reading goals, indicating that the Student made progress when present.

The Department does not substantiate this allegation

V. CORRECTIVE ACTION[4]

In the Matter of Portland Public Schools
Case No. 26-054-080

Based on the facts provided, no corrective action is ordered.

Dated: this 21st Day of August 2026



Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing Date: August 21, 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

[4] 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)).

review resides. Judicial review is pursuant to the provisions of ORS § 183.484. (OAR 581-015-203