BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of	)	FINDINGS OF FACT,
Portland Public School District 1J	)	CONCLUSIONS,
	)	AND FINAL ORDER
	)	Case No. 26-054-083

I. BACKGROUND

On June 29, 2026, the Oregon Department of Education (the Department) received a written request for a special education complaint investigation from the Parents (Complainants) of a Student (Student) residing in and attending a public charter school (Charter School) located in the Portland Public School District 1J (District)[1]. The Complainants 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.[2] This timeline may be extended if the Complainants and the District agree to the extension in order to engage in mediation or local resolution or for exceptional circumstances related to the complaint.[3]

On July 13, 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 27, 2026. The District and their counsel requested an extension to provide a *Response* which the Department granted. In a meeting with the Investigator on August 5, 2026, District counsel confirmed collaborative defense work with the counsel for the Charter School. Both parties' counsel have been included in communications with the District and the Charter School.

The District and the Charter School submitted a *Response* on August 3, 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. District's Written *Response* to Complaint, 8/3/26
2. List of Selected Students including Grade, Teacher, 504 or IDEA eligibility, Progress Monitoring Classifications, undated

[1] At the time of this investigation request, Parents also filed a request for due process hearing regarding student specific issues and a systemic issue. With the exception of the systemic allegation identified in this complaint investigations, the remaining allegations are part of a current due process hearing. These allegations have been set aside and the investigation timeline paused until the conclusion of the due process proceedings. When the hearing is concluded, the Department will investigate any allegations that the hearing officer has not resolved.
[2] OAR 581-015-2030(12) and 34 CFR § 300.152(a).
[3] OAR 581-015-2030(12) and 34 CFR § 300.152(b).

3. SIT meeting minutes, various dates
4. Process for Identifying Students Who May Have Disabilities, undated (D368)
5. SIT Team Practices "Steps to ensure equity in student interventions and supports", undated
6. District Procedures Manual, 2025

Student #1

7. Cumulative records (registration, attendance, grade reports), various school years
8. Email correspondence with Parents, various dates
9. Progress Monitoring

Student #2

10. Cumulative records (registration, attendance, grade reports), various school years
11. Progress Monitoring
12. Referenced in SIT Meeting Minutes

Student #3

13. Cumulative records (registration, attendance, grade reports), various school years
14. Progress Monitoring

Student 4:

15. Cumulative records (registration, attendance, grade reports), various school years
16. Email correspondence with Parents, various dates
17. Progress Monitoring

Student #5:

18. Cumulative records (registration, attendance, grade reports), various school years
19. Progress Monitoring
20. Referenced in SIT Meeting

Student #6:

21. Cumulative records (registration, attendance, grade reports), various school years
22. Progress Monitoring
23. Special Education Records Referenced in SIT Meeting

Student #7:

24. Cumulative records (registration, attendance, grade reports), various school years
25. Special Education Records
26. Progress Monitoring

Student #8:

27. Cumulative records (registration, attendance, grade reports), various school years
28. Progress Monitoring
29. Referenced in SIT Meeting

The Complainant did not submit a *Reply* but did provide additional email information on August 20, 2026. Additionally, at the request of the Complainant, a former colleague and School employee emailed the Investigator a letter in support of the *Complaint* on August 28, 2026.

On August 12 and 18, 2026, in reply to an Investigator's email requests, the School provided the additional information regarding the student records and on September 14, 2026, in reply to the investigator's request for response to an interview question, the School provided 2025-2026 enrollment verification.

1. Individual Student Easy CBM progress monitoring detailed reports, 2025-2026 School Year
2. School enrollment verification

On August 24, 2026, the Investigator completed an interview process with three Charter School personnel selected by the Charter School based on their individual knowledge of the School's Child Find system. The School personnel returned all interview narratives and provided all supporting documentation over a period of several days from September 9 through September 14, 2026. Virtual interviews were conducted instead of on-site interviews. The Complaint Investigator reviewed and considered all of these documents, in reaching the findings of fact and conclusions of law contained in this order.

Given the nature of the systemic investigation, on August 25, 2026, the Department determined there was good cause to extend the timeline for this investigation requiring a final order be issued on or before September 28, 2026. 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 June 30, 2025 through June 29, 2026.

Allegations	**Conclusions**
Child Find The Complaint alleged that the District violated IDEA and its Child Find mandate when it failed to identify, locate, and evaluate to determine similarly situated Black students (Student Group) enrolled at the Charter School who may be or have been in need of special education referral, evaluation, services, and related services during the 2025-2026 school year. (OAR 581-015-2080; OAR 581-015-2075(1)(a); 34 CFR §300.302)	**Substantiated** While the District has developed and issued substantial compliant Child Find guidance for use by all schools within its geographic boundaries, the Charter School educational records, SIT meeting notes, and detailed staff interviews, indicate that the Charter School is neither following District guidance nor implementing its own process with fidelity. As a result, several Black students have not benefitted from the implementation of consistent and coordinated Child Find activities.

REQUESTED CORRECTIVE ACTION
1. Investigate whether both Portland Public and [Charter School] have failed their Child Find Obligation. 2. Review systemic impact on similarly situated students, specifically students from marginalized communities and backgrounds.

III. FINDINGS OF FACT

IDEA regulations limit complaint investigation to alleged violations occurring no more than one year before the Department's receipt of the special education complaint. This Complaint Investigation did not consider any IDEA violations alleged to have occurred before June 30, 2025. Any facts listed below relating to circumstances or incidents earlier than that date are included solely to provide context necessary to understand the Students' disabilities and special education histories.

In investigating this Complaint, the Investigator reviewed records of eight students enrolled in the Charter School during the 2025-2026 school year, who are identified throughout this Order as Students #1-#8.

1. The Charter School is tuition free K-8 public charter school located within the District that is sponsored by the Oregon Department of Education[4].

2. The Complaint alleged that the Charter School and District had failed in their IDEA Child Find obligations, specifically with regard to Black Students enrolled in the Charter School.

3. The Charter School provided an October 2025 Average Daily Membership (enrollment) report indicating that school enrollment for the 2025-2026 school year included at least 108 students[5].

