

BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of) FINDINGS OF FACT,
Portland Public Schools) CONCLUSIONS,
) AND FINAL ORDER
) Case No. 23-054-015

I. BACKGROUND

On May 11, 2023, the Oregon Department of Education (the Department) received a written request for a special education complaint investigation from the parent (Parent) of a student (Student) residing in the Portland School District (District). The Parent requested that the Department conduct a special education investigation under OAR 581-015-2030. The Department confirmed receipt of this Complaint and forwarded the request to the District.

Under state and federal law, the Department must investigate written complaints that allege violations of the Individuals with Disabilities Education Act (IDEA) and issue an order within sixty days of receipt of the complaint.¹ This timeline may be extended if the 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 May 17, 2023, the Department’s Complaint Investigator sent a *Request for Response* (RFR) to the District identifying specific allegations in the Complaint to be investigated and establishing a *Response* due date of May 31, 2023.

On May 31, 2023, the District submitted documents requested in the May 17, 2023 *Request for Response*. The District submitted the following relevant items:

- 1) District Response
- 2) Exhibit List
- 3) Consent for Initial Evaluation, 11/21/2022
- 4) Meeting Minutes, 11/21/2022
- 5) Eligibility of Services, Adapted Physical Education, 03/06/2023
- 6) Prior Written Notice, 11/21/2022
- 7) Prior Written Notice, 03/08/2023
- 8) Prior Written Notice, 03/08/2023
- 9) Disability Statement, Other Health Impairment (80) Criteria, 03/08/2023
- 10) [Student] Education Assessment Results, 03/07/2023
- 11) Speech and Language Evaluation Report, 03/02/2023
- 12) Psychoeducational Report, 02/08/2023
- 13) Eligibility Determination, 03/08/2023

¹ OAR 581-015-2030(12) and 34 CFR § 300.152(a)

² OAR 581-015-2030(12) and 34 CFR § 300.152(b)

- 14) Written Agreement Between the Parent and the District, 03/08/2023
- 15) Disability Statement, Speech and Language Impairment (50) Criteria, 03/02/2023
- 16) Eligibility Summary Statement, 03/08/2023
- 17) Special Education Placement Determination, 03/08/2023
- 18) Written Agreement Between the Parent and the District, 03/08/2023
- 19) Prior Written Notice, 03/24/2023
- 20) Prior Written Notice, 03/15/2023
- 21) Student IEP, 06/08/2022
- 22) Meeting Minutes, 06/08/2022
- 23) Prior Written Notice, 06/08/2022
- 24) Written Agreement Between the Parent and the District, 09/30/2022
- 25) Special Education Placement Determination, 09/30/2022
- 26) Modified Diploma Determination, 09/30/2022
- 27) Written Agreement Between the Parent and the District, 03/08/2023
- 28) Student IEP, 03/08/2023
- 29) IEP Progress Report, 01/27/2023
- 30) Notice of Team Meeting, 02/10/2023
- 31) Meeting Minutes, 03/08/2023
- 32) Written Agreement Between the Parent and the District, 03/08/2023
- 33) Prior Written Notice, 03/08/2023
- 34) Notice of Team Meeting, 06/06/2022
- 35) Prior Written Notice, 06/08/2022
- 36) Special Education Placement Determination, 06/08/2022
- 37) Meeting Minutes, 06/08/2022
- 38) Special Education Placement Determination, 09/30/2022
- 39) Prior Written Notice, 09/30/2022
- 40) Notice of Team Meeting, 09/30/2022
- 41) Notice of Team Meeting, 10/27/2022
- 42) IEP Progress Report—Measurable Annual Goals, 11/04/2022
- 43) Prior Written Notice, 11/21/2022
- 44) Parent/Guardian Consent for Individual Evaluation, 11/21/2022
- 45) Meeting Minutes, 11/21/2022
- 46) IEP Progress Report—Measurable Annual Goals, 01/27/2023
- 47) Notice of Team Meeting, 02/10/2023
- 48) Prior Written Notice, 03/08/2023
- 49) Disability Statement, Other Health Impairment (80) Criteria, 03/08/2023
- 50) Special Education Placement Determination, 03/08/2023
- 51) Prior Written Notice, 03/08/2023
- 52) Written Agreement Between the Parent and the District, 03/08/2023
- 53) Written Agreement Between the Parent and the District, 03/08/2023
- 54) Prior Written Notice, 03/15/2023
- 55) Prior Written Notice, 03/24/2023
- 56) Email: Re: Absence on May 18th, 05/16/2022
- 57) Email: Re: Rescinded Oaks Park Invitation, 05/17/2022
- 58) Email: Fwd: Chalk Graffiti, 05/17/2022
- 59) Email: Golden Stuffed Animal, 05/19/2022
- 60) Email: Re: Oaks Park, 05/25/2022

