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. 26-054-090

I. BACKGROUND

On July 24, 2026, the Oregon Department of Education (the Department) received a written request for a special education complaint investigation from the Parents (Parents) of a student (Student) residing in the Portland Public School District 1J (District). The Parents requested that the Department conduct a special education investigation under OAR 581-015-2030. The Department confirmed receipt of this Complaint and forwarded the request to the District.

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

On August 4, 2026, the Department's Complaint Investigator sent a *Request for Response (RFR)* to the District and the ESD identifying the specific allegations in the Complaint to be investigated and establishing a *Response* due date of August 17, 2026.

The District submitted a *Response* on August 6, 2026 to Parents. The *Response* stated:

> "The District has carefully reviewed the allegations and, while it does not agree with them, has decided not to contest the allegations described in the complaint. Instead, the District proposes several corrective actions it believes will address the Parents' concerns raised in the complaint and move the parties forward in a collaborative manner to support [the Student] at school."

The District submitted the following relevant items:

1. District's Written *Response* to Complaint, 8/6/26
2. IEP, 10/22/25
3. Meeting Notes, 10/22/25
4. Progress Reports,1/26/26, 6/5/26

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

5. IEP Revision, 3/16/26
6. Meeting Notes, 3/16/26

On August 5, and 17, 2026, at the request of the Investigator, the Parents provided copies of the exhibits referenced in the Complaint and two cumulative records:

1. Parent's Complaint Exhibits, various dates
2. Ninth grade transcript, undated
3. Tenth grade course schedule, undated

The Complaint Investigator discussed the nature of content of the District's proposed corrective action with the Parents on August 17, 2026. The Complaint Investigator reviewed and considered all of these documents in reaching the findings of fact and conclusions of law contained in this order. This order is timely.

II. ALLEGATIONS AND CONCLUSIONS

The Department has jurisdiction to resolve this Complaint under 34 CFR §§ 300.151-153 and OAR 581-015-2030. The Complainant's allegations and the Department's conclusions are set out in the chart below. The conclusions are based on the Findings of Fact in Section III and the Discussion in Section IV. This Complaint covers the one-year period from July 25, 2025, to the filing of this Complaint on July 24, 2026.

Allegations	**Conclusions**
When An IEP Must Be In Effect The Complaint alleged that the Districts violated the IDEA by not providing special education and related services in accordance with the Student's IEP. This included failing to implement the Student's IEP goals, accommodations, specially designed instruction, and timely and accurate progress reporting.[3] (OAR 581-015-2220; 34 CFR §300.323)	**Not Contested** The District does not contest this allegation.
Review and Revision of the IEP The Complaint alleged that the District violated the IDEA when it failed to complete an IEP review when Student did	**Not Contested** The District does not contest this allegation.

[3] In speaking with ODE regarding the complaint filed, the Parents confirmed that, upon receipt of records from the District, they are not confining their complaint to only math SDI.

not make the progress anticipated by their IEP and when the Parents requested the Student's IEP team convene to discussion possible revision. (OAR 581-015-2225(1); 34 CFR §300.324)	
Prior Written Notice The Complaint alleged that the District violated the IDEA by not providing the Parents with prior written notice (PWN) within a reasonable period of time before the District proposed or refused to initiate or change the identification, evaluation, educational placement, of provision of a free appropriate public education to the Student. This included the failure to provide PWN in response to the Parents' requests to convene the IEP team to discuss progress and possibly revise the Student's IEP. (OAR 581-015-2310; 34 CFR §300.503)	**Not Contested** The District does not contest this allegation.