4. In their joint response, the District and Charter School provided a list of Black Students enrolled in the School during the 2025-2026 school year. For each of the identified Students, the District and School provided cumulative records, relevant email correspondence and when relevant, SIT process notes and special education records.

5. The District and Charter School also produced the scores attained by each of the Students using easyCBM progress monitoring.
   a. EasyCBM was developed by the University of Oregon in collaboration with school districts across the United States to allow "teachers to identify students at risk of learning

[4] https://www.ode.state.or.us/data/ReportCard/Reports/InstList; *See also OAR 581-026-0600(2)(b)* (if a public charter is sponsored by the State Board of Education, the district in which the primary physical address of the public charter is located shall retain the responsibilities assigned to a district).

[5] The "Fall Membership" is a data report that represents students attending public schools and programs on the first school day of October, as derived from the 1st period cumulative average daily membership collection as determined in accordance with the most recent edition of the Oregon Student Membership Manual published by the Oregon Department of Education. OAR 581-017-0777(5)

problems"[6]. Easy CBM measures include early literacy, oral reading fluency, vocabulary and reading comprehension and include "math measures aligned with the national standards (National Council of Teachers of Math and Common Core)".[7]

b. According to the Charter School records, individual student scores are "classified" as "Low", "Medium" and "High". A "Low" classification means that a student scores at or above the 41st percentile, "meaning the student performs within or above grade level expectations". A "Medium" classification means that a student scores between the 26th and 40th percentile, "indicating the student show potential risk and may need Tier 2 interventions." A "High" classification means that a student scores at or below the 25th percentile, indicating that "the student is well below grade level and needs Intensive Tier 3 intervention"

6. The District provided a copy of their Child Find Procedure Manual. The Child Find section of the Manual totals 11 pages of hyperlinked guidance and is summarized by section below:
   a. Section 1 of the Child Find section reviews relevant state and federal statutory and regulatory guidance, explaining the District's duty to "identify, locate and evaluate all resident children who may have a disability and need special education services", "obligation to evaluate a student if it 'suspects' that a student has a disability and need special education services as a result of that disability" and "obligation to conduct a special education evaluation of a student is independent of a guardian's request for an evaluation."

      i. Section 1 also reviews the referral process, including the requirement of using an evaluation planning meeting, how to respond to a guardian's written or verbal request for an evaluation, explains the "reasonable basis to suspect" individualized determination, the procedure to respond when a team decides an evaluation is not warranted, and the process for students currently placed in out of district residential treatment facilities.

      ii. This section includes an internal hyperlink to the District's implementation of Multi-tiered Systems of Support using recommendations from school staff "after implementation of tier 1 and tier 2 interventions with fidelity for 6-8 weeks and monitor student progress every two (2) weeks (four data points) has occurred."

      iii. The Manual also directs that "interventions should be tied to the school's implementation of Multi-tiered Systems of Support", referencing the District MTSS webpage.

      iv. The Manual also includes detailed guidance regarding "triggers" including chronic absenteeism, high risk behavior, indicators of mental health distress and references the District's "Child Find Hypothesis Statement" Manual to support teams in determining how to "rule out environmental, linguistic, cultural or contextual factors as the primary reason for development, academic or social emotional concerns as well

[6] https://www.easycbm.com/about/index.html
[7] *Ibid.*

as determining whether or not a disability should be suspected based on disability indicators and special education eligibility criteria."

v. This section also indicates that "when a student has chronic absenteeism", school teams should refer such students "to the building Student Intervention Team (SIT) and intervention should be implemented and documented."

b. Section 1a provides procedures for recognizing and implementing Child Find for in and out of state students, including those students who have transferred into the District while undergoing an evaluation for special education.

c. Section 1b includes procedures for charter schools, focusing mostly on special education services for students who are already eligible for special education services.

d. Section 1c describing the District expectations for use a Student Intervention Team process, including use of Response to Intervention (RTI) strategies which the District defines as "tools to help us understand and support a student's needs, but they can never be used to delay or deny a special education evaluation when a disability is suspected." The District Manual advises that school teams follow a "bottom line" clarifying that low performance and ongoing concerns mean the school team should act quickly. The Manual also indicates that the SIT team includes Parent engagement and progress monitoring of Tier 2 and 3 interventions in all areas of concern.

7. Student #1: This Student attends the Charter School and has done so for the entirety of their school years of attendance.
   a. Cumulative records from the 2025-2026 school year evidence an 89.6% attendance rate.

   b. Student 1's registration form indicates that Parents discloses specific allergies as health diagnoses.

   c. End of school year grades indicate that Student 1 exceeded all standards' expectations in the areas of character traits (civics and citizenship) and met all standards' expectations in the area of social studies, science, writing and speaking and listening, physical education and transformational social emotional learning. They also exceeded or met all math standards with the exception of two standards in which the Student was noted as "developing".

   d. Progress Monitoring records from the 2025-2026 school year indicate the Student has consistently scored above the 50th percentile in passage fluency, between the 40th and nearly 90th percentiles in vocabulary, at or above the 40th percentile in reading proficiency, and between slightly below the 40th and approaching the 50th percentile in math proficiency. District records indicate that Student presents a low likelihood of needing interventions and scores at or above grade level expectations.

e. On or about May 11, 2026, email correspondence indicates the Student, their Parents and other grade level students were invited to participate in a restorative conversation regarding some problem behaviors identified. There is no indication in the email correspondence provided by the District that Student's behavior warranted any additional intervention other than inclusion in a group restorative conversation.

f. This Student does not appear to be referenced in the SIT team minutes disclosed by the Charter School.