- 61) Email: Re: scheduling IEP meeting, 07/01/2022
- 62) Email: Oaks Park, 06/03/2022
- 63) Email: [Student's] Strengths & Unique Needs, 06/03/2022—06/07/2022
- 64) Email: Re: IEP Meeting for [Student], 06/07/2022
- 65) Email: Re: seeking Assistance with Student Records, 06/07/2022
- 66) Email: Re: IEP Copy, 06/14/2022
- 67) Email: Re: Absences, 06/14/2022
- 68) Email: Summer Arts Academy Question, 06/21/2022
- 69) Email: ISC Mid-Summer Meetup 07/22/2022 @ 12:00 PM, 07/12/2022
- 70) Email: [School] Inclusive Programs Mid Summer Meetup Tomorrow @ 12:00 PM, 07/20/2022
- 71) Email: The correct time for the meet up today is 12:00-1:30
- 72) Email: Welcome Newsletter Attached, 08/27/2022
- 73) Email: Covid concerns in the ISC, 09/06/2022
- 74) Email: Checking in about medication, 09/14/2022
- 75) Email: Re: VP Contact re: para, 09/22/2022
- 76) Email: Re: Attendance Correction, 09/26/2022
- 77) Email: [Student's] phone, 09/26/2022
- 78) Email: [Student] – Homecoming Question, 09/27/2022
- 79) Email: Re: IEP Amendment, 09/29/2022
- 80) Email: Re: Escalating Pattern, 10/06/2022
- 81) Email: “Freeze the Day” and Join the [School] at the Polar Plunge Benefitting Special Olympics!, 10/07/2022
- 82) Email: Re: missing air pods, 10/10/2022—10/11/2022
- 83) Email: Join the [School] Polar Plunge Team and Start Fundraising for SOOR and Unified Sports!, 10/13/2022
- 84) Email: Unified Tourney, 10/13/2022
- 85) Email: Signed Evaluation Consent Form, 10/13/2022
- 86) Email: Unified Soccer Tournament THIS SATURDAY 10/22, 10/19/2022
- 87) Email: Missing Unified Paperwork, 10/20/2022
- 88) Email: Added IEP and paperwork, 10/21/2022
- 89) Email: IEP Packet, 10/24/2022
- 90) Email: Automatic reply Re: Dental Appointment for [Student], 10/23/2022
- 91) Email: Sign Up for Unified Basketball and the Polar Plunge, 10/25/2022
- 92) Email: RR eval planning discussion, 10/27/2022
- 93) Email: 11/19 State Tournament Participation form, 10/28/2022
- 94) Email: Safety Concerns, 10/31/2022
- 95) Email: Re: State Soccer Tournament 11/19/2022, 10/31/2022
- 96) Email: Re: Volunteer Coach Paper work for state games DUE TOMMOROW! 11/01/2022
- 97) Email: Grant ISC Quarter 1 Newsletter, 11/09/2022
- 98) Email: [Student] Incorrectly Reported Absent, 11/15/2022
- 99) Email: Re: Fall Harvest Feast Date & Time, 11/16/2022
- 100) Email: [School] Game Times on Saturday, 11/17/2022
- 101) Email: Action Required-DLS Holiday Food Traditions Assignment Due 12/05/2022, 12/02/2022
- 102) Email: Orthodontist Appointment, 12/06/2022
- 103) Email: Re: 8th Period Yoga, 12/08/2022