REQUESTED CORRECTIVE ACTION

The Parents requested that the Department order the District to take the following corrective action:

1. Finding of noncompliance: Find that the District failed to ensure implementation of the Student's IEP in Math, failed to monitor and respond appropriately to lack of progress, and failed to provide required prior written notice concerning the IEP/FAPE-related refusal described above.
2. Individualized compensatory-education determination: Require the District to calculate compensatory Math instruction based on missed or unverified SDI, accommodation failures, lost educational benefit, and the Student's current skill gaps - not solely a preset 30 minutes per week. The amount and form should be determined through an individualized process that includes us and a qualified provider. Services should be available outside the regular school day if we prefer, at no cost, with reasonable transportation or access support, and remain available until used.
3. Immediate grade and transcript review: Require a district-level or otherwise impartial review of all 2025-2026 Math grades, assessments, standards, retakes, grade calculations, and any work or assessments completed during Saturday school, with us given the records and a meaningful opportunity to participate before a final decision. Correct any Math grade affected by failure to implement accommodations/SDI, missing or mishandled retakes, uncredited Saturday-school work, or unreliable grading documentation. Complete the review before the 2026-2027 school year begins, if practicable, and promptly correct the transcript and GPA.
4. Review of Physics and other affected core classes: Because the same IEP applied across classes and the Student also failed Physics, require the District to determine whether similar

implementation, Saturday-school, retake, grading, and progress-monitoring failures occurred in Physics or another core/content class[es] and correct resulting academic harm.

5. Prompt IEP meeting and revised implementation plan: Convene the IEP team before the school year begins, or at the earliest possible date, with the Student, both Parents, an administrator with authority, their case manager, their Math teacher, their Physics teacher as appropriate, appropriate general-education teachers, and a district special-education representative. Revise the IEP to state clear, observable implementation steps; who is responsible; how proactive prompting/check-ins will occur; how extended time and alternate testing will be arranged; how Math SDI will be scheduled; and what happens when the Student does not independently request a support because of ADHD/executive-functioning needs.
6. Experienced, trained personnel: Ensure that the staff assigned to implement and oversee the Student's IEP are appropriately licensed, trained, and experienced enough to carry out the plan. Require the District to meaningfully consider our request for an experienced Math teacher and case manager/IEP lead and to provide written notice explaining any refusal.
7. Frequent service and accommodation logs: Require contemporaneous student-specific logs identifying the date, class, service/accommodation, responsible staff member, whether it was delivered or declined, and follow-up. Provide the Parents monthly copies, not only generalized quarterly statements.
8. Progress-monitoring and communication with us: Require objective baseline data, measurable Math goals, a written progress-monitoring method, regular data review, and prompt notice to us when progress is not on track. Communication about retakes, make-up work, or Saturday-school interventions must identify the assessment or assignment, the date offered and completed, the score or result, and the effect on the course grade.
9. Prior written notice: Require the District to issue legally sufficient prior written notice for the class/placement/support refusal, including the action refused, reasons, records relied on, other options considered, and reasons rejected.
10. Staff training and compliance review: Require appropriate staff training on individualized IEP implementation, active delivery of accommodations to students with ADHD/executive-functioning needs, documentation, progress monitoring, our right to participate, and prior written notice. Require district verification that the corrective measures were completed.
11. No retaliation or reduction of services: Ensure that our filing of this complaint does not delay, reduce, or condition any current or proposed support and that accepting interim services does not waive the Student's claims or our right to seek adequate compensatory relief.

The District proposed that the Department order the District to take the following corrective action:

1. Compensatory Services: The IEP in effect during the complaint period describes 30 minutes per week of specially designed instruction ("SDI") in math. The District proposes to provide the Student an additional 30 minutes per week of SDI in math SDI for the 2026-2027 school year. The Student's current IEP states the math SDI will be provided in the general education setting; as such, the District proposes to deliver this additional 30 minutes per week also in the general education setting.

2. IEP Meeting: The District proposes to convene the Student's IEP team no later than September 15, 2026, to conduct the Student's annual IEP review. The team will also carefully review the listed accommodations and discuss what accommodations the Student can and will access for support in core content classes.
3. Administrative Review of Math Grades from 2025-2026: A building administrator at Cleveland High School will review all of the Student's math grades for the 2025-2026 school year and propose a correction or recovery plan no later than August 15, 2026.
4. Service Log: For the 2026-2027 School year, the school will provide the Parents a service log with each IEP progress report for the quarter's services, reflecting both the compensatory services and the IEP mandated services.