8. Student #2: This Student attends the Charter School and has done so for the entirety of their school years of attendance.
   a. Cumulative records from the 2025-2026 school year evidence that the Student was absent 29 of 169 potential school days, 82.9% attendance rate.

   b. Student 2's registration form indicates that Parents did not indicate a current diagnosis of any health conditions.

   c. End of school year grades indicate that Student 2 met or exceeded all standards documented on their end of year report card with the exception of noted developing skills in "exhibiting perseverance, gathering information related to an issue or problem, sight word reading, counting, blending and segmenting consonants, recognizing and producing rhyming words, answering questions about their own writing, responding to questions to strengthen their writing, and the ability to audibly expressing thoughts and feelings clearly. In addition to positive comments on Student 2's academic and social aptitude, their teachers commented that their "cognitive understanding far exceeds [their] ability to put ideas on paper and there is a disconnect between what [they] know versus what [they] can show us".

   d. Progress Monitoring records from the 2025-2026 school year indicate that Student 2 scored at the 25th percentile in letter names in the fall screening and has scored below the 25th percentile in letter sounds, phoneme segmenting, and word reading fluency in spring assessment. Student 2 also scored above the 90th percentile in math proficiency in all three math progress monitoring assessments. District records indicate that Student presents a low likelihood of needing interventions and scores at or above grade level expectations in mathematics and is considered well below grade level is several reading skills. Their reading scores were classified as High in the spring progress monitoring, a classification that indicates they perform well below grade level and need intensive Tier 3 intervention.

   g. SIT team minutes[8] provided by the District indicate that Student 2 will "start progress monitoring in the fall, [their] teachers suspect ADHD [and Student 2] is showing high risk. There is no information regarding interventions that may have been attempted with Student 2 or the data that is being used to determine interventions are needed. Nor are behavioral data included to document the suspicion of possible ADHD diagnosis. There is

[8] This page of notes references "End of year notes" but does not indicate a meeting date.

no documentation regarding Tier 1 intervention use nor indications that Student's Parents are aware of the Student's progress being reviewed by the SIT.

9. Student #3: This Student attends the Charter School and has done so for the entirety of their school years of attendance.
   a. Student 3's registration form indicates that Parents did not include any health concerns in their Student's registration.

   b. Cumulative records from the 2025-2026 school year evidence a 95.9% attendance rate.

   c. End of school year grades indicate that Student 3 met or exceeded all standards' expectations with the exception of four standards (analysis of linear equations and evaluation and comparing functions), in which the Student was noted as "developing". Their teachers commented positively about their overall skill development, noting a need to "continue to build resilience for longer term projects and [focus on] producing [their] best work instead on [their] fastest work."

   d. Progress Monitoring records from 2025-2026 indicate the Student has scored between the 50th and 90th percentile in passage fluency, vocabulary and reading proficiency and the Student scored between the 25th and 50th percentile in math proficiency. Student's progress monitoring was classified by the Charter School as presenting a low, meaning that Student "performs within or above grade level expectations".

   e. This Student does not appear to be referenced in the SIT team minutes disclosed by the Charter School.

10. Student #4: This Student attends the Charter School and has done so for the entirety of their school years of attendance.
    a. Student 4's registration form indicates that Parents did not include any health concerns in their Student's registration.

    b. Cumulative records from the 2025-2026 school year evidence a 94.6% attendance rate.

    c. End of school year grades indicate that Student 4 met or exceeded all character, academic and transformational social emotional learning standards for their grade level. Their teachers commented that Student "has demonstrated strong academic skills across subject areas" and they "commits [themselves] fully to a task, [they are] capable of producing work of which [they] can be very proud."

    d. Progress Monitoring records from the 2025-2026 school year indicate the Student has scored at or above 90th percentile in passage fluency and vocabulary and between 50th and 9th percentile in reading proficiency. The Student also scored between the 50th and 90th percentile in math proficiency. Student's progress monitoring was classified by the Charter School as presenting a low, meaning that Student "performs within or above grade level expectations".

e. This Student does not appear to be referenced in the SIT team minutes disclosed by the Charter School.

11. Student #5: This Student attends the Charter School and has done so for the entirety of their school years of attendance.
    a. Student 5's registration form indicates that Parents did not include any health concerns in their Student's registration.

    b. Cumulative records from the 2025-2026 school year evidence a 96.4% attendance rate.

    c. End of school year grades indicate that Student 5 met all standards' expectations in the areas of character traits (civics and citizenship), academic and transformational social emotional learning with the exception of 4 standards (exhibits perseverance, gathers information related to a problem, audibly expresses thoughts, feelings and ideas clearly, and treats others with respect).

    d. Progress Monitoring records from the 2025-2026 school year indicate the Student has consistently scored at the 90th percentile in letter names and phoneme segmenting, between the 40th and 50th percentiles in letter sounds and word reading fluency, and between the 50th and 90th percentiles in math proficiency. District records indicate that Student presents a potential risk in reading and may need Tier 2 interventions.

    e. This Student was referenced in the SIT team minutes explained that they need "more support" and that their "needs for fall are to be determined" and they had been working a little bit this year with a member of the education leadership team on letter names and sounds. There is no reference to the data utilized by the team to determine what "more support" is needed or whether any interventions were attempted during this past school year. There is no SIT documentation regarding Tier 1 intervention use nor is there evidence that Student's Parents are aware of the Student's progress being reviewed by the SIT.

    f. Anecdotal records regarding this Student document multiple incidents of screaming at fellow students, knocking things on the floor, throwing and kicking classroom items, kicking rocks at peers, trying to bite and kick peers". Notes within the behavior records indicate the Student required multiple supports in and out of the classroom, required removal from the classroom and support from the school counselor spanning five incidents in January and March 2026. Student was also suspended for 1 day in response to their behavioral conduct in March of 2026. Notes from a parent and counselor meeting in mid-March, 2026 indicate the Head of Faculty explained the difference of Section 504 plans and IEPs, and that the Student's behavior was "not impacting [their] academic access and that [they] respond to rewards". The meeting notes indicate a decision to implement an informal behavior plan to reinforce positive behavioral choices and to respond to "escalated behavior". The notes do not document Student 5's response to the interventions or how data collection was taken to measure Student 5's response to the behavior plan nor was a copy of the behavior plan provided to the Investigator.