- 104) Email: ISC December Newsletter and Important Links, 12/08/2022
- 105) Email: Team Unified Working Basketball Concessions 12/28 @ 3-6 PM, 12/15/2022
- 106) Email: In PERSON! Team Unified Fundraiser tomorrow, 12/30, 12/29/2022
- 107) Email: Re: rating scales for [Student], 01/09/2023
- 108) Email: Unified Game on 1/17 (TOMORROW) @ 4 PM in the Main Gym, 01/15/2023
- 109) Email: Please see attached ISC January Newsletter, 01/18/2023
- 110) Email: Finals Week Bus/Pickup Schedule and Unified Game Info, 01/19/2023
- 111) Email: Re: Absence, 01/24/2023
- 112) Email: Fwd: SCHEDULE CHANGE Tournament on Saturday 1/28, 01/26/2023
- 113) Email: Re: 01/31/23, Unified BBall, Grant @ Mountainside, 4 PM, 01/29/2023
- 114) Email: Re: SPECIAL EDUCATION SCHOOL TRANSPORTATION - AM ROUTE 570, 02/03/2023
- 115) Email: Re: Scheduling IEP Meeting for Early March, 02/08/2023
- 116) Email: Excellent Day, 02/09/2023
- 117) Email: APE Field Trip TOMORROW, 2/15, Please be in 195 by 9:15 AM, 02/13/2023
- 118) Email: Re: Unified Games and End of Season Celebration, 02/14/2023
- 119) Email: Re: Final Unified Away Game Tomorrow, 3/1, Grant @ Wells 2:45 PM, 02/28/2023
- 120) Email; Unified Basketball Season Wrap up and Polar Plunge Final Fundraising Stretch, 03/01/2023
- 121) Email: Confirmation for Wednesday's meeting, 03/05/2023
- 122) Email: Re: [Student] Marked Absent from 8th Period Yesterday, 03//6/2023
- 123) Email: IEP draft and report for 3/8 meeting, 03/07/2023
- 124) Email: Voicemail, 03/12/2023
- 125) Email: Re: 40 MINUTE LATE ARRIVAL- SPED SCHOOL BUS TRANSPORTATION - AM ROUTE 570, 03/13/2023
- 126) Email: Unified Basketball Tournament @ Wells this Saturday, 03/18/2023, 03/15/2023
- 127) Email: February-March ISC Newsletter Linked and Attached, 03/16/2023
- 128) Email: Re: Request for Occupational Therapy Services at [School] High School, 03/17/2023
- 129) Email: Reminder Early Release at 1:30 Pm on 3/22/23, 03/19/2023
- 130) Email: Re: Request for Occupational Therapy Services at [School] High School, 03/22/2023
- 131) Email: One more follow-up email before break:, 03/23/2023
- 132) Email: [Student] 781781, 04/14/2023
- 133) Email: Fwd: Consent form update, 04/20/2023
- 134) Email: Out of office Re: Fwd: Consent form update, 04/20/2023
- 135) Email: Paraeducator Support – [Student] - ISC 9th grade - ID 781781, 04/20/2023
- 136) Email: Re: Consent form update, 04/202/2023
- 137) Email: APE Field Day 5/11/23- Permission Form Attached, 04/25/2023
- 138) Email: Field Trip Permission for May 5th, 2023, 05/01/2023
- 139) Email: Authorization Form, 05/02/2023
- 140) Email: PPS Student Transportation Failure to Notify Change in Coverage for