III. FINDINGS OF FACT

1. During the 2025-2026 school year, the Student attended the ninth grade at a District high school.

2. The Student is currently fifteen years old and entering the tenth grade at a District high school program.

3. The Student is currently eligible for special education services under the three disability categories of specific learning disability (SLD), speech or language impairment (SLI) and other health impairment (OHI).

4. The Parents alleged that the District (1) "failed to implement the Student's IEP goals, accommodation, specially designed instruction, and timely and accurate progress reporting"; (2) "failed to complete an IEP review when Student did not make progress anticipated by their IEP and when the Parents requested the Student's IEP team convene to discussion possible revision" and (3) violated the IDEA by not providing the Parents with prior written notice "in response to the Parents' requests to convene the IEP team to discuss progress and possibly revise the Student's IEP".

5. The Student's October 22, 2025 IEP included:
   a. Goals in mathematics, self-advocacy, and written expression requiring quarterly written progress;

   b. Specially designed instruction of 30 minutes weekly in writing, 15 minutes weekly in self-advocacy and 30 minutes weekly in mathematics;

   c. Communication related services from a speech and language pathologist of 150 minutes quarterly; and

   d. Multiple accommodations to be provided by both special education and general education providers.

e. A placement limited to 12% removal from the general education setting. All SDI in written expression and mathematics were to be implemented in the general education setting, and the Student was to be removed only for speech and language related services.

6. A progress report issued to Parents in January of 2026 that:
   a. Compared to a baseline of 50% proficiency with the Student's mathematical goal, they were noted to be "approximately 70% accuracy based on recent in-class assessments";

   b. Compared to a baseline of "2 of 5", the Student remained at "2 of 5" in attaining their self-advocacy goal;

   c. Compared to a baseline of 3 of 5 proficiency with the Student's written expression goal, the January progress report does not indicate a numeric level of proficiency; and

   d. For all three goals, the District indicated that the Student's progress was coded as "3", explained by the District legend as "[p]rogress has been made towards the goal, but the goal may not be met [and] instructional strategies may need to be changed."

7. Student's Semester 1 transcript documents their end of semester grades that included A's in Art and Academic Skills, B's in English 1 and Modern World History, a C in Lifetime Fitness, a D in Algebra 1, a Pass in Mandarin Chinese Immersion and an F in Physics - NGSS[4].

8. On March 16, 2026, the Student's IEP team convened to revise their IEP. The IEP Amendment indicates the team gathered to discuss Parent concerns regarding the "grading process and accommodations for Algebra 1 and Physics need to be clarified". Notes from the IEP Amendment meeting indicate that Student's 2025 KTEA academic scores would be added to the IEP.

9. A progress report issued to Parents in June of 2026 that:
   a. Compared to a baseline of 50% proficiency with the Student's mathematical goal, they were noted to be "approximately 60% accuracy";

   b. Compared to a baseline of "2 of 5", the Student remained at "2 of 5" towards attaining their self-advocacy goal; and

   c. Compared to a baseline of 3 of 5 proficiency with the Student's written expression goal, the January progress report does not indicate a numeric level of proficiency.

10. For all self-advocacy and written expression goals, the District indicated that the Student's progress was coded as "3", explained as "[p]rogress has been made towards the goal, but the goal may not be met [and] instructional strategies may need to be changed." Student's

[4] The State of Oregon has adopted the Next Generation Science Standards for High School and the matrix of these standards document the expected "use of mathematical and computational thinking" integrated throughout the HS science standards. https://www.oregon.gov/ode/educator-resources/standards/science/Documents/Matrix%20of%20Oregon's%20K-12%20Science%20Standards_vfr.pdf

progress on their mathematics goal was coded as a "2" which was described by the District legend as progress "that is not sufficient to meet this goal by the time the IEP is reviewed, [and] an IEP review will be held immediately".