12. Student #6: This Student attends the Charter School and the 2025-2026 school year marked the Student's initial and only year of attendance at the Charter School.
    a. Student 5's registration form indicates that Parents included a medical diagnosis in their Student's registration.

    b. Cumulative records from the 2025-2026 school year evidence a 97.6% attendance rate.

    c. Special education records developed during the 2025-2026 school year indicate relevant decisions regarding Student 6's academic and functional needs:
        1. Student's IEP team met on October 6, 2025 to review and revise Student 6's IEP. The IEP indicates that Student 6 is eligible for special education and related services in the academic and functional domains of social skills, independent transition between activities, written expression, reading, communication (language development, intelligible speech and peer interactions), and that Student did not have a Behavior Intervention Plan.

        2. A November 2025 Progress Report indicates Student 6 made expected progress on their goals in social skills, writing and reading. Student made progress but was noted to possible need a change in instructional strategies regarding goals in transitions, communication (language acquisition), speech intelligibility, and peer interactions.

        3. Parent and professionals met December 4, 2025 to discuss a professional recommendation that Student have a gross motor (adaptive physical education) evaluation and on March 9, 2026, the Student's IEP team convened to review the evaluation results and add adaptive physical education SDI to the Student's IEP. The March 9, 2026 IEP revision added "additional adult support during movement/PE class to support instruction and safety" of 30 minutes a day from a special education provider or a general education teacher". The services are all identified to be provided within the general education environment.

        4. A March 2026 Progress Report indicates Student 6 made expected progress on their goals in social skills and writing. Student made progress but was noted to possible need a change in instructional strategies regarding goals in transitions, reading, communication (language acquisition), speech intelligibility, and peer interactions.

        5. Meeting Notes indicates that Parents and the IEP team met on April 2, 2026 to discuss completion of a functional behavior assessment (FBA) and shortened behavior support plan (BSP) for Student 6. There is no indication in these notes that Student is requiring one on one support.

    d. End of school year grades indicate that Student 1 exceeded all standards' expectations in the areas of character traits (civics and citizenship) and met all standards' expectations in the area of social studies, science, writing and speaking and listening, math, physical education and transformational social emotional learning with the exception of 6

standards (grade level phonics, reading fluency and comprehension, writing narratives to communicate effectively, spelling high frequency words, putting effort into their physical growth and development). Student's teachers indicated that Student 6 has "grown so much in reading and developing friendships" and notes the Student's receipt of special education services. The teacher also stated that Student 6 has "benefitted from intervention support this year, and continued collaboration between classroom instruction and intervention services with support [Student 6]'s academic growth next year."

e. Progress Monitoring records from the 2025-2026 school year indicate Student 6 has consistently scored at or below the 25th percentile in letter sounds and word reading fluency, below the 25th percentile in phoneme segmenting, and has scored between the 25th and 40th percentile in passage reading fluency. District records indicate that Student initially scored below the 25th percentile in math proficiency and by spring progress monitoring has scored above the 50th percentile. District records indicate that Student presents a medium to high likelihood of needing interventions, that they show potential risk and the need for both Tier 2 and Tier 3 interventions.

f. SIT team minutes provided by the District indicate that Student 6 is noted to have an "IEP in writing". Other notes indicate that Student 6 was assigned a "sensory room daily spot[9]", that the Student likes to "push" and needs support during morning movement. A later note indicates that Student 6 is "spending time with [the special education teacher] during morning movement" three weekdays and that Student 6 "basically has a one on one most of the day because she has team teaching" noted to prevent "pushing". Additional notes indicate that Student 6 requires "a full time para during [morning movement] because of big body movement". The SIT team appears to conclude that a conversation with parents should occur regarding "fieldwork[10]" The selection of the referenced interventions is not discussed in the SIT notes, nor is there a data summary to summarize use of interventions referenced in these notes, nor was a behavior/intervention implementation tracking document provided regarding this Student. It is unclear from the SIT notes whether Parents have been informed that Student is being monitored by the SIT.

13. Student #7: This Student attends the Charter School and has done so for several of their school years.
    a. Student 7's registration form indicates that Parents disclosed that Student has a chronic medical condition in their Student's registration.

    b. Cumulative records from the 2025-2026 school year evidence an 81.2% attendance rate.

    c. Special education records developed during the 2025-2026 school year indicate relevant decisions regarding Student 6's academic and functional needs:
        1. Student 7 was reevaluated for special education eligibility eligible for special education at the beginning of the school year and, on October 20, 2025, the Student was again

[9] This reference appears consistent with Student 6's IEP that required an accommodation of "access to breaks – movement, sensory, calming corner". **(D220)**

[10] The Charter School explains on their website that the community utilizes "place-based education" to "create a community of learner deeply involved in developing a sense of place" through fieldwork and service. https://thecottonwoodschool.org/what-is-place-based-education/

determined eligible for special education under the category of specific learning disability

2. On the same date, Student 7's IEP team completed an IEP to direct special education services in the academic areas of mathematics and written language, and the functional skills associated with executive function.

3. Student 7's November 2025 progress report indicated that insufficient time had passed to document the Student's progress at that time.

4. Student 7's March 2026 progress report indicated that that progress had been made in the Student's goals regarding written language and executive function, however, the goal may not be met, and instructional strategies may need to be changed. In the area of mathematics, the progress report indicated the Student had made sufficient progress towards meeting their annual goal.

d. End of school year grades indicate that Student 7 exceeded or met all standards' expectations in the areas of character traits, social studies, science, writing and speaking and listening, math, physical education and transformational social emotional learning, with the exception of six standards (use of mathematical/computational thinking, builds explanations and designs solutions, use of range of strategies to determine meaning of words and phrases in texts, analyzes theme, plot and character, use of variety of sentence structure, and command of capitalization and punctuation in writing) in which the Student was noted as "developing". In their comments, Student 7's teacher attributed a "bad day" to Student's 6th percentile score in reading proficiency when they had "scored a 72nd percentile earlier in the year".

e. Progress Monitoring records from the 2025-2026 school year indicate the Student has consistently scored between the 25th and 40th percentile in passage fluency, between the 50th and 90th percentiles in vocabulary, and at the 50th percentile in basic reading. Student 7 scored twice in above the 50th percentile and then scored well below the 25th percentile in reading proficiency. Student 7 also scored consistently above the 50th percentile in math proficiency. District records indicate that Student presents a low likelihood of needing interventions and scores at or above grade level expectations in mathematics and a possible risk in reading proficiency and may need Tier 2 interventions as a result of their spring reading proficiency score.

f. This Student does not appear to be referenced in the SIT team minutes disclosed by the Charter School.