- AM Route [redacted], 05/08/2023
- 141) Email: Automatic reply Re: PPS Student Transportation Failure to Notify Change in Coverage for AM Route [redacted], 05/08/2023
 - 142) Email: Re: IEP Packet for 2023 IEP, 05/08/2023
 - 143) Email: Re: OT check-in...., 05/09/2023
 - 144) Email: Field Day, 05/09/2023
 - 145) Email: OT results meeting..., 05/15/2023
 - 146) Email: Re: IEP - Special Education Transportation Accommodations, 05/16/2023
 - 147) Email: Re: OT Evaluation Followup Meeting, 05/18/2023
 - 148) Email: Additional Participant for IEP OT Followup Meeting on May 23rd, 2023, 05/19/2023
 - 149) Email: Please Mark ISC Students Present, 08/29/2022
 - 150) Email: Re: [Student] Bus Home, 08/30/2022
 - 151) Email: Re: Document shared with you: “[Student] Behavior Tracking”, 09/20/2022
 - 152) Email: Re: Podcast and book, 09/21/2022
 - 153) Email: Re: [Student] Transitions with para, 09/22/2022
 - 154) Email: Checking in about student [Student], 10/10/2022
 - 155) Email: Re: [Student] Behavior, 10/10/2022
 - 156) Email: Re: missing air pods, 10/11/2022
 - 157) Email: Supporting [Student] in yoga, 10/12/2022
 - 158) Email: ISC Grading, 10/21/2022
 - 159) Email: Re: eval-planning for RR, 10/25/2022—10/31/2022
 - 160) Email: Attendance for [Student], 11/17/2022
 - 161) Email: Re: Automatic reply Re: Attendance for [Student], 11/17/2022
 - 162) Email: Fwd: [Student] eval planning, 11/20/2022
 - 163) Email: [Student], 11/20/2022
 - 164) Email: Pass/No Pass for ISC student [Student], 11/20/2022
 - 165) Email; rating scales for [Student], 01/04/2023
 - 166) Email: [Student] assessments, 01/17/2023
 - 167) Email: In Person – [Student] ReEval, IEP (admin FYI), 03/05/2023
 - 168) Email: Re: [Student] DLS and Unified Sports, 03/06/2023
 - 169) Email: [Student] Present Levels, 03/06/2023
 - 170) Email: Re: [Student] meeting [School], 03/07/2023
 - 171) Email: Re: [Student], 03/07/2023
 - 172) Email: [Student], 03/12/2023
 - 173) Email: Re: [Student], 03/16/2023
 - 174) Email: Re: Request for Occupational Therapy Services at [School] High School, 03/17/2023
 - 175) Email: Re: Clarifying OT communication, 03/17/2023
 - 176) Email: Re: Request for Occupational Therapy Services at [School] High School, 03/22/2023
 - 177) Email: [Student] eligibility, 03/24/2023
 - 178) Email: Re: can you call me, 04/04/2023
 - 179) Email: Re: Requester for [Staff]: Special Education Process Document Completion Form. 04/11/2023
 - 180) Email: Re: [Student], 04/11/2023

- 181) Email: Re: Paraeducator Support – [Student] - ISC 9th grade - ID 781781, 04/23/2023
- 182) Email: Re: [Staff] Medical Leave and Coverage, 05/03/2023
- 183) Email: Re: [Student], 05/04/2023
- 184) Email: Re: Requester for [Staff] : Special Education Process Document Completion Form, 05/11/2023
- 185) Email: Re: IEP - Pass/No Pass Grading, 05/16/2023
- 186) Email: Re: OT Evaluation Followup Meeting, 05/18/2023

On June 20, 2023, the Department Complaint Investigator requested additional information to clarify issues raised in this complaint. On June 19, 2023, the Department Complaint Investigator interviewed the Parent regarding these issues. 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 May 12, 2022, to the filing of this Complaint on May 11, 2023.