11. Student's Semester 2 transcript documents their end of semester grades including A's in Art and English 2, a B in Academic Skills, C's in Lifetime Fitness, Modern World History 2 and Physics 2-NGSS, an F in Algebra 2, and a Pass in Mandarin Chinese Immersion. The transcript indicates Student matriculates to their 10th grade year a half credit short in mathematics and a half credit short in science as a result of the F's awarded in Physics and Algebra 2.

12. In the Investigator's meetings with the Parents, they clarified that a lack of SDI in mathematics, written expression and self-advocacy led to low grades in multiple several general curriculum courses, including Physics and courses in which written expression assignments and assessments were not accommodated in accordance with the Student's IEP. The Parents provided email communications in which the District indicated it did not have any records documenting the implementation of Student's SDI. Parents noted that they had previously declined the corrective action offered by the District which appears to mirror a prior offer of corrective action.

13. Parents have disclosed a copy of the Student's high school schedule for this coming school year that includes enrollment in Advanced Algebra 3 and NGSS Chemistry 1.

IV. DISCUSSION

The Complaint alleges IDEA violations, which the District does not contest.

The Department does not make a substantive determination on the allegations of the Complaint.

Based on the District not contesting the allegation of this Complaint, the Department orders the following Corrective Action:

V. CORRECTIVE ACTION[5]

In the Matter of Portland Public School District 1J
Case No. 26-054-090

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

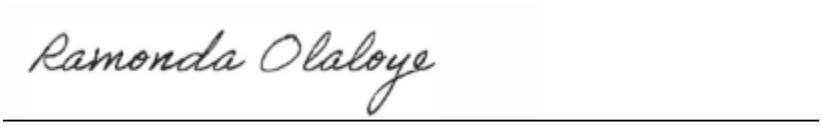
Action Required	Submissions	Due Date

[5] 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)).

1. The District must ensure that all District and Program staff involved in the Student's special education and placement receive training in each of the following areas: • IEP implementation of SDI distinguished from the implementation of accommodations and supplementary aids and services; • Progress Reporting; • IEP Review, specifically in relation to a lack of progress documented by a student progress report and parental request/concern; and • Prior Written Notice responsibilities in response parental requests.	Training agenda/materials to ODE for review/approval. Sign-in sheet for training.	**November 11, 2026** **November 11, 2026**
2. The District must complete an administrative review of Student's grades in their 9th grade Physics and Algebra courses and document the results of the review in a Prior Written Notice that proposes a recovery plan to utilize the compensatory education services allocated below. Thereafter, the District and Parents will meet to create a plan to allocate the compensatory services to each quarter to support the Student's progress towards their individual goals and access to all general education courses in which they are enrolled for the 2026-2027 school year: • 30 minutes weekly of mathematics SDI; • 30 minutes weekly of written expression SDI; and • 15 minutes weekly of self-advocacy SDI.	Documentation of PWN issued related to the compensatory plan offered by the District. A copy of the quarterly compensatory education plan created by Parents and the District.	**September 30, 2026** **October 2, 2026**
3. The District must convene an IEP meeting with both Parents to conduct annual review the Student's IEP and will ensure the Student's IEP includes all services and	Documentation of offer IEP meeting made to the Parents.	**October 30, 2026** **October 30, 2026**

supports necessary to address the Student's disability related needs in all general education curriculum, including core NGSS science courses. • The IEP team will include the district administrator who has completed the review identified in Corrective Action 2.	Documentation of PWN issued related to the annual IEP.	

Dated: this 22nd Day of September 2026



Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing Date: September 22, 2026

Appeal Rights: Parties may seek judicial review of this Order. Judicial review may be obtained by filing a petition for review within sixty days from the service of this Order with the Marion County Circuit Court or with the Circuit Court for the County in which the party seeking judicial review resides. Judicial review is pursuant to the provisions of ORS § 183.484. (OAR 581-015-2030 (14)).