14. <u>Student #8:</u> This Student attends the Charter School and have done so for a single year of their school years.

a. Student 8's registration form indicates that Parents identified allergy related health concerns in their Student's registration.

b. Cumulative records from the 2025-2026 school year evidence a 64.5% attendance rate.

c. End of school year grades indicate that Student 8 met or exceeded all standards' expectations in the areas of character traits, social studies, science, writing and speaking and listening, mathematics, physical education and transformational social emotional learning with the exception of 12 standards (engagement in learning, careful observation and answers about the natural world, asks and answers questions about key details in a text, writing opinion pieces, revising and editing and writing multiple sentences independently, use of capitalization, spelling and grammar, telling time skills, and recognizing shapes) in which the Student was noted as "developing". Student 8's teacher commented that the Student loves math, is a capable reader and is resistant to writing activities. The teacher also commented that "task initiation/staying on task seemed difficult for [Student] at times."

d. Progress Monitoring records from the 2025-2026 school year indicate the Student has consistently scored between 40th and 50th percentiles in passage fluency, between the 40th and nearly 90th percentiles in vocabulary, below the 25th percentile to above the 50th percentile in reading proficiency. The Student scored substantially below the 25th percentile in basic math and consistently at the 50th percentile in math proficiency. District records indicate that Student presents a low likelihood of needing interventions in mathematics and demonstrates the possible risk in reading.

e. SIT team minutes provided by the District include references to Student 8. In May, the SIT Team notes that Student is getting recommended for speech and maybe occupational therapy, "is doing [their] best with 1 on 1 supports [and] is struggling with attendance, it has gone up and down". The Student is reported to be "crashing out, shaking and crying and yelling". Without a date next to additional notes that appear to recommend interventions, it is unclear from the meeting notes whether interventions were selected and implemented (regarding attendance, motor issues or language concerns) or tracked through a discrete implementation period. The SIT notes do not indicate Student's parents have been informed of the involvement of SIT with this Student.

15. In their interview, Complainant described their concern with the School's Child Find process:
    a. Their concern focused on "how consistently and thoroughly [the SIT process] is implemented and documented and whether the people responsible for carrying it out have enough training and background to recognize when an intervention is not working and needs to be changed, intensified or reconsidered."

    b. Additionally, the Complainant was concerned that "whether documentation is detailed enough to establish what intervention was actually provided" The Complainant indicates that, in their professional opinion, SIT process records should document "the specific skill being targeted, the intervention or instructional approach used, how often and for how long it was scheduled, how often it was actually delivered, and how the student responded."

c. The Complainant also questioned "whether missed intervention sessions are consistently documented, including the reason they were missed, such as staffing issues, fieldwork, student illness or absence, scheduling conflicts, or another reasons and whether missed sessions are made up."

d. The Complainant added that they were "concerned about whether the intervention being provided actually aligns with the student's area of difficulty and whether it is adjusted when the student remains stagnant, regresses, or additional information shows that a different approach may be needed".

e. The Complainant described "an ongoing tension around academic standards and [the School]'s place-based education model" and their recollection as an employee of the School that "a student may appear to be doing well within the school setting while still developing significant gaps that do not become apparent until later grades or until they enter a different educational setting."

f. The Complainant shared student specific information supporting their conclusions and additional concerns that the School does not take sufficient steps to assist families to understand "easyCBM data" and "they may not know when their child is below benchmark, remaining stagnant, or regressing, and may not know when to ask additional questions about the support their child is receiving."

g. The Complainant is "especially concerned about whether Black families were consistently given enough information to understand when their child was below benchmark" and they recalled seven fellow employees who had "also expressed concern over time that [the School] was not serving its Black students well [and] we are failing our Black students". The Complainant explained that "if Black students were experiencing disproportionate concerns involving academics, attendance, behavior or discipline [and they] believed those patterns should be part of conversations about the support students were receiving and whether there were additional needs that should be examined."

16. In support of their allegations the Complainant referenced two publicly available Department Reports in support of their concerns:
    a. The Oregon School Profile (2024-2025)[11] specific to the Charter School, documents a student enrollment of 166 students spanning grades K-8. Student demographics indicated that Black/African American student enrollment comprised 4% of the total school enrollment, compared to 16% Multi-Racial, 17% Hispanic/Latino, 1% Native Hawaiian/Pacific Islander and 58% White students. Students with Disabilities comprised 23% of the students enrolled in the school.

    b. The Oregon 2024-2025 Accountability Details Reports, November 2025 regarding the Charter School is designed to display "data for indicators used to identify schools for

[11] At the time the complaint was filed by Complainant, the 2025-2026 school data reports had not been made publicly available by the Department.

comprehensive or targeted supports as required by Oregon's State Plan under the Every Student Succeeds Act (ESSA). This Report indicates:

(1) In the area of ELA Achievement (English Language Arts state assessment scores) the category of "All Students" was identified as a Level 4 of a possible 5 levels, despite a 2 level decrease, while the category of "Black/African American Students" was identified as Level 2 of 5, with no significant increase or decrease from the prior year.

(2) In the area of Math Achievement (Math state assessment scores), the category of "All Students" was identified as a Level 3 of a possible 5 levels, with no significant increase or decrease from the prior year, while the category of "Black/African American Students" was Level 2 of 5, showing an increase from the prior year.

(3) In the Report section titled ELA Academic Achievement Details, the Department's "cut score" of 80% represents the highest ELA achievement level. The "All Student" three year average was 64.2%, and the 2024-2025 percentage was 61.2. By comparison, the "Black/African American Students" three year average was 26.1%, and the percentage was too low to be reported for the 2024-2025 school year.

(4) In the Report section titled "Math Academic Achievement Details", the Department's "cut score" of 80% represents the highest ELA achievement level. The "All Student" three year average was 39.4%, and the 2024-2025 percentage was 49.1. By comparison, the "Black/African American Students" three year average was 9.1%, and the percentage was too low to be reported for the 2024-2025 school year.