Allegations	Conclusions
<p>When IEPs Must Be In Effect</p> <p>It is alleged that the District violated the IDEA when it failed to fully implement the Student’s IEP.</p> <p>(a) It is alleged that the District failed to provide all of the services in the Student’s IEP, in particular transportation services. It is alleged that the Student was not provided with timely transportation on at least the following dates: 02/03/2022, 03/13/2023, and 05/08/2023.</p> <p>(b) The Parent also alleged that the Student did not receive IEP services such as correct seating on transportation, and appropriate grading.</p> <p>(OAR 581-015-2220; 34 CFR § 300.232 & § 303.324)</p>	<p>Substantiated in Part</p> <p>(a) The District-provided transportation was late on three occasions, but was provided to the Student.</p> <p>(b) The Student’s quarterly grade report included a letter grade, while the Student’s IEP indicated that grades would be reported in a pass/no pass format.</p>
<p>General Evaluation and Reevaluation Procedures</p> <p>It is alleged that the District violated the IDEA:</p> <p>(a) When it failed to complete the Student’s reevaluation within 60 school days of written parent consent, and</p>	<p>Substantiated</p> <p>(a) The District convened the IEP team meeting to consider the result of the Student’s reevaluation a</p>

<p>(b) When the absence of relevant staff and/or IEP team members resulted in delays in evaluations such as occupational therapy evaluations.</p> <p>(OAR 581-015-2110; 34 CFR § 300.304 & § 300.305)</p>	<p>after the required 60-day timeline.</p> <p>(b) Staff availability likely impacted the meeting schedule.</p>
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<p>REQUESTED CORRECTIVE ACTION</p>
<ol style="list-style-type: none"> 1. The Complainant requested that the District ensure consistent and reliable transportation for the Student, and 2. The Complainant requested that the District appoint an interim case manager for the Student.

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 May 12, 2022. Any facts listed below relating to circumstances or incidents earlier than that date are included solely to provide context necessary to understand the Student’s disability and special education history.

- 1) The Student in this matter is in the ninth grade and attends school in the District. The Student is eligible for special education under the eligibility categories of Other Health Impairment (80) and Speech or Language Impairment (50).
- 2) The Student has experienced health and developmental challenges throughout their life. The Student experiences vision and hearing difficulties and has several medical diagnoses that impact their education. The Student’s medical diagnoses include genetic disorders that cause physical and intellectual developmental delays. The Student also has hyperactivity and attention issues.
- 3) The Student’s communication is a strength, and they communicate well with peers and staff. The Student benefits from occupational therapy to assist their independent computer use, handwriting, and tablet use. They get along well with peers, and are friendly, curious, and displays strong skills in word decoding.
- 4) The Student’s March 8, 2023, IEP indicated that the Student will receive a modified diploma and should receive pass/no pass grades for all classes. The Student’s IEP also included several services, including sitting near the front of the bus.
- 5) On October 27, 2022, the District sent an email to the Parent informing them that the District would hold an evaluation planning meeting for the Student on November 21, 2022. The meeting invitation was attached to the email.
- 6) On November 21, 2022, the District provided the Parent with a Consent for Individual Evaluation. At this time the Student was eligible for special education under the

category of Other Health Impairment (80). The District further indicated that the Student was due for their triennial reevaluation. The evaluation would consider the Student's eligibility under the categories Other Health Impairment and Speech or Language Impairment. The consent forms listed the various assessments the District intended to conduct.

- 7) On November 21, 2022, the District provided the Parent with a Prior Written Notice (PWN) documenting the District's decision to reevaluate the Student's continued eligibility for special education. The Student's June 8, 2023 IEP was then in effect. The IEP review date was June 7, 2023, and the Student's reevaluation was due November 5, 2023.
- 8) On January 5, 2023, the District sent an email to the Parent regarding assessments of the Student's adaptive behavior.
- 9) On February 3, 2023, the Parent sent an email to the District's Transportation Director informing the District of delays experienced with District-provided transportation. The Parent communicated that the Student's pickup time is 7:50 a.m., and that the Parent waits at the bus stop with the Student. The Parent called the District at 7:58 a.m. when the bus did not come on time. The Parent was then informed that the Student's bus was 30 minutes late. The Parent received a notification that the bus would arrive 30 minutes after the scheduled pickup time. The Parent expressed concerns regarding weather conditions and the impact on the Student's education as a result of the transportation delays. The Parent requested that the District provide consistent transportation, and suggested that the District provide a consistent driver for the route. The District responded by email, expressing understanding for the concerns raised by the Parent and explaining the circumstances for the delay.
- 10) On February 8, 2023, the District sent an email to the Parent regarding the scheduling of an IEP meeting. The District suggested a meeting in early March, providing several potential dates and times for the meeting. The District also inquired whether the Parent would prefer a virtual or in-person meeting. The Parent responded by email that they would prefer an in-person meeting.
- 11) On February 10, 2023, the District sent the Parent a Notice of IEP Team Meeting, scheduled for March 8, 2023.
- 12) On March 5, 2023, the District sent an email to the Parent confirming the IEP team meeting scheduled for March 8, 2023.
- 13) On March 7, 2023, the District sent the Parent a copy of a draft IEP for the Student for discussion at the March 8, 2023 IEP team meeting.
- 14) On March 8, 2023, the Student's IEP team met to discuss the results of the Student's evaluations. After the meeting, the District sent the Parent a PWN documenting that the evaluation planning team found the Student eligible for special education under the categories of Other Health Impairment and Speech Language Impairment.