17. In support of the Complainant concerns, a former Charter School professional also shared their concerns via an email to the Investigator:
    a. The professional indicates they were specifically hired by the Charter School for their "expertise in educational equity, classroom management, and instruction" and explained their overall conclusion that the "school's emphasis on place-based education was not being integrated with a coherent academic program" and that school "consistently prioritized place-based projects over core instruction in reading, writing and mathematics."

    b. In their professional opinion, the School's "BIPOC [Black, Indigenous and People of Color] students were disproportionately affected by the lack of structured and grade level academic support". The professional provided examples of re-sequencing science standards based on thematic progression, middle school students did not receive instruction in the full writing process and curricular recommendations presented by this professional had initially been welcomed and then paused by administration, a decision that "left new teachers without tools or guidance necessary to deliver core instruction".

c. The professional concluded that the "students most harmed by this imbalance are those who rely on the school to provide equitable access to grade level standards, particularly students of color and those without access to outside tutoring."

18. In their interview the Charter School's Executive Director explained that their role includes "financial and administrative oversight of school policies, procedures and compliance".
    a. In their role, the Executive Director has "administrative oversight of the staff and procedures related to Child Find by supporting the staff responsible for these processes, [and] staying information about significant student concerns." They explained the Easy CBM is used as a progress-monitoring tool in reading and math [and] occurs at least three times per year; results help identify students performing below expected benchmark and monitor student growth and response to intervention. In support of the use of Easy CBM, the Executive Director provided copies of the School's Literacy Plan and a Summary of a Program Review[12] in support of the use of this progress monitoring tool.

    b. This professional indicated that "full Easy CBM report" is not sent to every family, but the percentile is included in progress reports".

    c. When asked about an undated document titled "*Process for Identifying Students Who May Have Disabilities",* confirmed that they authored this document in June of 2026 and has not been shared with staff.
        i. This document indicates that the Charter School maintains a "comprehensive, ongoing Child Find process to identify students who may have disabilities and require special education".

        ii. The document indicates universal academic screening in math and reading at least three times a year, review of social-emotional and behavioral screening data "when available" and the "analysis of screening results to identify students performing below expected benchmarks".

        iii. This document indicates that the SIT will meet regularly to "review student concerns, analyze multiple sources of data, recommend interventions or additional supports, monitor student progress and determine whether a referral for a special education evaluation should be considered." The document clarifies that "multiple sources of data" include "universal screening results, classroom assessments, progress monitoring data, progress reports, attendance records, behavioral data, state assessment results, work samples/portfolios, parent input, teacher observations and medical or outside evaluations provided by the family."

        iv. The document clarifies that "any school staff member who has reason to suspect that a student may have a disability may bring the concern to the SIT".

[12] The Executive Director also provided multiple documents related to a grant application from a school year prior to the one relevant to this investigation. These documents were reviewed but not included as potential facts as the time period lays outside the timeline for this investigation.

d. The Executive Director provided copies of intervention samples including a special education referral sample email, a form letter indicating "signs of dyslexia", and an ELL {English Language Learner] plan in addition to universal supports of a climate plan, use of "Responsive Classroom" and spring conference expectations.

e. In responding to questions about behavior progress monitoring mentioned in this document, the Executive Director responded that "when a behavioral concern is identified, staff work collaboratively with our student support team and [District] special education staff to identify what information should be collected [and] staff may track the identified behavior across different times and settings using observation notes, frequency counts or other appropriate measures to help inform next steps."

f. The Executive Director responded that the Charter School "does not publish or send families general information about Child Find nor does the Charter School follow the District special education procedures in their 'entirety'". The Executive Director indicated that, upon advice from one professional, "we should not refer for evaluation our struggling readers until the middle of 2nd grade, [however] we confer with the family…monitor progress and provide interventions".

g. With regard to an alleged discrepancy between the progress rate of Black students compared with their grade level peers, the Executive Director responded, "I do not believe we have enough data to reliably determine" a response, however, they confirmed that "in previous years, staff and administration have discussed disparities in outcomes for Black students, and those concerns have contributed to our ongoing equity work and student supports".

h. The Executive Director confirmed that the two ODE Reports noted by Parent "were not formally reviewed" during the 2025-2026 school year.

19. In their interview, the School's Director of Faculty (Faculty Director) explained that they "track student academic data and ensure progress monitoring data is used to inform classroom lessons and interventions [and they] work closely with any interventionists (reading and math) to determine support that students need based on data collected."
    a. This administrator provided a back to school training indicating that "Child Find and the IEP process were defined" but did not provide any training materials to document how the information was presented to school.

    b. The Faculty Director explained the use and interpretation of the Easy CBM.

       The Faculty Director provided additional materials on MTSS interventions embedded in the Community Plan, as well as the use of parent teacher conference meetings to discuss any student specific concerns.

    c. The Faculty Director indicated that the Charter School "does not follow the District special education manual or refer to it during SIT meetings and referrals" but does use the SIT

meeting process to "determine student interventions based on academic data collected or observations made [and then] determine how to track 6 weeks of data on the specific intervention."

d. They also explained that the Charter School interventions are not aligned with the District MTSS website, and they "use a wider scope to identify interventions that works for students based on race, background culture, disability, what is age appropriate". They provided copies of the blank tools the SIT uses to guide interventions (observation tool, equity tool, mistaken goals chart, positive discipline and student interview questions". They also provided student and parent survey samples.

e. The administrator provided copies of 14 pages of SIT team notes covering a group of students spanning grades 4-8. The notes document the conclusions of team members, including examples of "went from high risk to some risk, also attendance concerns, doing better with [Check In Check Out intervention], teacher will start collecting data, decrease in meltdowns, unpredictable responses, continue to monitor". The notes provided include students who are not identified as Black students. The notes do not clearly document the use of the process described in the District or Charter School SIT Process documents, specifically, there was no evidence that staff are tracking the identified behavior across different times and settings using observation notes, frequency counts or other appropriate measures to help inform next steps.

f. The Faculty Director provided a duplicate of anecdotal notes and emails with parents regarding use of a restorative practice as examples of interventions.

20. In their interview the School Counselor (Counselor) explained that their role includes supporting students to "access learning at school through social/emotional support, whole class lessons, small groups and academic support". They act as the SIT lead, "working closely with teachers, interventionists, families, students and special education team".
    a. The Counselor distinguished student support meetings in which teacher discuss their "class list and any needs their students have" and stated that these are included in the SIT notes.

    b. The Counselor explained that the Charter School uses the District SIT handbook and that "our interventions can look different than [the District handbook] since our school is more experiential and we are in the field." They indicated that reading interventions are selected by the Charter School specialist, and "for math teachers do small group intervention" and for behavior or other concerns, "we brainstorm as a SIT team and with the family to identify unmet needs, functions of behaviors and mistaken goals". They noted also that response classroom and positive discipline approaches are used.

    c. The Counselor indicated that teachers document interventions in a "google doc" but no documentation of academic or behavior interventions was provided. The Counselor did provide a data collection google doc on attendance issues. The information included the

absence rate for 11 students, however the "plan made and plan notes" columns were blank.

d. The Counselor indicated parent rights are provided to parents/guardians when the team discusses the evaluation process and "families can request an evaluation for…an IEP if they choose".

21. All three Charter School personnel provided copies of a "SIT Team Process" document that focuses on support for behavioral or academic concerns. The first step is completion of the "Ongoing Behavior Concern form", the next step occurs if the behavior persists after two weeks of data collection and involves adding the student to the SIT meeting schedule. The third step involves bringing data collection and notes from Tier 1 tools to review during discussion. The fourth step involves SIT members completing classroom and observations to support implementing Tier 2 interventions and the final step involves review of data, discussion of next steps and Tier 2 interventions as well as "coaching teachers and other support staff in utilizing accommodations". There is no reference to review of a student's response to interventions, when to discuss concerns with parents/guardians, Tier 3 interventions or special education referral.[13]

IV. DISCUSSION

Child Find

The Complainant alleged that the Charter School is not implementing a cohesive SIT process in which data is utilized to determine which interventions are required and in which the SIT systematically reviews data collected to determine whether the interventions are working or whether additional interventions and/or a special education evaluation are needed. The Complainant also states detailed concerns of insufficient communication with Parents about the Child Find process. The Complainant also referenced two ODE ESSA reports that indicate that Black students attending the Charter School may be performing lower on state assessments than other student groups. Given the limited purpose of these reports, they were considered by the Department but determined to have low probative value with regard the issue of Child Find.

School districts must identify, locate, and evaluate **all** children with disabilities for whom they are responsible. Districts must ensure this responsibility is carried out no matter the severity of the disability, and for all children who need early intervention, early childhood special education, or special education services. This requirement includes all children who are suspected of having a disability even though they are advancing from grade to grade.[14] A district may not take a passive approach and wait for others to refer the student for special education services; the district must seek out IDEA-eligible students.[15] In Oregon, school districts are responsible for child find and all

[13] When this document was provided, the Charter School interviewees all indicated that an original SIT team process document provided in the Response was outdated and should not have been provided. The prior document was not considered for review based on these responses.
[14] 34 C.F.R. § 300.111, OAR 581-015-2080(2)
[15] *Compton Unified Sch. Dist. v. Addison*, 54 IDELR 71 (9th Cir. 2010), *cert. denied,* 112 LRP 1321, 132 S. Ct. 996 (2012)

other special education regulatory requirements for public charter school students who reside within and attend schools within the district's geographic boundaries. [16]

Child Find activities are anticipated to include organized initiatives, i.e. public awareness campaigns to target parents and community providers so they are aware of evaluation opportunities.[17] Nor can a District engage in a practice to discourage the initiation of an evaluation.[18] In its interpretation of a district's Child Find obligation, the 9th Circuit Court of Appeals clarified that a district's obligation to refer an individual students is triggered when the district has knowledge of or a reason to suspect the student has a disability, and that the Court has defined a district's threshold for suspicion "is relatively low."[19]

In this matter the Charter School Executive Director describes the Charter School Child Find process as consistent and ongoing. The Charter School witnesses assert they have a SIT process that is consistent and compliant with Child Find mandates. The Charter School has demonstrated it uses Easy CBM as a universal screening mechanism for student progress in reading and math. The Charter School has also provided evidence of universal supports that would be available to Black students, but the totality of their SIT records do not include a set of evidence based Tier 2 and 3 interventions[20] identified to address individual student academic or adaptive needs. This concern is also highlighted by statements from Charter School witnesses that their staff do not utilize the evidence based interventions included by reference in the District Child Find Manual and MTSS materials.

This Order looks at the both the process **and** its impact on 8 of 108 students who attended the Charter School during the 2025-2026 school year, a group representing 7.4 percent of the total school enrollment.

1. The District Child Find manual includes provisions to support a referral process, explains the "reasonable basis for suspicion" standard, and a SIT process connected to the MTSS interventions likely to support student response or assist teams to determine a referral is warranted.

2. In contrast, interview responses indicate varied and inconsistent staff perceptions of the degree to which the Charter School is following the District guidance. Moreover, the Charter School team, with administrative approval, continues to follow the guidance of a single professional to "not refer a student with possible reading needs" until a particular time in the 2nd grade, a process antithetical to a District's individualized process to support each student's needs[21]. Additionally, the Charter School does not employ a

[16] OAR 581-026-0600(2)(b)
[17] *Return to School Roadmap: Child Find under Part B of the Individuals with Disabilities Education Act,* (OSERS 2021)
[18] *Hood River County School District v. Student,* 79 IDELR 40 (D.OR 2021)
[19] *Department of Educ. State of Hawaii v. Cari Rae S.* (D. Hawaii 2001) 35 IDELR 90; *Timothy O. v. Paso Robles Unif. Sch. Dist.* (9th Cir. 2016) 67 IDELR 227).
[20] *Return to School Roadmap: Child Find under Part B of the Individuals with Disabilities Education Act,* (OSERS 2021) (MTSS is anticipated to be comprehensive continuum of evidence based, systematic practices to support a rapid response to students' needs with regular observation to facilitate data based instruction decisions making).
[21] See *Return to School Roadmap: Child Find under Part B of the Individuals with Disabilities Education Act,* (OSERS 2021) (The implementation of MTSS strategies cannot be used to delay or deny the provision of a full and individual initial evaluation)

parent notification system to advise Parents regarding Child Find and the opportunity to refer their children for evaluation.