- 15) On March 13, 2023, the Parent sent an email to the District reporting that the Student's transportation service, scheduled for 7:50 a.m., did not arrive until 8:28 a.m.
- 16) On March 15, 2023, the District sent the Parent a PWN documenting that the District's Occupational Therapist would evaluate the Student for their need for occupational therapy (OT) services. The OT evaluation arose from a written request from the Parent to evaluate the Student.
- 17) On March 24, 2023, the District sent the Parent a PWN documenting that as a result of concerns raised by the Parent at the Student's March 8, 2023, IEP team meeting, the District would develop a Behavior Support Plan (BSP) and a Functional Behavioral Assessment (FBA).
- 18) On April 18, 2023, the Parent sent an email to the District observing that the Student was set to receive a modified diploma and that, instead of receiving a letter grade, they should receive a pass/fail mark in a particular course. The Parent observed that the Student's third quarter report card showed a letter grade rather than a pass/fail grade.
- 19) On May 8, 2023, the Parent sent an email to the District reporting a delay in the Student's transportation service. The Parent reported that the Student's scheduled pickup time was 7:50 a.m., but that the Parent was not informed of the unavailability of a driver that day until 8:20 a.m.
- 20) On June 19, 2023, the Department's Complaint Investigator interviewed the Parent. The Parent expressed that concern that the transportation delays often resulted in the Student arriving to school late, such that they missed part or all of their first period class. The Parent explained further disruptions to the Student's schedule had an impact on the Student's ability to maintain their composure throughout the school day. The Parent noted that the disruption to the Student's schedule often resulted in agitation and self-stimulating behaviors in the Student in the latter half of the school day. The Parent expressed concern that the District may not recognize a connection between the transportation delays and the impact on the Student's behavior and education. As an example, when an alternative means of transporting the Student arrived to supplement the delayed bus transportation, the Parent reported that the Student became fearful. The Parent did not discuss the possible connection between the transportation delays and the Student's behavior in school with the District.
- 21) The Parent reported that the Student's eligibility meeting was scheduled by the Case Manager. The Parent was offered various potential meeting dates. The Parent further reported that the available meeting dates resulted in the eligibility determination meeting occurring outside of the 60-day timeline.
- 22) On June 20, 2023, the Department's Complaint Investigator requested and received additional information from the District's Legal Counsel regarding this matter. The District understood that the Case Manager obtained information regarding the

schedule availability of relevant staff for the Student's eligibility determination meeting. The District understood that the availability of relevant staff was a factor in offering meeting dates to the Parent, which contributed to the meeting date falling beyond the 60-day timeline.

IV. DISCUSSION

When IEPs Must Be In Effect

It is alleged that the District violated the IDEA when it failed to fully implement the Student's IEP. The Parent alleged that the District failed to provide transportation services as required by the Student's IEP. It is alleged that the District failed to provide the Student with their required IEP transportation services on the following dates: February 3, March 13, and May 8, 2023. It is alleged that delays in transportation resulted in the Student missing school services and instructional time. It is also alleged that the Student did not receive all required IEP services, such as correct seating on transportation and modified pass/no pass grading.