3. Records of Students 1, 3, and 4 indicate that these students did not require SIT review or intervention. Their records indicate an adequate attendance rate, progress monitoring and grade reports indicate academic and social performance at or above expectation and while there are emails regarding a behavioral incident, there was no indication interventions were needed.

4. Additionally, records for Student 7 indicate that they have a lower attendance rate than peers, were identified as eligible for special education services, have made sufficient progress on their math goal but may need the IEP team to consider different instructional strategies for their written language and executive function goals. Although already "found", Student 7 was not referred to the SIT to address an 81% attendance rate.

5. Other student records indicate that they have been discussed by the SIT, but the records indicate that the Charter School is not implementing a consistent, systematic implementation of a SIT team process consistent with IDEA or the District manual with regard to these Students.
    a. Student 2 has a lower attendance rate than their peers in the selected group, the progress monitoring records indicate a need for Tier 3 intervention in reading and that conclusion appears consistent with grade reports. Student 2 is referenced in SIT notes, but there is no information regarding interventions that may have been attempted with Student 2 or the data that being used to determine interventions are needed. Nor are behavioral data included to document the suspicion of possible ADHD diagnosis. Student 2's reading scores, behavior concerns and a lack of documented interventions evidence a reasonable suspicion of a possible disability, sufficient to trigger the District and Charter School's Child Find obligations and yet no referral is documented.

    b. Student 5 has an attendance rate commiserate with their peers, their grade report indicates near or on grade level work, however, progress monitoring records indicate a potential risk in reading and that they may need Tier 2 interventions. Anecdotal SIT records indicate significant behavior concerns, however, there is no SIT documentation using the behavior tracking examples provided by the Charter School interviewees, nor are there clear SIT records of what interventions were utilized for the Charter School personnel to advise parents that the Student was responding to a "rewards" system. SIT meeting notes document the existence of an informal behavior plan; the notes do not document Student 5's response to the interventions or how data collection was taken to measure Student 5's response to the behavior plan nor was a copy of the behavior plan provided to the Investigator. In sum, Student's records (repeated behavior incidents, suspension and implementation of a behavior support plan) created a reasonable basis to require referral of this student for special education evaluation.

c. Student 6 has an attendance rate commiserate with their peers, and this Student has current eligibility for special education and related services in the academic and functional domains of social skills, independent transition between activities, written expression, reading, communication (language development, intelligible speech and peer interactions). Although their IEP progress report documents expected progress in some of their goals, SIT meeting notes reference a need for more significant support (1:1 most of the day and the need for a full time paraprofessional), exceeding the services and support directed by their IEP. SIT meeting notes do not include a data summary to support any of the interventions referenced in these notes, nor was a behavior tracking document provided regarding Student 6. While the Child Find obligation to refer has been triggered by these professional recommendations, there is no indication that this Student has been referred for additional evaluation to address the concerns noted and recommendations of SIT members.

d. Student 8's records demonstrate a significant attendance concern, with an attendance rate of 64.5%, their grade report indicates they are "developing" grade level skills in 12 different standards. Progress monitoring records indicate that Student 8 demonstrates the possible risk in reading. The SIT notes indicate a future referral for OT and speech, a struggle with attendance and behavioral concerns but the notes are unclear regarding interventions attempted, utilized and reviewed for their efficacy to support the team recommendations included in the SIT notes. Here the Student's attendance, functional and academic concerns have been identified and yet, there is insufficient information documenting the interventions attempted and how or why the SIT decided to delay a referral for this Student.

While the scope of this investigation was limited to a 7% of the students enrolled at one charter school within a large school district, 5 of 8 student files reviewed indicate that Child Find process at that school does not comply with federal and state requirements. Staff interviews indicate that the Charter School disregards the District Child Find guidance and is not even implementing their own Child Find with fidelity. Thus, the Department substantiates this allegation.

V. CORRECTIVE ACTION

In the Matter of Portland Public School District 1J
Case No. 26-054-083

Action Required	**Submissions**	**Due Date**
1. The Charter School must develop and distribute a Parent/Community Child Find Notice describing the Child Find process	Copy of Parent/Community Notice to ODE for review/approval.	**October 30, 2026**

for parents and guardians of students enrolled in the 2026-2027 school year.	Proof of dissemination of approved Notice.	**December 1, 2026**
2. The District must review currently enrolled students with documented academic, attendance, communication, or behavioral concerns to determine whether Child Find referrals or evaluations are warranted.	Copy of District Analysis and student specific next steps to ODE for review/approval. Proof of completion of student specific next steps to ODE.	**October 30, 2026** **January 19, 2027**
3. The Charter School and District must study convene a team of parents and staff to review the findings of this Investigation, and thereafter, collaboratively develop a Child Find and SIT process compliant with IDEA. Once the new process is approved by the Department, the District and Charter School shall complete a staff training regarding implementation of the new process.	Copy of Root Cause Analysis Report and Recommendations Copy of draft Child Find Plan to ODE for approval Training documents on ODE-approved Child Find process and sign-in sheets for completed training Reports documenting implementation of revised Child Find process	**December 11, 2026** **January 19, 2027** **February 5, 2027** **March 19, 2027, April 30, 2027 and June 11, 2027**

Dated: this 28th Day of September 2026

Ramonda Olaleye

Ramonda Olaleye
Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing Date: September 28, 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 ORS § 183.484. (OAR 581-015-2030 (14). A party may request reconsideration by the Superintendent within 60 days after the date of the Order pursuant to OAR 137-004-0080 and OAR 581-015-2030(14)(b). A request for reconsideration does not stay this Order, and corrective action must begin according to the timelines stated herein. OAR 581-015-2030(14)(c).