At the beginning of each school year, a school district must have in effect an IEP for each child with a disability. School districts must provide special education and related services to a child with a disability in accordance with an IEP.³ "Related services" includes transportation.⁴

The District acknowledged that, for various reasons related to staffing, the Student's transportation service was delayed on the dates in question. There is evidence in the record of the District's attempt to address the delays, with the District providing notification of transportation delays to the Parent. The District made efforts to provide alternative transportation on days when standard transportation was not available.

The record contains an April 18, 2023, email from the Parent requesting that the District ensure that the Student's report card display pass/no pass grading rather than letter grading required in the Student's IEP. The Parent observed that one course on the report card showed letter grading rather than pass/no pass grading. The record does not contain information relevant to the Parent's concerns regarding seating on District-provided transportation.

While the timing of the Student's transportation service was disrupted, there is no evidence in the record that the District failed to provide the related service of transportation to the Student. The Parent alerted the District that the quarterly report card showed a letter grade in one course rather than pass/no pass as indicated in the Student's IEP. The Student's IEP indicates that the quarterly and semester grades would be reported in a pass/no pass format.

The Department substantiates this allegation in part.

General Evaluation and Reevaluation Procedures

³ OAR 581-015-2220(1)(a) & (1)(b)

⁴ OAR 581-015-2000(29)

It is alleged that the District violated the IDEA when it failed to complete the Student's reevaluation within 60 school days of receiving written consent. The Parent also alleges that the absence of relevant staff and/or IEP team members resulted in delays in evaluations such as the Student's OT evaluations.

Before conducting any evaluation or reevaluation of a student, a school district must conduct evaluation planning. Before conducting any evaluation or reevaluation, a school district must provide notice to the parent that describes any evaluation procedures the agency proposes to conduct because of the evaluation planning process. Before conducting any evaluation or reevaluation, the district must obtain informed and written consent for the evaluation. The evaluation must employ a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student. The student should be assessed in all areas related to the suspected disability, including but not limited to social emotional status. The evaluation must be sufficiently comprehensive to identify all the student's special education and related service needs. Evaluations and reevaluations must be completed within 60 school days from written consent.⁵

The Parent reported that the dates offered by the District for the Student's reevaluation meeting resulted in the District exceeding the required 60-day timeline. In its *Response*, the District explained that the meeting to review the Student's reevaluation was impacted by availability of staff. The District observed that, due to planned staff absences, the District began the Student's reevaluation ahead of the required deadline for the Student's triennial reevaluation. The Student's triennial reevaluation date was November 5, 2022. The Parent provided consent for the reevaluation on November 21, 2022. November 21, 2022 fell during a scheduled District break. The Student's IEP team met on March 8, 2023, to review the results of the evaluations and make a determination regarding the Student's special education eligibility. Based on the District's 2022-23 calendar, there were 63 school days from the date the Parent provided consent to the date of the IEP meeting where the team considered the Student's eligibility.

The Department substantiates this allegation.

VII. CORRECTIVE ACTION
In the Portland Public Schools
Case No. 23-054-015

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

Action Required	Submissions	Due Date
1. The District must ensure that all District staff responsible for reviewing, revising, developing, and implementing IEPs for the Student receive training in each of the following areas:	Training agenda/materials to ODE for review/approval.	September 15, 2023

⁵ OAR 581-015-2110(1)—(5)

Action Required	Submissions	Due Date
<ul style="list-style-type: none"> • IEP meeting notices; • IEP meeting participant requirements; • Triennial review procedural requirements; and • Evaluation and reevaluation timelines. 	Sign-in sheet for training.	October 15, 2023
2. The District shall review the Student's IEP, and ensure grade reports are provided in conformity with the requirements of the Student's IEP.	Submit first quarter grade report to ODE.	November 15, 2023

Dated: this 10th Day of July 2023



Tenneal Wetherell
Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing date: July 10, 2023

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)).